



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

