

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

From: hugh bryan [skippob@gmail.com]
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To: NIOSH Docket Office (CDC)
Subject: Docket Number NIOSH-194

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I have a problem with the Department of Labors' administration of the EEOICPA Act.

The way this program has been managed over the past 10 years must be an embarrassment to every one involved. The 55 million dollars being budged just this past year to deny cold war workers claims could be better spent paying some of those claims.

I would like to detail some of my personal experiences with this program as follows;

Over the past 7 years since I filled a claim my experience is probably typical, the first NIOSH report indicated about 45% Probability of Causation. Since then I have had NIOSH reports of greater than 50% and less than 50% Probability of Causation. And, because of new cancers diagnosed and NIOSH errors we are still going thru dose recalculations. Each recalculation costing taxpayers 10's of thousands of dollars.

In one of the last NIOSH draft reports (Dec. 16, 2010) they neglected to incorporate the additional year of DOE employment that Denver's Department of Labors' letter of Sept. 27, 2010 required.

I still find it inconceivable that NIOSH claims their work is claimant favorable. When you examine the work they have done on my claim, they first reported a P of C of 44.42% (in 2006) with only one documented cancer. Now with more years of exposure and 4 more cancers, my P of C is still less than 50%. Any logical person would have to assume that something is wrong with their calculations.

I reviewed all my records and may have found the problem. In 2006 their attachment 1, IREP input tables parameter 1, averaged ~0.07, then in 2010 the same parameter 1 table averaged ~0.007. Either a deliberate or clerical error ?

I, like most of the cold war workers knew of the dangers to my health while employed in a 24/7 responsibility nuclear work environment and we all elected to accept the dangers for the pay and benefits. We all felt that any sacrifice was justified for our small part in National Defense and wining the Cold War. I would rather see the program terminated and the funds put to better use than see this debacle continue.

Hugh C. Bryan