HHS Determination Concerning a Petition to Add Members to the
Special Exposure Cohort
Under the
Energy Employees Occupational Illness Compensation Program Act of 2000

Determination Concerning a Petition for Employees from

Joslyn Manufacturing and Supply Co.

Fort Wayne, Indiana

I. Determination

I, Sylvia M. Burwell, Secretary of the U.S. Department of Health and Human Services (HHS), have determined that the employees defined in Section II of this report do not meet the statutory criteria for addition to the Special Exposure Cohort (SEC), as authorized under the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), 42 U.S.C. § 7384q.

[Signature on File]	August 26, 2014
Sylvia M. Burwell	Date

II. Employee Class Definition

All Atomic Weapons Employees who worked for Joslyn Manufacturing and Supply Co. at the covered facility in Fort Wayne, Indiana, from August 1, 1948, through December 31, 1952.

III. Decision Criteria and Recommendations

Pursuant to 42 U.S.C. § 7384q, to designate a class for addition to the SEC, the Secretary must determine, upon recommendation of the Advisory Board on Radiation and Worker Health (the Board), that:

(1) it is not feasible to estimate with sufficient accuracy the radiation dose that the class received; and
(2) there is a reasonable likelihood that such radiation dose may have endangered the health of members of the class.

The SEC final rule states in 42 C.F.R. § 83.13(c)(1) that it is feasible in two situations to estimate the radiation dose that the class received with sufficient accuracy. First, the rule states that radiation doses may be estimated with sufficient accuracy if the Centers for Disease Control and Prevention's National Institute for Occupational Safety and Health (NIOSH) has established that it has access to sufficient information to estimate the maximum radiation dose for every type of cancer for which radiation doses are reconstructed that could have been incurred under plausible circumstances by any member of the class. Alternatively, radiation doses may be estimated with sufficient accuracy if NIOSH has established that it has access to sufficient information to estimate the radiation doses of members of the class more precisely than a maximum dose estimate. NIOSH determined that it has access to sufficient site-specific information to reconstruct radiation doses incurred by the class of employees covered by this report with sufficient accuracy.

In a letter received by the Secretary on June 10, 2014, the Board, pursuant to 42 U.S.C. § 7384q, agreed with the following NIOSH findings, effectively advising the Secretary that radiation dose can be reconstructed with sufficient accuracy for employees at the Joslyn Manufacturing and Supply Co. in Fort Wayne, Indiana, in accordance with provisions of EEOICPA and the SEC final rule.

IV. Determination Findings

Feasibility of Estimating Radiation Doses with Sufficient Accuracy

The Secretary established the feasibility determination for the class of employees covered by this report based upon the findings summarized below.

- Principal sources of internal radiation for members of the class included exposures to uranium and uranium oxides released into the work environment during the production and shaping of uranium metal rods.

- NIOSH has access to sufficient information to reconstruct internal dose due to exposures to uranium at Joslyn during the period from August 1, 1948, through December 31, 1952.

- NIOSH concluded that it is feasible to estimate internal exposures with sufficient accuracy for all workers at the site from August 1, 1948, through December 31, 1952.

- Principal sources of external radiation for members of the class included exposures to gamma and beta radiation associated with handling and working in proximity to natural uranium metals during billing and machining operations.

- NIOSH did not identify any external monitoring records, external area monitoring data, or personal dosimetry data associated with the uranium processing conducted during the period under evaluation. NIOSH obtained data consisting of source term data in the form of shipping transactions and accountability and contractual recordings of uranium materials to be machined by Joslyn. The data sources are copies of original reports and contracts and are therefore primary data sources. The data reported by Atomic Energy Commission representatives would have been collected in accordance with standard practices using state-of-the-art methods during that time period. Therefore, NIOSH concluded that sufficient data and information are available to estimate a bounding external dose from uranium by using the assumptions and approaches presented in Battelle-TBD-6000.

- Although NIOSH found that medical x-rays were performed as a condition of employment, NIOSH has no further data regarding if medical x-ray examinations may have been performed on-site versus off-site. Consequently, NIOSH has determined that it will reconstruct occupational medical x-ray exposures for Joslyn workers by using existing NIOSH methods, ORUAT-OTIB-0006, Rev. 4, *Dose Reconstruction from Occupationally Related Diagnostic X-Ray Procedures*, for all Joslyn workers during the evaluated period from March 1, 1943, through December 31, 1952.

- In sum, NIOSH determined that it has access to sufficient site-specific information to either (1) estimate the maximum internal and external radiation dose for every type of cancer for which radiation doses are reconstructed that could have been incurred under plausible circumstances by any workers at Joslyn Manufacturing and Supply Co. for the time period from August 1, 1948, through December 31, 1952; or (2) estimate the internal and external radiation doses to workers at the Joslyn Manufacturing and Supply Co. for the time period from August 1, 1948, through December 31, 1952, more precisely than a maximum dose estimate.

- The Board concurred with NIOSH's determination that that dose reconstruction is feasible for the class of Joslyn Manufacturing and Supply Co. workers covered by

Petition 00200 for the period from January 1, 1948, through December 31, 1952, and therefore should not be added to the SEC.

Health Endangerment

Because the Secretary established that it is feasible to estimate with sufficient accuracy the radiation doses encountered by employees at Joslyn Manufacturing and Supply Co., in Fort Wayne, Indiana, as specified in this class, a determination of health endangerment is not required.

V. Effect of the Determination

Members of the class of employees covered by this determination and their survivors continue to be eligible to submit claims for compensation under EEOICPA. As required for cancer claims covering other DOE and Atomic Weapons Employer employees (or Atomic Weapons Employees) not included in the SEC, qualified cancer claims under Part B of EEOICPA for members of this class will be adjudicated by the Department of Labor, in part on the basis of radiation dose reconstructions, which will be conducted by NIOSH.

VI. Administrative Review of Determination

The determination provided in this report may be subject to an administrative review within HHS, pursuant to 42 C.F.R. § 83.18(a). On the basis of such a review, if the Secretary decides to designate the class of employees covered by this determination, in part or in whole, as an addition to the SEC, the Secretary would transmit a new report to Congress providing the designation and the criteria and findings on which the decision was based.