

Miller, Diane M. (CDC/NIOSH/EID)

From: danmckeel2@aol.com
Sent: Thursday, May 13, 2010 7:03 AM
To: NIOSH Docket Office (CDC)
Cc: Chen, Jihong (Jane) (CDC/NIOSH/EID) (CTR)
Subject: 194 - Ten-Year Review of the NIOSH Radiation Dose Reconstruction Program Comments

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Comments

To: Dr. Lewis Wade, lead, NIOSH 10 Year Review
To: NIOSH DOCKET (194)
cc: Stuart Hinnefeld, OCAS
cc: Dr. James Neton, OCAS
cc: Dr. Paul Ziemer, chair, TBD-6000 and GSI Appendix BB work group
cc: Dr. James Melius, chair, ABRWH

May 13, 2010

Dear Dr. Wade,

Please accept this comment I made recently to my GSI colleague John [redacted] as a submission for your NIOSH Ten Year review and NIOSH DOCKET (194). I will extend these remarks in the near future. Although these comments pertain specifically to average hours worked per week at General Steel Industries in Granite City, IL, I and Mr. [redacted] have offered voluminous other new information about GSI that would affect dose constructions for these workers. Our input on GSI started in 2005 and has continued uninterrupted to the present time. Thank you.

-- Dan McKeel 5/13/2010

MY COMMENT IS AS FOLLOWS:

Dave Allen on May 12, 2010, at the TBD-6000 work group clearly stated that NIOSH had used ONLY Appendix BB (46 hr av. GSI work week) and not the updated correct 65 figure in GSI completed dose reconstructions done to date.

This comment to NIOSH expresses my profound disappointment on behalf of all denied, and thereby economically harmed GSI claimants, whose compensation potential has been seriously compromised because NIOSH has been steadfastly unwilling to make a simple page change in App-BB changing "46" to "65" hours as the average work week hours! I can think of no reasonable excuse for this refusal to revise App-BB.

The fact that NIOSH still refuses to make this simple revision in App-BB is a clear example that NIOSH does not follow their oft-repeated statement that "new information will lead to AUTOMATIC technical document revisions." Dr. Ziemer reiterated this Board/NIOSH policy yesterday "as part of our process." In the case of GSI, the process has not been followed despite our repeated urging to revise Appendix BB

that started on release of this flawed document before GSI dose reconstructions began in earnest (see PER-24 for the four early "GSI" DRs, three of which were performed on ineligible workers from Granite City Steel that is not a covered site under EEOICPA during 1953-66, the present GSI covered period.

The "automatic revision policy by NIOSH" is clearly not true, is not always done, as the GSI record will attest. The fact of a consensus 65 week average work week at GSI was first established Oct. 9, 2007, at the Anigstein-SC&A Collinsville GSI outreach meeting. This meeting was attended by OCAS/NIOSH representatives who, in fact, made a tape recording and later produced a transcript of the proceedings that is now posted on the DCAS website. So, the fact of a consensus 65 work week at GSI was documented thoroughly for the record 2.5 years ago. David Allen uses the 65 hour average GSI work week figure on page 4 of his May 2010 GSI isotope source white paper and includes a 3250 hrs worked number throughout his May 2010 white paper prepared for the TBD-6000 work group. Yet App-BB still remains at REV 0 from June 2007 when it was released with 46 hours as the average GSI work week. There is a highly significant 41.3% difference between 46 and 65 hours. GSI POCs should in many cases improve towards the 50% compensation limit should the 65 hour figure have been included in a revised Appendix BB to TBD-6000 years ago as it should have been in the opinion of GSI claimants, workers, advocates/site experts and this GSI SEC-00105 co-petitioner.

In summary, this comment addresses a NIOSH policy, automatic revision of technical DR guidance upon learning of relevant new information, that NIOSH demonstrably does not always follow. This oversight at GSI needs to be addressed immediately.

Sincerely -- Dan McKeel 5/13/2010

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