

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

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**From:** Jan Lovelace [jancpd@aol.com]  
**Sent:** Monday, November 01, 2010 8:43 PM  
**To:** NIOSH Docket Office (CDC)  
**Subject:** 194 - Ten-Year Review of the NIOSH Radiation Dose Reconstruction Program

I have tried several times to submit comments to the Ten Year Review.. and perhaps I will make it this time.

My husband's claim has been in the DOL/DOE/EEOICPA claim process for 9 years..... 6 cancers, 4 or 5 dose reconstructions, 3 hearings, and numerous remands. He is now deceased.

From the beginning, files were lost.... resent, lost.... and over 3 years for the first denial....Now almost 7 months since last remand.... which was to have been reworked immediately as it was the same type of cancer in different area.... which DOL accepted as a separate cancer.

Corrections have NEVER been made. We have submitted multiple papers, EE-4s, etc. radiological proof and job description for a fireman in a nuclear site..... and He is still classified as a "low exposure position".... No fireman in the nation is a "low exposure position".

In the hearing transcripts and denials, no acknowledgement or changes have been made when we tried to correct.

One NIOSH employee told me that my husband was given less POC than a outside citizen driving past the gates. This is a sad situation.

This Co-worker data is not with firemen.... NIOSH stated it could be from any site or area.... This is not an accurate assessment of exposure.

Oncologist, Cancer Surgeon, and neurologist all wrote they believed in their medical opinion his cancers were caused by radiation and/or toxic chemicals. These are the doctors who treated the claimant.... they know more of the situation than a computer or a claims examiner and their statements are not accepted.

The claim for my husband (now my survivor claim) and others could have been paid over and over for the amount spent to deny. 18 firemen in the same Oak Ridge National Laboratory, Oak Ridge,TN. have cancers ... most below the waist.... 9 have been paid as far as I have records.... others denied. There is no reasoning behind the calculations of the Dose Reconstructions.

Administration of claim, 4 or 5 dose reconstructions, several remands, and 3 hearings..... where is the reasoning in denials? These costs alone could pay the claim.

I have found that several times the record has been remanded and it has ended up in Storage... and once in an office for closed files.

This is incomprehensible to claimants, how many mistakes can be made over and over. The continued delays are not acceptable to claimants.

There is no possible way the dose reconstructions can calculate the amount of exposure for a First Responder, a Fireman, EMS, etc. They are first on the scene... sometimes first to find a problem. My husband found himself standing in liquid nuclear material early on in his employment and was told to not write it up... .. He also went to the nuclear waste burial grounds every day he worked... as all firemen did on a continual check for fires. A couple of years ago 70 mason jars were found with nuclear waste... still active. The men ran... and the equipment was left as contaminated. This is a definite high level exposure area.... to go into without Protective Equipment.... which is the norm.



DOL claims no exposures for his claim (all zeros)... but an International Certified Health Physicist as found proof in the DOE system that the zeros mean "not adequately monitored". This HP has worked in Hanford, ORNL, Savannah River, etc. and has full working knowledge of the system. This has been presented, but not acknowledged.

With dosimeter cards having notations of "failed abundance", and numbers written out from the zeros in pencil.... this is difficult to reconcile.

My husband's records are missing... for 32 years of work at Y-12 and X-10 there are a scant 8 years of records. (last years at ORNL X-10).... and for his "zeroed out dosimeter cards"..... they are all there from 1974 to 2000..... EXCEPT THE YEAR 1987.... The year he had two emergency call ins on his normal days off.... "come ASAP -- your dosimeter reading is off the charts"..... 4 plus hours later.... each time.... that year is missing. Very suspicious....as we reported from the initial claim. NIOSH wrote that he did not work a monitored job in 1987... but we sent numerous documents to show he did.... then told error in reading.... Two times..... not likely.

When NIOSH will not accept 7 radiological badges, letter from the Fire Chief, co-workers, plus a job description for a fireman --- stating working with hazardous materials, listing Radiation and toxic materials.... THIS IS A MAJOR PROBLEM.....

NIOSH has stated that the badges were for years 1998 to 2001..... and that did not prove he worked a radiological job for 27 years..... letters from Chief were not accepted.... We have tired to explain that the badges are renewable..... always the practice and continues.

How can 18 cluster cancers be ignored.? Paying some and not others in the same job position is unjust. Firemen in the early claims (when my husband's file was lost for 2 years)... and we continued to re-submit -- numerous times --- were paid. The firemen since the DRs came into play, have been denied...The Dose Reconstruction Module is a gross injustice.

And when rems have gone from 30.263 rems on bladder cancer to less than 2 rems -- and the operator who answers the telephone at NIOSH tells you "you know when you refile for another cancer, your percentage will go down." Well, they did - every time. Sad state of this program. The denials always have the words that when refileing your probability will go down. Where is the common sense in this?

The Government brought the contamination to these sites and should accept responsibility for the illnesses and death.

Many claimants are struggling to keep their homes.... when medical bills are draining their 401Ks. We did our part to help with the Cold War and the actual wars..... are we no less important to America than the people killed on 9/11? The firemen went in when others were running out... and time has shown the numerous health problems with the firemen. The same situation is with firemen and others working in the nuclear sites.

When the hospital where the firemen took the ambulance and exposed workers is named an SEC (which could include anyone working in the hospital -- even in OB/GYN -)- and are paid and the firemen working in the site are not... something is definitely wrong.

The Veterans and Sick Workers have gotten a slap in our faces for doing our job to keep America safe.

We have had a major problem with the interviewers.. ...not knowing one thing about the sites, the job positions... and not able to answer questions. One man answered just like a robot....yes, no, yes, no... I don't know., I don't know....

How can a claimant get help? Even the resource centers have given us multiple answers...

The Claims Examiners are the same... Lack of knowledge... not cross referencing jobs from one site to another. I was told no firemen in DOL SEMS jobs data base for ORNL... but they were there for Y-12 and K-25..... She said she could not approve. Then after questioning this I was told she should have cross referenced..... Since that time in 2008, I have gotten 3 classifications for firemen at ORNL put into the SEMS...



The SEMS and other data bases are wrong by omissions for job categories, building informations, functions of the buildings.. and even denying the 19 buildings (\*as no buildings) in the 6000 area of ORNL.

We have had 17 plus claims examiners... Each making more mistakes and no one ever corrects. This program is definitely not claimant friendly as touted by the administration.

My husband asked me on his death bed... "don't give up.... get my justice". Many times when he was denied... he would say "they are slapping me in the face for doing my job".

As with him and myself, we worked out jobs... and only in the late 80s and early 90s was any safety information given.... and I was allowed to go into labs, Radiation areas, etc.... where the men working in labs had on protective clothing... but me going in to collect time cards was o.k. I would ring the buzzers.. and they would let me in.....

Even now the 400 plus buildings on the Demolish and Destroy list for Y-12 and X-10 have workers in the buildings. The fire department building 2500 being on that list from the beginning.... When a fire truck is contaminated... and clothes are taken.. and the fireman is kept in a "clean up room".... something definitely happened..... but the rule is and has been confirmed by many firemen even at our hearing.... if it is not written down... it did not happen. This is an injustice to the workers from early years and the practice still continues.

Please acknowledge the inconsistencies.... accept data from the workers, the data from doctors that treat the claimants.... not from a computer module that has changed several times over the years.

America -- governmental agencies.... help the sick workers and their families -- do away with the DRs.... give money to claimants with cancers and other illnesses.

Submitted by Jan Lovelace

Survivor Claimant in system for 9 years.