

U.S. Department of Health and Human Services Determination Concerning a  
Petition to Add Members to the Special Exposure Cohort  
under the  
Energy Employees Occupational Illness Compensation Program Act of 2000

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Determination Concerning a Petition for Certain Employees from  
Superior Steel Co.  
Carnegie, Pennsylvania



## I. Determination

I, Xavier Becerra, Secretary of Health and Human Services (Secretary) (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.

August 19, 2021

[Signature on File]

Date

Xavier Becerra, Secretary

## II. Employee Class Definition

All atomic weapons employees who worked in any area at Superior Steel Co. in Carnegie, Pennsylvania, during the period from January 1, 1952, through December 31, 1957.

## 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 (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 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.

In a letter dated October 29, 2020, and received on November 2, 2020, the Board, pursuant to 42 U.S.C. § 7384q, agreed with the following NIOSH findings, effectively advising the Secretary that radiation doses can be reconstructed with sufficient accuracy for the evaluated

class of employees who worked at the Superior Steel Co. in accordance with provisions of EEOICPA and the SEC final rule.

#### IV. Determination Findings

##### Feasibility of Estimating Radiation Doses

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

- The principal sources of internal radiation doses assessed for members of the class under evaluation included inhalation of uranium dust produced from the manipulation and oxidation of uranium metal during rolling and related processes. Superior Steel Co. workers also received such exposures to thorium during the non-AEC test-scale rolling operation with 700 pounds of thorium metal in March or April 1956 for a commercial customer. NIOSH has concluded that internal radiation dose reconstruction for uranium and thorium exposures is feasible.
- NIOSH has determined that it has sufficient information to reconstruct internal radiation doses for the evaluated class of employees who worked at the site from January 1, 1952, through December 31, 1957.
- Principal sources of external radiation for members of the class under evaluation included direct exposure from being in proximity to the uranium ingots, exposure from contaminated surfaces, and submersion in air contaminated with dust generated via the processing of uranium metal for the AEC. Superior Steel Co. workers also received such exposures during the non-AEC test-scale rolling operation with 700 pounds of thorium metal in March or April 1956 for a commercial customer. NIOSH concluded that external radiation dose reconstruction from uranium and thorium exposures is feasible.
- NIOSH has determined that it has sufficient information to reconstruct external radiation doses for the evaluated class of employees who worked at the site from January 1, 1952, through December 31, 1957.
- NIOSH has established that it has access to sufficient information to: (1) estimate the maximum radiation dose, for every type of cancer for which radiation doses are reconstructed, that could have been incurred in plausible circumstances in any member of the class; or (2) estimate radiation doses more precisely than an estimate of maximum dose for all covered Superior Steel Co. employees from January 1, 1952, through December 31, 1957. Information in available resources is sufficient to estimate the maximum internal and external potential exposure to members of the evaluated class under plausible circumstances during the specified periods.
- The Board concurred with NIOSH's determination that dose reconstruction is feasible for the evaluated class of Superior Steel Co. employees who worked at the site from January

1, 1952, through December 31, 1957, and therefore the class should not be added to the SEC.

### Health Endangerment

Because the Secretary established that it is feasible to estimate the radiation doses encountered by Superior Steel Co. employees 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 Department of Energy 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 will transmit a new report to Congress providing the designation and the criteria and findings on which the decision was based.