

April 20, 2006

NIOSH Docket Office
Robert A. Taft Laboratories
MS-C34,
4676 Columbia Parkway,
Cincinnati, OH 45226

Subject: Site Profile Number (054) - SPSE UPTe CWA 9119 AFL-CIO input on the Site Profile for Lawrence Livermore National Laboratory for the Energy Employees Occupational Illness Compensation Program Act (EEOICPA)

We want to thank the National Institute for Occupational Safety and Health (NIOSH)/Oak Ridge Associated Universities (ORAU) Worker Outreach Team who met with our members on March 22, 2006 to present and ask for input on the Site Profile for Lawrence Livermore National Laboratory (LLNL) for the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). In particular, we want to thank Mark Lewis of ATL International for his work and dedication in including employee and labor union input in this process. Mr. Lewis has done an outstanding job of contacting us and keeping us informed of the process.

After reviewing the Site Profile for LLNL, we found that it is incomplete and lacks pertinent information, and we question its validity for dose reconstruction. A number of concerns were raised at the Worker Outreach Meetings, and we provided specific input to the Site Profile for LLNL. In summary these include, but are not limited to:

Concerns

Dosimetry Technology

Great concerns were expressed about the assumptions used in section 6.7 Dose Reconstruction. It states: "*As much as possible, the basis for dose to individuals should be the dosimetry records.*" (ORAUT-TKBS-0035-6, pg 14 of 20). The science of the effectiveness of recording radiation exposure on dosimeters was challenged at the Sick Workers Support Group Meeting on March 22. Also, the placement of dosimeters is crucial in determining worker exposure. Some of our past workers reported that they routinely wore their badges and dosimeters underneath their lab coats or other protection gear, or at the waist rather than the upper body.

High Number Applications, Low Number Payments

We are greatly concerned about the high number of applications filed and the low number of payments made for LLNL. Out of 885 workers who have filed cases, only 58 have been compensated. We have heard from workers who are discouraged from even applying for compensation due to the lengthy and often unsuccessful process.

Ref: data as of 04/10/2006 from
<http://www.dol.gov/esa/regs/compliance/owcp/eeoicp/Statistics/WebPages/LLNL.htm>

Current Statistics at Lawrence Livermore National Laboratory as of 4/10/06

Applications Filed: 885 CASES

Final Decisions Denied: 336

Final Decisions Paid: 58 (8.7 Million)

Referred to NIOSH for Dose Reconstruction: 587

NIOSH Final Decision to Deny: 132

NIOSH Final Decision to Accept and Paid: 20

Status of Work and Medical Records

We are also greatly concerned about the status of our medical and work related records. The LLNL managing contract is being put out to bid for the first time, and LLNL will most likely be privatized. With news reports from Los Alamos National Laboratory about medical records not being stored properly and possible being destroyed when they are ten years old, we are concerned about what will happen to our employees' records when we work for a private company. If our records are not stored properly and/or destroyed, how will employees ever prove a claim?

DOE/LLNL Failure to Properly Monitor Workers

The LLNL Site Profile fails to recognize the information already gathered and reported on in national news stories about how DOE failed to properly monitor workers at its nuclear weapons facilities, and that many of its records are unreliable, especially between 1940-1970. Additionally, NNSA has issued citations to LLNL for a series of safety violations for 2 years ago. These incidents point out LLNL's reluctance to accept responsibility, and cited LLNL for longstanding and recurring safety problems that led to radiological contamination. Also reported, were numerous findings that Livermore managers did not fix safety problems that were repeatedly made known to them over a period of years.

Specific Input

In general, our specific input is focused in 3 areas: lack of information that has been well documented about LLNL and Site 300 as CERCLA/Superfund Sites, lack of information about when LLNL was found to be out of compliance that is documented in results from Environment, Safety and Health (ES&H) Audits, and the work that has been done at

LLNL and Site 300 on reconstruction of radiological contamination during the Decommission and Demolition of Facilities (D&D).

CERCLA/Superfund Sites

No mention is made of the Livermore Site and Site 300 both being federal and state Superfund Sites under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA/Superfund). The Superfund List is a prioritized list of the nation's most contaminated sites. Both the Livermore Site and Site 300 have had groundwater and soil radiological contamination. While surface soil and air is mentioned in sections 2.3.2 and 2.3.3; it is a very limited discussion, and not based on what is known and has been published through the LLNL Environmental Restoration Activities.

References: ES&H Manual: document 34.1 Site Cleanup Requirements, the U.S. Environmental Protection Agency (EPA), the California EPA, the Regional Water Quality Control Boards, and the Department of Energy.

Results from Environment, Safety and Health (ES&H) Audits

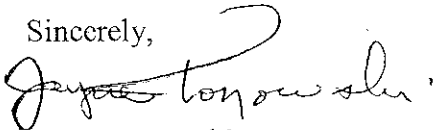
No mention is made of the results of the many audits and findings that have been performed on the building safety systems, radiation monitoring systems, and radiological controls at LLNL and Site 300. Sections 6.5 and 6.6 do address the possibility of calibration and processing errors with dosimeters, however they do not address actual negative findings of ES&H audits with these systems. For example, the Tiger Team audit in the early 90's found many deficiencies and triggered serious changes in the way maintenance and repairs were performed on the radiation monitoring systems and the methods of calibration to sources of exposure in the workplace. A review of these findings is an essential part of verifying the validity of the measurements and records of occupational doses at LLNL that is covered in documents on the occupational environmental dose and the Occupational External Dose. References: ES&H Incidents, DefTrak was used to track and analyze findings from external audits and internal self-assessments.

Reconstruction of radiological contamination during the Decommission and Demolition of Facilities (D&D)

LLNL has an extensive program for excess facilities elimination with over 160 facilities that have been returned to the institution for disposition. Historical facility information as well as information on radiological contamination found during demolition is kept as project specific documents that, when completed, are sent to Lab Archives. A thorough search of historical records and discussions with former researchers, as well as radiological sampling is performed, and this information could be used to supplement the information provided in Table 2-2 as well as document the types of work that have taken place in specific facilities and areas. No reference is made to the D&D program in the LLNL Site Description Document. References: FY06 Ten Year Comprehensive Site Plan, Sept 2005, UCRL-AR-143313-05 Rev 1 (Official Use Only) Section 4.1.4 Excess Facilities Elimination/Disposition and New Construction, ES&H Manual: document 34.1 Site Cleanup Requirements.

Thank you for this opportunity to provide input to the Site Profile for LLNL and to address our members' concerns about the validity of the Site Profile to determine dose reconstruction. Please let us know if we can provide any further assistance.

Sincerely,



Jayne Tonowski
SPSE President

Cc: Mr. Mark Lewis, Advanced Technologies and Laboratories International, Inc.
Livermore Sick Workers Support Group c/o Tri-Valley Cares
Ms. Joan Lichterman, UPTE Systemwide Health and Safety Director
Mr. Bob Perko, LLNL
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Mr. Edward Bounds, Regional Director Department of Labor
Mr. Ernest Rios, Manager Energy Employees Compensation Resource Center
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Congressman Richard Pombo