

**ANWAG**

Alliance of Nuclear Worker Advocacy Groups

October 11, 2010

NIOSH Docket Office

Re: Docket Number NIOSH-194

To Whom It May Concern:

The Alliance of Nuclear Worker Advocacy Groups (ANWAG) was pleased to learn that NIOSH Docket 194 is still open for public comment. ANWAG wishes to offer our comments on the three draft reports released to date for NIOSH's Ten Year Review of EEOICPA. We will be commenting on the dose reconstruction process report, timeliness of the dose reconstruction process report, and the review of the Special Exposure Cohort (SEC) petition process report.

Regarding the dose reconstruction review, ANWAG questions the approach of simply reviewing the work conducted by Advisory Board on Radiation and Worker Health (the Board). The Board has only sampled 100 dose reconstructions. However, to date, 25,676 dose reconstructions have been completed by NIOSH. A review of less than 1% of the completed dose reconstructions cannot possibly provide NIOSH with any semblance of a comprehensive evaluation of the conclusions reached by the Board to date. ANWAG recommends either a greater sampling size for review by the Board or that NIOSH personnel supplement the review already completed by the Board to increase the dose reconstruction sampling size that NIOSH will ultimately analyze for the Ten Year Review.

Additionally, ANWAG agrees with the concerns raised by Dr. William Richardson regarding the fact that whole sections of the dose reconstruction review report appear verbatim in the report on timeliness. Significantly, as Dr. Richardson noted, the similarity between the two documents raises a concern that the opinions and conclusions in both documents are not independent products; which in turn poses question regarding the overall integrity of the review process. Moreover, the author of the review appears occasionally to apologize for NIOSH's failure to reconstruct dose in a timely fashion versus offering a neutral critique of the program. We do wish to note, however, that we agree with the author's conclusion found on page 39. We appreciate and welcome the inclusion of the Table delineating how many claimants have died while waiting for their dose reconstruction to be completed.

One area regarding the timeliness issue does not seem to have been addressed in the timeliness report. That being the impact that future revisions to site profiles, and other documents that are used to reconstruct dose, will have on previously denied claims. There is a compelling need for transparent rules delineating the exact protocol NIOSH will establish to determine when and how reworks will be processed.

For instance, recently the United States Transuranium and Uranium Registries (USTUR) released its report titled "USTUR Case 0202: Evaluation of a Proposed Revision to the ICRP HRTM for Refractory PuO₂ (Pu fire) Aerosol", http://www.ustur.wsu.edu/Publications/Files_Pubs/Publications10/USTUR-0282-10.pdf.

The USTUR concludes, "[i]t is necessary to modify both the structure of the alveolar-interstitial region of the Human Respiratory Tract Model (HRTM) and the assumed characteristic rates and the particle transport to the bronchioles and thoracic lymph nodes." This means that NIOSH must revise OTIB-0049. Thousands of claims will be affected by revisions to OTIB-0049. Consequently, thousands of claims will need to be re-evaluated and reworked once OTIB-0049 is updated. Determining how much time NIOSH will need to complete the OTIB-0049 revision, as well as revisions to other site profiles and dose reconstruction documents, will necessarily affect the amount of time needed to rework denied claims. Collecting that information will provide a more complete and accurate assessment of the timeliness issue.

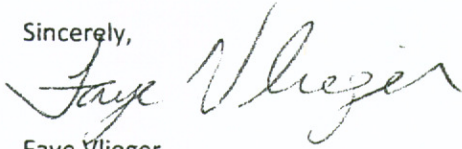
The most ground-breaking report issued thus far is the report on the SEC process. This report most correctly reflects the concerns held by worker advocates about the Part B program. Specifically, we wish to draw your attention to the conclusion the author reached at page 8 of the SEC report:

NIOSH Policy Favors Individual Dose Reconstruction over SEC Approval: The SEC regulations state that NIOSH's goal is "uniform, fair, scientific consideration" of SEC petitions. But the policy NIOSH adopted favors [sic] creates a preference for completing dose reconstructions over approving additional SECs, even where little actual monitoring data from a site exists or obtaining such data requires a large expenditure of resources or a long delay. [Emphasis added]

We urge NIOSH and Dr. Howard to give serious consideration to this and all of the conclusions and observations noted in the SEC report when deciding upon the future of NIOSH's dose reconstruction program. ANWAG further urges NIOSH to determine whether those conclusions indicate that NIOSH has been administering this compensation program in a claimant friendly manner consistent with Congressional intent.

ANWAG thanks you for the opportunity to submit additional comments for the Ten Year Review.

Sincerely,

A handwritten signature in black ink that reads "Faye Vlieger". The signature is written in a cursive, flowing style.

Faye Vlieger

For ANWAG members

8943 W. Canyon Place

Kennewick, WA 99336

509-736-0922

Einvlieger@aol.com