

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

From: DanMcKeel2@aol.com
Sent: Monday, July 26, 2010 7:11 AM
To: melius@nysliuna.org; josiebeach@charter.net; griffonm@comcast.net; james.lockey@uc.edu; wimunn@aol.com; pl.ziemer@comcast.net; Katz, Ted (CDC/NIOSH/OD); Hinnefeld, Stuart L. (CDC/NIOSH/OD); jmauro@scainc.com; Wade, Lewis (CDC/NIOSH/OD) (CTR); NIOSH Docket Office (CDC)
Cc: danmckeel2@aol.com;
Subject: Re: Texas City SEC-88 worker petition, follow up
Attachments: DWM_SEC[011a]_TCCpetition.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dr. Wade, NIOSH DOCKET 194, and all previous recipients,

The attached petition sent to all except Dr. Wade and Dr. Neton last Jan. 7 was never either acknowledged as being received by SC&A or by NIOSH or the full Board. I ask again that this please be done in the spirit of a new sense of urgency that petitioner, advocate and site expert input be acknowledged and addressed by a return reply. I cannot stress how disheartening it is for the Texas City claimants and former workers to formulate a petition protesting the exceedingly slow pace their dose reconstructions have been completed (2 of 17 in four years) and SEC-00088 have been processed, which is a highly legitimate complaint, and then essentially to have the petition be ignored.

Dr. Neton in separate communications tells me that before considering the revised TCC evaluation report calling for a reduced covered period, a smaller uranium source term, and creating a new radon model for TCC, that NIOSH will wait until the newly approved Blockson SEC-58 works its way to enactment even though the Board approved the Blockson SEC at the last Board teleconference on 7/14/10. This delay will take at least two extra months. I do not believe this delay is appropriate or reasonable given the fact, as pointed out in the protest petition, that TCC had no monitoring data at all and was picked as a surrogate data (SD) criteria test case. SC&A found that NIOSH did not fulfill 2 of 4 of the draft SD criteria that was incorporated into the SD criteria passed by the full Board. NIOSH and the SD work group have not subjected SEC-0088 to the NIOSH SD criteria contained in OCAS-IG-004. We, and apparently Richard Miller and some member of Congress in both houses do not feel that use of SD when zero facility monitoring data exists is a violation of EEOICPA 2000 as amended. Mr. Miller addressed this issue in the February 11, 2010, session of the Board.

I would like Dr. Wade to please consider this a further comment for the NIOSH Ten Year Program Review (DOCKET 194). I enclose the Texas City claimant and former worker petition and ask that it be posted to both Docket 194 and to TCC Docket 112.

Thank you,

-- Dan McKeel 7/26/10

In a message dated 1/7/10 4:50:54 PM, danmckeel2@aol.com writes:

Members of the Board and Surrogate Data work group
OCAS/NIOSH and SC&A, Ted Katz (DFO)

I write on behalf of a number of Texas City claimants and potential SEC-88 class members. Attached is a petition requesting that OCAS/NIOSH, the Board and Surrogate Data work group, and SC&A reexamine how SEC-88 is being handled. We strongly believe that NIOSH's intent to rewrite its evaluation report is inappropriate. Our position is that DOE transmitted uranium ore source information in Jan. 2008 but has NOT to date changed its Facilities Database. Nor has DOL altered the covered period. A new evaluation report will incorporate an adapted new Blockson radon model that has not been approved by the Blockson work group. SC&A's review of OCAS-IG-004 has not been resolved with NIOSH, and the Board's draft criteria have not been approved by the full Board. SC&A questioned that two of four draft surrogate data criteria had been fulfilled by NIOSH in its evaluation report. NIOSH has made no progress on completing DRs at Texas City in two years (2 of 17 completed even though NIOSH claims the DR can be done). NIOSH offers no explanation for

this exceedingly slow progress.

In light of these findings, we ask that the cover letter and underlying issues that led to the petition be acknowledged and addressed.

Sincerely,

-- Dan McKeel 1/7/2010

Daniel W. McKeel, Jr., MD
SEC-88 co-petitioner
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Subj: Texas City SEC-88 worker petition
Date: Thursday, January 7, 2010 4:50:54 PM
From: danmckeel2@aol.com
To: melius@nysliuna.org, josiebeach@charter.net, griffonm@comcast.net, james.lockey@uc.edu, wimunn@aol.com, pl.ziemer@comcast.net, tmk1@cdc.gov, stuart.hinnefeld@cdc.hhs.gov, jmauro@scainc.com
cc: danmckeel2@aol.com,

Members of the Board and Surrogate Data work group
OCAS/NIOSH and SC&A, Ted Katz (DFO)

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