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

From: DanMcKeel2@aol.com
Sent: Monday, April 26, 2010 8:31 AM
To: pl.ziemer@comcast.net; melius@nysliuna.org; Katz, Ted (CDC/NIOSH/OD); jmauro@scainc.com; Hinnefeld, Stuart L. (CDC/NIOSH/OD); NIOSH Docket Office (CDC)
Cc: danmckeel2@aol.com; jwramspott@sbcglobal.net; patricia_coggins@sbcglobal.net; Bill_Houlihan@durbin.senate.gov
Subject: GSI pro-SEC bullet points

To: Dr. Paul Ziemer, chair, and all members of the TBD-6000 work group
Dr. James Melius, ABRWH chair
All present members of the ABRWH including the four newest members added in 2010
Ted Katz, ABRWH DFO
Dr. Lewis Wade, head of the NIOSH 10 Year Review committee
Dr. John Mauro, SC&A
Stuart Hinnefeld, Acting Director DCAS/NIOSH

NIOSH PUBLIC DOCKET, e-mail: NIOCINDOCKET@CDC.GOV

CC: Pat Coggins, GSI SEC-00105 main petitioner
John Ramspott, GSI site expert
Bill Houlihan, IL Office of US Senator Dick Durbin
Dan McKeel, MD, GSI SEC-00105 co-petitioner

REASONS THE TBD-6000 WORK GROUP SHOULD RECOMMEND AN SEC FOR GSI AND THAT APPENDIX BB and TBD-6000 NEED TO BE REVISED BY NIOSH:

1. TBD-6000 is still being evaluated; has no MCW ingot/dingot section, no uranium alloy section, no nondestructive testing (NDT) radiography detailed guidance for dose reconstruction, and no thorium section. It needs urgently to be revised and all denied claims based upon it should be reviewed and possibly reopened.

GSI site-specific Appendix BB also needs to be revised and has been so for years:

2. Unresolved 13 SC&A Findings for Battelle-NIOSH Appendix BB. The collective SC&A analysis was that GSI external radiation doses had been grossly underestimated by NIOSH. This comment includes by reference all of GSI SEC-00105 co-petitoner McKeel's previous public comments at ABRWH meetings and the TBD-6000 work group transcripts, his formal critique posted on the D/OCAS website, and comments to NIOSH thereon.

3. Unresolved 10 SC&A Findings for NIOSH SEC-00105 evaluation report.
The findings included review of two GSI cases with major technical errors. McKeel referred these cases through Ted Katz DFO to the DR subcommittee. He has heard no results of this referral. **One major finding by SC&A was that NIOSH methods on ALL dose reconstructions were scientifically flawed**. This finding in and of itself is sufficient for the TBD-6000 work group and full board to recommend overturning NIOSH's recommendation to deny SEC-00105 and to recommend the SEC be approved to the HSS Secretary.

- Another such case (**, DOL file number**) should be referred for review to the DR Reviews subcommittee. This GSI burner worked in buildings 10 and 6 on Betatron activated castings. He developed **lung carcinoma, worked at GSI the entire 13 year AEC covered period 1953-1966** and longer, and had a **POC = 49.14%**. , the son, has requested that DOL reopen his father's denied claim. One might expect that the substitution of the 10/9/07 consensus average work week of 65 hours for the 46 hour work week at GSI used in Appendix BB alone might bump the POC to the compensable point. Certainly inclusion of all new information McKeel has provided in NRC FOIA 2010-0012 with respect to the Building 6 radiography facility radiologic survey by NCC in 1962 and the 23 SC&A findings in its reviews of Appendix BB and the NIOSH evaluation report of SEC-105 should send this POC over 50%.

4. NIOSH lacks film badge data and uranium purchase orders 1953-1963. John Mauro has cited this as "the major problem I see" at GSI, yet the work group has not acted upon this information. There is no remedy in sight. Again, the Finding merits an immediate recommendation from the work group to the full Board to approve GSI SEC-00105.

5. NIOSH has no GSI direct neutron monitoring data of its own (SC&A and co-petitioner finding that NIOSH had not

refuted).

6. NIOSH has not characterized all radiation source terms as mandated by OCAS-IG-003.

7. NIOSH has made no report on NRC 2010-00012 sealed source licenses for GSI that was obtained by co-petitioner McKeel. NIOSH rejected paying to get this material from McKeel because of having to pay $140 shipping charges. These 1016 pages of documents provide definitive evidence of the following:

a) A second film badge program at GSI 1963 and perhaps earlier administered by Dr. William Konneker and Nuclear Consultants Corp. (NCC) McKeel gave SC&A and TBD-6000 an NCC film badge report provided to him by GSI isotope operator . in Nov. 2008.
b) Two Cobalt-60 and two Ra-226 sealed sources used in the GSI Bldg. 6 Radiography facility. The Ra-226 sources employed the "fishpole technique" that NRC banned as too dangerous.
c) A 1969 80 Curie Co-60 source at GSI. The workers say this source was in use earlier.
d) A 1962 NCC/Konneker radiation survey done in and around the GSI Bldg. 6 Radiography facility. Published and repeated in the GSI 1963-73 C-60 license applications.
e) Steady interaction and involvement of IL Dept. of Health in GSI AEC radiation safety program that NIOSH, SC&A or the Board knew nothing about prior to McKeel obtaining these documents.

NIOSH thus far has provided no report to the Board or TBD-6000 work group on their analysis of this material. Dr. McKeel in a few days after receipt provided the index to 37 document packets in the NRC FOIA material, and he provided a NIOSH PUBLIC DOCKET comments that was posted weeks ago. NRC has since posted all of this material in unredacted form as they gave it to Dr. McKeel, on an NRC website. Board and work group members are therefore in a position to analyze this crucial information directly. McKeel believes that SC&A should review this NRC 2010-0012 material, yet the Board and work group have not tasked SC&A to do so. Co-petitioner asks this tasking be done as soon as possible.

8. NIOSH has spent months without reporting on its contract with Landauer to determine the contents of a single file cabinet of "Picker X-ray" completely uncharacterized documents.

9. NIOSH has refused to update Appendix BB since Rev 0 was released in June 25, 2007. This unjustified refusal to add voluminous new material provided by the petitioners, site experts and GSI workers and claimants has been extremely detrimental (i.e., has been claimant adversarial) to GSI workers. A concerted campaign is now underway by GSI workers, claimants, advocates with McKeel's assistance and encouragement to reopen all GSI claims that have been denied by DOL based on dose reconstruction and an assigned POC of less than 50.0%.

10. McKeel SEC-105 Findings on Appendix BB, the NIOSH SEC-105 evaluation report, on the 1016 pages of NRC 201-00012 FOIA materials, and on several white papers have not been adequately considered in dispute resolution on the same documents. Only NIOSH and SC&A findings have been duly considered by the Board. The co-petitoner concerns are scientifically valid and deserve to be addressed in a thorough and comprehensive manner by the TBD-6000 work group, the Board and SC&A should be tasked to expedite this effort.

11. McKeel's presentation to the Board in February 2009 at the time NIOSH presented its recommendation to deny was not posted to the PUBLIC DOCKET as he requested.

12. McKeel FOIA requests to CDC and DOE have been inadequately addressed and the answers often delayed way beyond the statutory "20 business days plus 10." Improper redactions have been cited by SEC-105 co-petitioner McKeel and some have been reversed but not by any means all of them.

- HHS OGC heavily redacted the McKeel NRC-2010-0012 FOIA index and PUBLIC DOCKET comments thereto, even though NRC, acting on the same Privacy Act law, redacted NOTHING.
- The latest improper redaction was by NIOSH OGC was the redaction of the names of Dan McKeel and John Ramspott on page 122, lines 6-9, of the 3/19/10 transcript of the Worker Outreach work group chaired by Mike Gibson. (a copy of this segment is attached to this message) John Mauro was commenting that McKeel and Ramspott had contributed massive amounts of new GSI data, and that them doing so reflected poorly on NIOSH's failure to discover much of this material. Ramspott and McKeel have requested the Outreach chair reverse these redactions that McKeel believes represent censorship.

13. Throughout all of the GSI deliberations, NIOSH has steadfastly refused to ask DOL to invoke the Section 7384w subpoena power of EEOICPA. The latest example are IL Open Records/FOIA requests GSI co-petitioner McKeel made to Illinois Dept. of Public Health (IDPH) and to IL Emergency Management Agency (IEMA) regarding GSI radiation device records fro 1953 to 1973. IDPH FOIA officer Johnson said his Department had turned over its records to IEMA. Traci Burton, IEMA General Counsel office FOIA officer, stated they had no such records. These responses are not open and transparent and McKeel does not believe these agencies are acting in good faith. In fact, their responses over time

indicate just the opposite. Neither FOIA officer at IDPH or IEMA explicitly said they once did or did not have specific GSI radiation device records that were required by IL law since 1957 (copy supplied by McKeel, Ramspott to NIOSH and the Board). Co-petitioner McKeel again requests NIOSH and/or the Board request DOL employ Section 7384w to obtain these records that TBD-6000 chair Dr. Paul Ziemer stated on the record would be very valuable to have and examine.

The GSI SEC-00105 co-petitioner McKeel requests this message be circulated to all present Board members. He further requests this communication be posted as a PUBLIC DOCKET COMMENT to TBD-6000, NIOSH GSI Appendix BB and the NIOSH SEC-00105 evaluation report on the DCAS website at URL: www.cdc.gov/niosh/ocas (or dcas).

-- Dan McKeel 4/26/2010

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