

Division of Energy Employees Occupational Illness Compensation (DEEOIC)

EEOICP Final Circulars

2015 EEOICP Final Circulars

15-01 Rescinding EEOICPA Circular No. 08-07, Presumption of chronic beryllium disease in situations with a diagnosis of sarcoidosis and a history of beryllium exposure

EEOICPA CIRCULAR NO. 15-01 Date: October 1, 2014

SUBJECT: Rescinding EEOICPA Circular No. 08-07, Presumption of chronic beryllium disease in situations with a diagnosis of sarcoidosis and a history of beryllium exposure.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff that EEOICPA Circular No. 08-07, Presumption of chronic beryllium disease in situations with a diagnosis of sarcoidosis and a history of beryllium exposure, is hereby rescinded. The content of EEOICPA Circular No. 08-07 has been incorporated into the EEOICPA Procedure Manual Ch. 2-1000, Eligibility Criteria for Non-Cancerous Conditions.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

15-02 Special Exposure Cohort (SEC) designation for the General Atomics Facility at La Jolla, CA from January 1, 1960 through December 31, 1969

EEOICPA CIRCULAR NO. 15-02 Date: October 25, 2014

SUBJECT: Special Exposure Cohort (SEC) designation for the General Atomics Facility at La Jolla, CA from January 1, 1960 through December 31, 1969.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for the General Atomics facility located in La Jolla, California.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers at the General Atomics facility in La Jolla, California, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health (“the Board”) on July 29, 2014. On September 3, 2014, the Secretary of Health and Human Services (HHS) received the Board’s

recommendation to add to the SEC a class of employees who worked at the General Atomics facility in La Jolla, California.

On September 25, 2014, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All Atomic Weapons Employees who worked for General Atomics at its facility in La Jolla, California, during the period from January 1, 1960, through December 31, 1969, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

A copy of the Secretary's letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day period, Congress took no action. Therefore, the SEC designation for this class became effective as of October 25, 2014, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

This is the second SEC class for workers at the General Atomics facility in La Jolla, California. The initial class was the subject of EEOICPA Bulletin No. 07-17, which outlined that Atomic Weapons Employees who worked at the General Atomics facility in La Jolla, CA, in certain buildings during the period from January 1, 1960 through December 31, 1969 qualify under the SEC. This circular supersedes that Bulletin by removing the building requirements.

If the employee does not have 250 workdays at the General Atomics facility in La Jolla, California during the period of the class, the case file is reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes to meet the 250-workday requirement.

While a new SEC class has been added for the General Atomics facility in La Jolla, CA, NIOSH intends to use internal and external monitoring data that is available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected employees at the facility is included as [Attachment 2](#).

This Circular should be used in conjunction with the EEOICPA Bulletin No. 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA Bulletin No. 11-07, the district offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. For screening only, the results reflected on the initial screening worksheet is recorded in ECS using the Screening (SEC/PER/Other) Navigation Panel. From the Screening (SEC/PER/Other) Navigation Panel on the case, select the 'Create' button. Based on the result of the review and in accordance with the 'SEC Class Screening Worksheet', select the appropriate result of "Likely" if the case is likely an SEC, "Unlikely" if it is unlikely that the case will be an SEC or "Development Needed" if development is needed. The date of the signed worksheet is recorded in the "Date" field. The reason associated with the SEC is selected in the "Reason" field. For this SEC, the reason is "Rvwd per Circular 15-02, General Atomics, La Jolla (1/1/60 – 12/31/69)." If the District Office and FAB staff determine that the case is going to be awarded based on a SEC, a positive SEC causation path must be entered into ECS, selecting the SER and SEF blocks, and entering their Dates and the appropriate SER Reason and SEF Reason "Rvwd per Circular 15-02, General Atomics, La Jolla (1/1/60 – 12/31/69)." This process is the equivalent of the SER/SEF codes discussed in Bulletin 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments:

Attachment 1



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

SEP 25 2014

The Honorable Joseph R. Biden, Jr.
President of the United States Senate
Washington, DC 20510

Dear Mr. President:

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 and 42 C.F.R. pt. 83, a petition was filed on behalf of workers who were employed at General Atomics, in La Jolla, California, to be added to the Special Exposure Cohort (SEC).

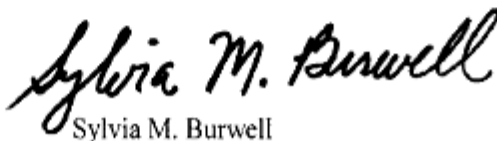
The Centers for Disease Control and Prevention's (CDC) National Institute for Occupational Safety and Health (NIOSH) evaluated the petition and presented its findings to the Advisory Board on Radiation and Worker Health (Board) on July 29, 2014. The Board considered the petition, and on September 3, 2014, I received the Board's recommendation concerning this petition. I have also received the deliberations, findings, and recommendations of the Director of NIOSH and the Director of CDC. Based on this information, I have designated the following class for addition to the SEC:

All Atomic Weapons Employees who worked for General Atomics at its facility in La Jolla, California, during the period from January 1, 1960, through December 31, 1969, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

The criteria and findings upon which this designation is based are provided in the enclosed report.

Please contact me if you have any further questions regarding this matter.

Sincerely,


Sylvia M. Burwell

Enclosure

Attachment 2



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

NIOSH Tracking Number: NIOSH Claim ID
Energy Employee: Energy Employee Name

National Institute for Occupational
Safety and Health
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati, OH 45226-1998
Phone: 877-222-7570
Fax: 513-533-6840

Claimant Name
Address
City, State, Zip, Country

Date

Dear Claimant Name:

As you may know, a petition to add a class of former employees who worked at General Atomics, La Jolla, CA, to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) was received by NIOSH. This letter is to provide you with information about the status of this petition and the effect this petition may have on your claim.

On September 25, 2014, in a report to Congress, the Secretary of the Department of Health and Human Services, Sylvia Burwell, recommended the following class of employees be added to the SEC:

"All Atomic Weapons Employees who worked for General Atomics at its facility in La Jolla, California, during the period from January 1, 1960, through December 31, 1969, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort."

Because Congress took no action within 30 days after receiving the report, the above class was added to the SEC October 25, 2014.

Our records indicate that you, or the energy employee on the claim, worked at General Atomics during the period from January 1, 1960, through December 31, 1969, and were diagnosed with an SEC-specified cancer. Your case will be reviewed to see whether it meets the criteria to be included in this new SEC class.

Because the Department of Labor (DOL) determines whether a case is eligible to be included and receive compensation under SEC classes, your claim will be returned to DOL. DOL will then review the case and determine whether your case is eligible to be included in the new SEC for General Atomics. Qualification for compensation under the SEC requires certain medical and employment criteria be met. DOL will let you know the results of this review when it is complete. If you do not meet the criteria for compensation under the new SEC class, DOL will let us know and your case will continue in the dose reconstruction process.

I hope this information is helpful. Should you have any questions about the SEC process, or about eligibility requirements for the new class of employees that has been added to the SEC, you should contact the NIOSH Division of Compensation Analysis and Support (DCAS) toll-free at 1-877-222-7570 or by email at <dcas@cdc.gov>. Additional information about DCAS and the SEC procedures can be found on the DCAS Web site at <<http://www.cdc.gov/niosh/ocas>>.

Sincerely,

Stuart L. Hinnefeld, Director
Division of Compensation Analysis and Support
National Institute for Occupational Safety and Health

Representatives

Attachment 3

General Atomics Facility, La Jolla, CA
SEC Class Screening Worksheet

1) Employee Name _____

2) SS# _____

3) Is there proof of a diagnosis of a specified cancer? Y / N

If yes, (list cancer type and diagnosis date)

4) Does there appear to be 250 workdays of covered employment between January 1, 1960 and December 31, 1969? Y / N

If yes, identify employment period at the General Atomics Facility in La Jolla, CA:

5) If either question 3 or 4 is answered "no," is there anything in the file to suggest that additional development might change the answers to "yes?" Y / N

If so, what development is needed?

ECS Action Taken on SEC Screening Navigation Panel:

- ☐ Select "Likely" (#3 and #4 both Yes)
- ☐ Select "Unlikely" (#5 is a No)
- ☐ Select "Development Needed" (#5 is a Yes)

Date

Signature

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15-03 Requiring estimates for Durable Medical Equipment or Supplies

EEOICPA CIRCULAR NO. 15-03 Date: October 15, 2014

SUBJECT: Requiring estimates for Durable Medical Equipment or Supplies

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff that estimates are no longer required when authorizing the purchase of Durable Medical Equipment (DME), supplies and custom devices when the Office of Workers' Compensation Program (OWCP) Medical Fee Schedule applies.

When DEEOIC receives requests for authorization of DME or supplies, the medical bill pay contractor

forwards the request via thread to the appropriate District Office (DO) Claims Examiner (CE). In addition to the request details, the thread will now include a statement as to whether or not the DME or supplies are subject to the OWCP fee schedule.

All requests for DME or supplies require review by the CE for a determination of medical necessity, as outlined in existing program procedure. In addition, all requests for medically necessary DME, supplies, and/or custom devices must be accompanied by a Letter of Medical Necessity (LMN). The CE may authorize medically necessary DME or supplies that have a total purchase price less than \$500 or where the medical bill pay contractor specifies that the OWCP fee schedule covers the charge.

In instances where medically necessary DME or supplies have a total purchase price that is greater than \$500 and the OWCP Medical Fee Schedule does not apply, the CE is to undertake development with the claimant in accordance with existing procedures concerning the collection of estimates for the requested DME or supplies. This requires the identification of at least two DME suppliers to include full company name along with contact information. In addition, each provider is to submit a signed statement describing in detail the basic, unadorned item meeting the treating physician's specifications, and a breakdown of all costs, including delivery, set-up, etc.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

15-04 Review of Cases Involving Exposure to Trichloroethylene (TCE) and the Development of Kidney Cancer

EEOICPA CIRCULAR NO. 15-04

Date: November 1, 2014

SUBJECT: Review of Cases Involving Exposure to Trichloroethylene (TCE) and the Development of Kidney Cancer

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of a set of cases to be reviewed under Bulletin No. 13-02, "Systematic Review of Denied Part E Cases."

An important component of adjudicating claims under Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) is the Site Exposure Matrix (SEM). SEM identifies toxic substances that were present at Department of Energy (DOE) facilities and Radiation Exposure Compensation Act (RECA) uranium mines and mills. Moreover, the information contained in the SEM identifies scientifically known relational connections between particular chemical or biological agents and specific illnesses. The SEM labels these relational connections as toxic "health effects."

The source of health effect findings referenced in SEM is the National Library of Medicine's (NLM) Haz-Map database. Haz-Map is an occupational health database designed to provide information about the adverse effects of workplace exposures to chemical and biological agents. These links derive from current scientific evidence.

Recently, Haz-Map was updated to reflect the latest scientific recommendations of the International Agency for Research on Cancer (IARC). The subject of this Circular is kidney cancer because Haz-Map now identifies exposure to TCE as being causally linked to kidney cancer. The DEEOIC has

assembled a pull list of all denied Part E kidney cancer claims.

The cases on this list are to be reviewed as per the policies and procedures outlined in Bulletin No. 13-02, and in conjunction with the instructions provided in this Circular, including completion of the worksheet provided in [Attachment 1](#). Additionally, staff are to use the guidance for ECS coding described in Bulletin No. 13-02. The “Initial Screening Reason” to be selected with the Initial Screening date and result (and “No Action Necessary,” if needed) is “Rvwd per Circular 15-04, Kidney Cancer Part E.” The completed worksheet and related SEM search(es) are to be placed in the case file.

A review of the scientific studies used to conclude that there is a link between TCE and kidney cancer shows that a statistically significant association between exposure to TCE and cancer of the kidney was identified in workers with a minimum level of exposure to TCE of 5 consecutive years. The scientific literature shows statistically significant results for TCE exposed workers who developed kidney cancer 20 or more years following first exposure (latency).

As part of implementing this Circular, the CE needs to assess whether there is evidence of employee exposure to TCE. TCE was heavily used for metalworking and vapor degreasing and, from an exposure perspective, working directly in these tasks are those for which exposure was likely to be at the level evaluated in scientific studies. [Attachment 2](#) is a list of Department of Energy (DOE) facilities at which TCE use occurred *extensively* prior to 1990. Specifically, the attachment lists the DOE facilities at which TCE was most likely used for vapor degreasing and metalworking. The CE is to review the evidence and determine whether the employee:

- worked at a facility on Attachment 2;
- worked at the facility prior to 1990;
- worked in a labor category in which SEM indicates a potential for TCE exposure.

If all three bulleted conditions are met for 5 consecutive years, then the CE can presume significant exposure to TCE for those years. For employees not meeting these conditions, but for whom there is some evidence of potential TCE exposure, these cases are appropriate for an IH review to assess whether there was significant exposure to TCE. For cases in which a review of the case file and SEM does not show a potential for TCE exposure, code “ISU” for “unlikely acceptance,” but continue with review of the case as per the last paragraph of this Circular.

Bulletin No. 13-02 states (at action Item 7) that in addition to a finding of exposure, cases require a finding of medical causation for cases reviewed under this guidance. However, because of the scientific evidence regarding the nature of the link between TCE and kidney cancer, the requirement of a medical opinion on causation is waived for cases meeting the following criteria:

- Workers who have 5 or more consecutive years of significant exposure to TCE at a covered facility prior to 1990 and
- who have a latency period of 20 years from first exposure to TCE as a covered employee with a diagnosis of kidney cancer.

Cases that meet these bulleted criteria are to be coded “ISL,” which means “likely acceptance,” and then the district office is to proceed with reopening the case, as outlined in Bulletin No. 13-02, Item 9.

For cases that have some indicators of TCE exposure and a diagnosis of kidney cancer, but do not have exposure to TCE for 5 or more consecutive years in conjunction with a 20 year latency period, the CE is to obtain a medical opinion on causation.

With regard to cases requiring a medical review, the assigned Claims Examiner (CE) is to input “ISD” for “development needed” in ECS.

Bulletin No. 13-02 calls for a thorough review of *all* cases on the list for *all* denied Part E diagnoses, not just kidney cancer. DEEOIC continues to update SEM with new data regarding toxic substances used or located at covered facilities. As such, SEM searches from the past may now be obsolete, which requires the CE to perform updated exposure research. CE review under this Circular, while focused on kidney cancer, is also to include a comprehensive review of Part E case adjudication. CEs are to review the case to determine if any updates to SEM or new evidence submitted is sufficient to alter past findings or decisional outcomes. The worksheet at [Attachment 1](#) is provided in conjunction with this circular to help guide staff through the process of case reassessment.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachment 1

Kidney Cancer

Part E Comprehensive Review Screening Worksheet

- 1) Employee Name _____
- 2) Last 4 SSN _____ Case ID # _____
- 3) Kidney Cancer Diagnosis Date _____
- 4) What is the first date of DOE contractor employment? _____
- 5) Exposure Determination: Review the case file and SEM to determine whether there are 5 or more consecutive years of TCE exposure prior to 1990. Decide whether the case evidence shows:
 - a. Did the employee work at a facility on Attachment 2 for more than 5 consecutive years prior to 1990? (Y/N)
(List facilities here) _____
 - b. Does a SEM search based upon the employee's labor category(ies) indicate a potential for TCE exposure for 5 consecutive years? (Y/N)
(List labor categories here) _____
 - c. If "yes" to 5a and 5b, significant exposure can be presumed. Move on to #6. If no potential for TCE exposure, code "ISU," and go to #7. If some potential, but not meeting the threshold, confer with IH on whether an IH referral is appropriate and proceed accordingly.
- 6) Causation Determination: Is there a 20-year latency period between first exposure (date noted in #4) and kidney cancer diagnosis noted in #3? (Y/N)
 - a. If "yes," code "ISL" and go to #7.
 - b. If there is not a 20-year latency period, obtain medical opinion and code "ISD."
- 7) Conduct a new assessment on any other denied Part E condition in accordance with the guidance listed in Bulletin No. 13-02 to ascertain whether there is new exposure data (via new SEM search, evaluation of DAR/OHQ/case evidence) or medical evidence that could potentially alter the denial outcome. Note the outcome of that assessment here:

Be sure to check each denied condition. Attach/image for the file any new SEM search result. Depending on the outcome of analysis, additional development may be required. If sufficient evidence

exists or is obtained via development to warrant reopening a previously denied claim under Part E, appropriate action is taken to initiate such action.

Date

Signature

Attachment 2

TRICHLOROETHYLENE (TCE) SITES

The following sites are either known to have used or likely used vapor degreasing pre-1990 or used TCE in other job activities and thus have a much greater potential for significant worker exposure to TCE than other sites during that period: (at sites in bold, TCE was also used extensively in metal cleaning).

Area IV of the Santa Susana Field Lab (ETEC)

Argonne National Lab (East)

Argonne National Lab (West)

Brookhaven National Lab

Dana Heavy Water Plant

Dayton Project

Electro Metallurgical

Feed Materials Production Center (Fernald)

Fermi National Accelerator Laboratory

General Electric Company (Ohio)

Hanford/PNNL

High Energy Rate Forging Facility

Idaho National Lab

Iowa Ordnance Plant

Kansas City Plant

Lawrence Berkeley National Lab

Lawrence Livermore National Lab

Los Alamos National Lab

Mallinckrodt Chemical Co., Destrehan Street Facility

Mound Plant

Nevada Test Site

Oak Ridge GDP (K-25)

Oak Ridge National Lab

Paducah GDP

Pantex Plant

Pinellas Plant

Portsmouth GDP

Reduction Pilot Plant (Huntington)

Rocky Flats Plant

Sandia National Lab-Albuquerque

Sandia National Lab-Livermore

Savannah River Site

South Albuquerque Works

Stanford Linear Accelerator Center

Tonopah Test Range

Weldon Spring Plant (Mallinckrodt)
West Valley Demonstration Project
Y-12 Plant

TCE was used at other DOE facilities as well, though those listed above were those for which its use was most widespread. For example, the gaseous diffusion plants utilized TCE by the tanker truck full.

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives

15-05 Occupational Exposure Guidance Relating to Asbestos

EEOICPA CIRCULAR NO.15-05 December 17, 2014

SUBJECT: Occupational Exposure Guidance Relating to Asbestos

The Division of Energy Employees Occupational Illness Compensation (DEEOIC) recognizes that asbestos is a toxic material that was present in all Department of Energy (DOE) facility locations. Exposure to asbestos has a known health effect that includes the following, as outlined in the Site Exposure Matrix (SEM):

- **Asbestosis** Aliases: Asbestos pneumoconiosis
- **Asbestos-related pleural disease** Aliases: Pleural plaques; Diffuse pleural thickening; Pleural effusions; Rounded atelectasis
- **Laryngeal cancer** Aliases: Cancer of larynx; Larynx neoplasms; Larynx cancer; Laryngeal neoplasms
- **Lung cancer** Aliases: Bronchogenic carcinoma
- **Mesothelioma, peritoneal**
- **Mesothelioma, pleural**
- **Ovarian cancer** Aliases: Malignant neoplasm of ovary; Epithelial ovarian cancer
- **Pulmonary disease, chronic obstructive** Aliases: Bronchitis, chronic; Emphysema; COPD

Given the lack of consistent and accurate monitoring data, it is not reasonable to make a finding that an employee with a diagnosed condition potentially linked to asbestos had NO exposure to asbestos. Rather, in taking a position of inclusion rather than exclusion, CEs may apply the following guidance in making exposure findings:

For employees diagnosed with an illness with a known health effect relating to exposure to asbestos who worked at a DOE facility after 1986, it is accepted that they were potentially exposed to toxic substances, including asbestos, but the extent of those exposures did not likely surpass established occupational safety and health standards.

An exception to this guidance applies in the following scenarios:

Between 1986 and 1995, while the DEEOIC accepts that industrial hygiene and environmental health and safety practices were significantly improved with regard to limiting employee exposure to toxic substances, including asbestos, certain labor categories would have had the potential for more exposure despite these measures (including the implementation of asbestos management programs). These labor categories are:

- Automotive mechanic; Vehicle mechanic; Vehicle maintenance mechanic
- Boilermaker
- Carpenter; Drywaller; Plasterer
- Demolition technician; Laborer
- Electrical mechanic; Electrician; Floor covering worker
- Furnace & saw operator; Furnace builder; Furnace operator; Furnace puller; Furnace technician; Furnace tender; Furnace unloader
- Glazier; Glass installer; Glazer
- Grinder operator; Mason (concrete grinding); Tool grinder; Maintenance mechanic (general grinding); Welder (general grinding); Machinist (machine grinding)
- Insulation worker; Insulation trade worker; Insulator
- Ironworker; Ironworker-rigger
- Maintenance mechanic; Electrician; Insulator
- Mason; Brick & tile mason; Concrete and terrazzo worker; Bricklayer, Tilesetter
- Millwright
- Heavy equipment operator; Operating Engineer
- Painter
- Pipefitter, Plumber steamfitter; Plumber/pipefitter; Plumbing & pipefitting mechanic; Plumbing technician, Steamfitter
- Roofer
- Sheet metal mechanic; Sheet metal fabricator/installer
- Welder; Welder burner; Welder mechanic

For employees diagnosed with an illness with a known health effect relating to asbestos who worked at a DOE facility between 1986 and 1995 AND who worked in one of the aforementioned labor categories, it is accepted that they were potentially exposed to asbestos. However, the extent of the exposure would have likely been at low levels.

In order for the CE to accept any level of exposure above a low level, he or she must obtain definitive and compelling evidence to show that any employee at a DOE facility after 1986 had consistent, unprotected contact with asbestos and/or asbestos-containing materials. Evidence of this nature may include:

- Industrial Hygiene/Environmental sampling or monitoring data
- Incident/accident reports

- Documentation of containment breaches during asbestos abatement activities
- Reliable testimony/affidavits of elevated exposures
- Position descriptions

If the CE identifies evidence that he or she feels is suggestive of exposure above the guidelines set out above, the CE is to contact the Lead Industrial Hygienist (IH) at the National Office to discuss whether a formal IH referral is necessary.

Any findings of exposure, including infrequent, incidental exposure, require review of a physician to opine on the possibility of causation. This is necessary as even minimal exposure to some toxins may have a significant “aggravating or contributing” relationship to the diagnosed illness.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

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15-06 Post-1995 Occupational Toxic Exposure Guidance

EEOICPA CIRCULAR NO.15-06 December 17, 2014

SUBJECT: Post-1995 Occupational Toxic Exposure Guidance

After 1995, significant improvements in occupational safety and health programs, engineering controls, and regulatory enforcement existed throughout Department of Energy (DOE) facilities. These measures would have served to limit employees’ exposures to toxic materials. Therefore, in the absence of compelling data to the contrary, it is unlikely that covered Part E employees working after 1995 would have been significantly exposed to any toxic agents at a covered DOE facility. As a result, the claims examiner (CE) can accept the following:

For employees diagnosed with an illness with a known health effect associated with any toxic substance present at a DOE facility after 1995, it is accepted that any potential exposures that they might have received would have been maintained within existing regulatory standards and/or guidelines.

If there is compelling, probative evidence that documents exposures at any level above this threshold or measurable exposures in an unprotected environment, the CE is to contact the Division of Energy Employees Occupational Illness Compensation (DEEOIC) Lead Industrial Hygienist (IH) for guidance on whether a formal IH referral is required.

Any findings of exposure, including infrequent, incidental exposure, require review of a physician to opine on the possibility of causation. This is necessary as even minimal exposure to some toxins may have a significant “aggravating or contributing” relationship to the diagnosed illness.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

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2014 EEOICP Final Circulars

14-01 Carrier Reimbursement Letter

EEOICPA CIRCULAR NO. 14-01 October 16, 2013

SUBJECT: Carrier Reimbursement Letter

The purpose of this Circular is to provide guidance for all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff in responding to inquiries from insurance carriers who have provided written correspondence to the DEEOIC regarding the collection of primary payer information to identify and recover medical benefit payments as a part of their coordination of benefits.

Upon receiving correspondence from an insurance carrier attempting to coordinate benefits for a condition which has previously been accepted under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA), the Claims Examiner (CE) is to respond using the accompanying Coordination of Benefits Response Letter, which instructs the carrier to submit all reimbursable charges, including a copy of the original bill and proof of payment, to the bill processing contractor. The Coordination of Benefits Response Letter can be seen as [Exhibit 1](#) below.

Prior to mailing the Coordination of Benefits Response Letter, the CE is required to complete the applicable fields; which include the name and address of the insurance carrier, claimant name and claim number, appropriate ICD-9 code(s) and their status effective date(s).

RACHEL P. LEITON

Director, Division of Energy Employees

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14-02 Feed Materials Production Center (FMPC) Special Exposure Cohort Class (SEC) from January 1, 1951 through December 31, 1983

EEOICPA CIRCULAR NO. 14-02 October 30, 2013

SUBJECT: Feed Materials Production Center (FMPC) Special Exposure Cohort Class (SEC) from January 1, 1951 through December 31, 1983.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of two SEC class designations for the Feed Materials Production Center (FMPC) located in Fernald, Ohio.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from FMPC in Fernald, Ohio, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and

Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health (“the Board”) on July 17, 2012. On September 3, 2013, the Secretary of Health and Human Services (HHS) received the Board’s recommendation to add to the SEC two classes of employees who worked at FMPC in Fernald, Ohio.

On September 30, 2013, the Secretary of HHS designated the following classes for addition to the SEC in a report to Congress:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Feed Materials Production Center (FMPC) in Fernald, Ohio, from January 1, 1954 through December 31, 1967, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

And

All employees of the Feed Materials Production Center (FMPC) in Fernald, Ohio, who were not employed by National Lead of Ohio, NLO, or the Department of Energy or its predecessor agencies, who worked at FMPC from January 1, 1951, through December 31, 1983, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

Copies of the Secretary’s letters to Congress recommending the designations are included as Attachment 1. Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designations for these classes became effective as of October 30, 2013, which was 30 days after the Secretary of HHS designated the classes for addition to the SEC in the reports to Congress.

To qualify under this SEC class, the employee must be either:

1. An employee of FMPC in Fernald, Ohio who was not employed by National Lead of Ohio, NLO, or the Department of Energy or its predecessor agencies, who worked at FMPC from January 1, 1951 through December 31, 1983, or
2. An employee of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at FMPC in Fernald, Ohio, from January 1, 1954 through December 31, 1967.

If the employee does not have 250 workdays at the FMPC during the period of either class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement. FMPC, however, is a large site with employees who were employed by the DOE, NLO, FMPC, or their contractors or subcontractors. These SEC classes, with overlapping periods, distinguish which category in which the employee fits.

While two new SEC classes have been added for employees at FMPC, NIOSH intends to use any available internal and external dose monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

Copies of the NIOSH letters to affected FMPC employees are included as Attachment 2.

This Circular should be used in conjunction with EEOICPA Bulletin 11-07, Special Exposure Cohort

Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA Bulletin No. 11-07, the district offices and Final Adjudication Branch (FAB) offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. All cases on the comprehensive list, that are located at a district office or FAB office, must be reviewed for possible inclusion in the SEC class. The jurisdictional office listed on the comprehensive report as the location of where the case resides is responsible for ensuring that screening occurs for that case. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the Screening (SEC/PER/Other) Navigation Panel. From the Screening (SEC/PER/Other) Navigation Panel, on the case, select the 'Create' button. Based on the result of the review and in accordance with the 'SEC Class Screening Worksheet', select the appropriate result of "Likely" if the case is likely an SEC, "Unlikely" if it is unlikely that the case will be an SEC, or "Development Needed" if development is needed. The date of the signed worksheet is recorded in the "Date" field. The reason associated with the SEC is selected in the "Reason" field. For this SEC, the reason is "Rvwd per Circular 14-02, Feed Materials Production Center (FMPC) SEC (1/1/51-12/31/83)[\[1\]](#)." If the CE determines that the case is going to be awarded based on a SEC, a positive SEC causation path must be entered into ECS. This process is the equivalent of the SER/SEF codes discussed in Bulletin 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

[Attachment 1](#)



[Attachment 2](#)



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

NIOSH Tracking Number: NIOSH Claim ID
Energy Employee: Energy Employee Name

National Institute for Occupational
Safety and Health
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati, OH 45226-1998
Phone: 877-222-7570
Fax: 513-533-6840

Claimant Name
Address
City, State, Zip, Country

Date

Dear Claimant Name:

As you may know, a petition to add a class of former employees from the Feed Materials Production Center (FMPC) in Fernald, OH, to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) was received by NIOSH. This letter is to provide you with information about the status of this petition and the effect this petition may have on your claim.

On September 30, 2013, in a report to Congress, the Secretary of the Department of Health and Human Services, Kathleen Sebelius, recommended the following class of employees be added to the SEC:

"All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Feed Materials Production Center (FMPC) in Fernald, OH, from January 1, 1954, through December 31, 1967, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort."

Because Congress took no action within 30 days after receiving the report, the above class was added to the SEC October 30, 2013.

Our records indicate that you, or the energy employee on the claim, worked at FMPC during the period from January 1, 1954, through December 31, 1967, and were diagnosed with an SEC-specified cancer. Your case will be reviewed to see whether it meets the criteria to be included in this new SEC class.

Because the Department of Labor (DOL) determines whether a case is eligible to be included and receive compensation under SEC classes, your claim will be returned to DOL. DOL will then review the case and decide whether your case is eligible to be included in the new SEC for FMPC. Qualification for compensation under the SEC requires certain medical and employment criteria be met. DOL will let you know the results of this review when it is complete. If you do not meet the criteria for compensation under the new SEC class, DOL will let us know and your case will continue in the dose reconstruction process.

I hope this information is helpful. Should you have any questions about the SEC process, or about eligibility requirements for the new class of employees that has been added to the SEC, you should contact the NIOSH Division of Compensation Analysis and Support (DCAS) toll-free at 1-877-222-7570 or by email at <dcas@cdc.gov>. Additional information about DCAS and the SEC procedures can be found on the DCAS Web site at <<http://www.cdc.gov/niosh/ocas>>.

Sincerely,

Stuart L. Hinnefeld, Director
Division of Compensation Analysis and Support
National Institute for Occupational Safety and Health

Representatives

Attachment 3

Feed Materials Production Center (FMPC)

SEC Class Screening Worksheet

- 1) Employee Name _____
- 2) SS# _____

3) Is there proof of a diagnosis of a specified cancer? Y / N

If yes, (list cancer type and diagnosis date)

4) Does there appear to be 250 workdays of covered employment between January 1, 1951 and December 31, 1983? Y / N

If yes, identify employment period at FMPC.

5) If either question 3 or 4 is answered “no,” is there anything in the file to suggest that additional development might change the answers to “yes?” Y / N

If so, what development is needed?

ECS Action Taken on SEC Screening Navigation Panel:

- ☐ Select “Likely” (#3 and #4 both Yes)
- ☐ Select “Unlikely” (#5 is a No)
- ☐ Select “Development Needed” (#5 is a Yes)

Date

Signature

14-03 Pantex Plant Special Exposure Cohort (SEC) Class from January 1, 1984 through December 31, 1991

EEOICPA CIRCULAR NO. 14-03 October 30, 2013

SUBJECT: Pantex Plant Special Exposure Cohort (SEC) Class from January 1, 1984 through December 31, 1991.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for the Pantex Plant located in Amarillo, Texas.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers at the Pantex Plant in Amarillo, Texas, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health (“the Board”) on July 17, 2013. On August 28, 2013, the Board submitted recommendations to the Secretary of Health and Human Services (HHS) to add to the SEC an additional class of employees who worked at the Pantex

Plant in Amarillo, Texas.

On September 30, 2013, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Pantex Plant in Amarillo, Texas, from January 1, 1984 through December 31, 1991, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

A copy of the Secretary's letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of October 30, 2013, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an employee of the Department of Energy (DOE), an employee of one of its predecessor agencies, or an employee of a DOE contractor or subcontractor who has worked at least 250 workdays at the Pantex Plant in Amarillo, Texas from January 1, 1984 through December 31, 1991. If the employee does not have 250 workdays at the Pantex Plant during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees at the Pantex Plant, NIOSH intends to use any internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). Additionally, NIOSH can reconstruct internal and external dose for uranium and thorium extraction operations based upon source term information. This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected employees at the facility is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin No. 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA Bulletin No. 11-07, the district offices and Final Adjudication Branch (FAB) offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. All cases on the comprehensive list, that are located at a district office or FAB office, must be reviewed for possible inclusion in the SEC class. The jurisdictional office listed on the comprehensive report as the location of where the case resides is responsible for ensuring that screening occurs for that case. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the Screening (SEC/PER/Other) Navigation Panel. From the Screening (SEC/PER/Other) Navigation Panel on the case, select the 'Create' button. Based on the result of the review and in accordance with the 'SEC Class Screening Worksheet', select the appropriate result of "Likely" if the case is likely an SEC, "Unlikely" if it is unlikely that the case will be an SEC, or "Development Needed" if development is needed. The date of the signed worksheet is recorded in the "Date" field. The reason associated with the SEC is selected in the "Reason" field. For this SEC, the reason is "Rvwd per Circular 14-03, Pantex Plant (1/1/84 – 12/31/91)." If the CE determines that the case is going to be awarded based on a SEC, a positive SEC causation path must be entered into ECS. This process is the equivalent of the SER/SEF codes discussed in Bulletin No. 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments:

Attachment 1



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

September 30, 2013

The Honorable Joseph R. Biden, Jr.
President of the United States Senate
Washington, DC 20510

Dear Mr. President:

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 and 42 C.F.R. pt. 83, a petition was filed on behalf of workers who were employed at the Pantex Plant in Amarillo, Texas, to be added to the Special Exposure Cohort (SEC).

The Centers for Disease Control and Prevention's (CDC) National Institute for Occupational Safety and Health (NIOSH) evaluated the petition and presented its findings to the Advisory Board on Radiation and Worker Health (Board) on July 17, 2013. The Board considered the petition, and on September 3, 2013, I received the Board's recommendation concerning this petition. I have also received the deliberations, findings, and recommendations of the Director of NIOSH and the Director of CDC. Based on this information, I have designated the following class for addition to the SEC:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Pantex Plant in Amarillo, Texas, from January 1, 1984, through December 31, 1991, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

The criteria and findings upon which this designation is based are provided in the enclosed report.

Please contact me if you have any further questions regarding this matter.

Sincerely,

[Signature on File]

Kathleen Sebelius

Enclosure



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

NIOSH Tracking Number: NIOSH Claim ID
Energy Employee: Energy Employee Name

National Institute for Occupational
Safety and Health
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati, OH 45226-1998
Phone: 877-222-7570
Fax: 513-533-6840

Claimant Name
Address
City, State, Zip, Country

Date

Dear Claimant Name:

As you may know, a petition to add a class of former employees from the Pantex Plant, Amarillo, TX, to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) was received by NIOSH. This letter is to provide you with information about the status of this petition and the effect this petition may have on your claim.

On September 30, 2013, in a report to Congress, the Secretary of the Department of Health and Human Services, Kathleen Sebelius, recommended the following class of employees be added to the SEC:

"All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Pantex Plant in Amarillo, Texas, from January 1, 1984, through December 31, 1991, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort."

Because Congress took no action within 30 days after receiving the report, the above class was added to the SEC October 30, 2013.

Our records indicate that you, or the energy employee on the claim, worked at the Pantex Plant during the period from January 1, 1984, through December 31, 1991, and were diagnosed with an SEC-specified cancer. Your case will be reviewed to see whether it meets the criteria to be included in this new SEC class.

Because the Department of Labor (DOL) determines whether a case is eligible to be included and receive compensation under SEC classes, your claim will be returned to DOL. DOL will then review the case and decide whether your case is eligible to be included in the new SEC for the Pantex Plant. Qualification for compensation under the SEC requires certain medical and employment criteria be met. DOL will let you know the results of this review when it is complete. If you do not meet the criteria for compensation under the new SEC class, DOL will let us know and your case will continue in the dose reconstruction process.

I hope this information is helpful. Should you have any questions about the SEC process, or about eligibility requirements for the new class of employees that has been added to the SEC, you should contact the NIOSH Division of Compensation Analysis and Support (DCAS) toll-free at 1-877-222-7570 or by email at <dcas@cdc.gov>. Additional information about DCAS and the SEC procedures can be found on the DCAS Web site at <<http://www.cdc.gov/niosh/ocas>>.

Sincerely,

Stuart L. Hinnefeld, Director
Division of Compensation Analysis and Support
National Institute for Occupational Safety and Health

Representatives

Attachment 3
Pantex Plant

SEC Class Screening Worksheet

1) Employee Name _____

2) SS# _____

3) Is there proof of a diagnosis of a specified cancer? Y / N

If yes, (list cancer type and diagnosis date)

4) Does there appear to be 250 workdays of covered employment between January 1, 1984 and December 31, 1991? Y / N

If yes, identify employment period at the Pantex Plant.

5) If either question 3 or 4 is answered “no,” is there anything in the file to suggest that additional development might change the answers to “yes?” Y / N

If so, what development is needed?

ECS Action Taken on SEC Screening Navigation Panel:

- ☐ Select “Likely” (#3 and #4 both Yes)
- ☐ Select “Unlikely” (#5 is a No)
- ☐ Select “Development Needed” (#5 is a Yes)

Date

Signature

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

[1] This period encompasses both of the new FMPC SEC classes, (1/1/51-12/31/83 and 1/1/54 -12/13/67)

14-04 Sandia National Laboratories-Livermore Special Exposure Cohort Class (SEC) from October 1, 1957 through December 31, 1994

EEOICPA CIRCULAR NO. 14-04 January 12, 2014

SUBJECT: Sandia National Laboratories –Livermore Special Exposure Cohort Class (SEC) from October 1, 1957 through December 31, 1994.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for Sandia National Laboratories–Livermore located in Livermore, California.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from Sandia National Laboratories in Livermore, California, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health (“the Board”) on October 16, 2013. On November 12, 2013, the Secretary of Health and Human Services (HHS) received the Board’s recommendation to add to the SEC a class of employees who worked at Sandia National Laboratories in Livermore, California.

On December 12, 2013, the Secretary of HHS designated the following classes for addition to the SEC in a report to Congress:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked in any area of the Sandia National Laboratories-Livermore in Livermore, California, from October 1, 1957, through December 31, 1994, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

A copy of the Secretary’s letter to Congress recommending the designations is included as Attachment 1. Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of January 12, 2014, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the reports to Congress.

To qualify under this SEC class, the employee must have worked at Sandia National Laboratories-Livermore in Livermore, California, during the period from October 1, 1957 through December 31, 1994.

If the employee does not have 250 workdays at Sandia National Laboratories-Livermore during the period noted, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees at Sandia National Laboratories-Livermore, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Sandia National Laboratories-Livermore employees is included as Attachment 2.

This Circular should be used in conjunction with EEOICPA Bulletin No. 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as Attachment 3.

As outlined in EEOICPA Bulletin No. 11-07, the district offices and Final Adjudication Branch (FAB) offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. All cases on the comprehensive list, that are located at a district office or FAB office, must be reviewed for possible inclusion in the SEC class. The jurisdictional office listed on the comprehensive report as the location of where the case resides is responsible for ensuring that screening occurs for that case. For screening only, the results reflected on the initial screening

worksheet must be recorded in ECS using the Screening (SEC/PER/Other) Navigation Panel. From the Screening (SEC/PER/Other) Navigation Panel, on the case, select the 'Create' button. Based on the result of the review and in accordance with the 'SEC Class Screening Worksheet', select the appropriate result of "Likely" if the case is likely an SEC, "Unlikely" if it is unlikely that the case will be an SEC, or "Development Needed" if development is needed. The date of the signed worksheet is recorded in the "Date" field. The reason associated with the SEC is selected in the "Reason" field. For this SEC, the reason is "Rvwd per Circular 14-04, Sandia National Laboratories-Livermore SEC (10/1/57-12/31/94)." If the CE determines that the case is going to be awarded based on a SEC, a positive SEC causation path must be entered into ECS. This process is the equivalent of the SER/SEF codes discussed in Bulletin 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments:

Attachment 1



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

December 12, 2013

The Honorable Joseph R. Biden, Jr.
President of the United States Senate
Washington, DC 20510

Dear Mr. President:

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 and 42 C.F.R. pt. 83, a petition was filed on behalf of workers who were employed at the Sandia National Laboratories-Livermore in Livermore, California, to be added to the Special Exposure Cohort (SEC).

The Centers for Disease Control and Prevention's (CDC) National Institute for Occupational Safety and Health (NIOSH) evaluated the petition and presented its findings to the Advisory Board on Radiation and Worker Health (Board) on October 16, 2013. The Board considered the petition, and on November 12, 2013, I received the Board's recommendation concerning this petition. I have also received the deliberations, findings, and recommendations of the Director of NIOSH and the Director of CDC. Based on this information, I have designated the following class for addition to the SEC:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked in any area at the Sandia National Laboratories-Livermore in Livermore, California, from October 1, 1957, through December 31, 1994, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

The criteria and findings upon which this designation is based are provided in the enclosed report.

Please contact me if you have any further questions regarding this matter.

Sincerely,

Kathleen Sebelius

Enclosure

Attachment 2



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

NIOSH Tracking Number: NIOSH Claim ID
Energy Employee: Energy Employee Name

National Institute for Occupational
Safety and Health
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati, OH 45226-1998
Phone: 877-222-7570
Fax: 513-533-6840

Claimant Name
Address
City, State, Zip, Country

Date

Dear Claimant Name:

As you may know, a petition to add a class of former employees who worked at Sandia National Laboratories-Livermore in Livermore, CA, to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) was received by NIOSH. This letter is to provide you with information about the status of this petition and the effect this petition may have on your claim.

On December 12, 2013, in a report to Congress, the Secretary of the Department of Health and Human Services, Kathleen Sebelius, recommended the following class of employees be added to the SEC:

"All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked in any area at the Sandia National Laboratories-Livermore in Livermore, California, from October 1, 1957, through December 31, 1994, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort."

Because Congress took no action within 30 days after receiving the report, the above class was added to the SEC January 11, 2014.

Our records indicate that you, or the energy employee on the claim, worked at Sandia National Laboratories-Livermore during the period from October 1, 1957, through December 31, 1994, and were diagnosed with an SEC-specified cancer. Your case will be reviewed to see whether it meets the criteria to be included in this new SEC class.

Because the Department of Labor (DOL) determines whether a case is eligible to be included and receive compensation under SEC classes, your claim will be returned to DOL. DOL will then review the case and determine whether your case is eligible to be included in the new SEC for Sandia National Laboratories-Livermore. Qualification for compensation under the SEC requires certain medical and employment criteria be met. DOL will let you know the results of this review when it is complete. If you do not meet the criteria for compensation under the new SEC class, DOL will let us know and your case will continue in the dose reconstruction process.

I hope this information is helpful. Should you have any questions about the SEC process, or about eligibility requirements for the new class of employees that has been added to the SEC, you should contact the NIOSH Division of Compensation Analysis and Support (DCAS) toll-free at 1-877-222-7570 or by email at <dcas@cdc.gov>. Additional information about DCAS and the SEC procedures can be found on the DCAS Web site at <<http://www.cdc.gov/niosh/ocas>>.

Sincerely,

Stuart L. Hinnefeld, Director
Division of Compensation Analysis and Support
National Institute for Occupational Safety and Health

Representatives

Attachment 3

Sandia National Laboratories-Livermore

SEC Class Screening Worksheet

1) Employee Name _____

2) SS# _____

3) Is there proof of a diagnosis of a specified cancer? Y / N

If yes, (list cancer type and diagnosis date)

4) Does there appear to be 250 workdays of covered employment between October 1, 1957 and December 31, 1994? Y / N

If yes, identify employment period at Sandia National Laboratories-Livermore.

5) If either question 3 or 4 is answered “no,” is there anything in the file to suggest that additional development might change the answers to “yes?” Y / N

If so, what development is needed?

ECS Action Taken on SEC Screening Navigation Panel:

- ☐ Select “Likely” (#3 and #4 both Yes)
 - ☐ Select “Unlikely” (#5 is a No)
 - ☐ Select “Development Needed” (#5 is a Yes)
-

Date

Signature

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

14-05 Rocky Flats Plant Special Exposure Cohort (SEC) Class from April 1, 1952 through December 31, 1983

EEOICPA CIRCULAR NO. 14-05 January 11, 2014

SUBJECT: Rocky Flats Plant Special Exposure Cohort (SEC) Class from April 1, 1952 through December 31, 1983.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for the Rocky Flats Plant located in Golden, Colorado.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers at the Rocky Flats Plant in Golden, Colorado, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health (“the Board”) on October

16, 2013. On November 12, 2013, the Secretary of Health and Human Services (HHS) received the Board's recommendation to add to the SEC an additional class of employees who worked at the Rocky Flats Plant in Golden, Colorado.

On December 12, 2013, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Rocky Flats Plant in Golden, Colorado, from April 1, 1952, through December 31, 1983, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

A copy of the Secretary's letter to Congress recommending the designation is included as Attachment 1. Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of January 11, 2014, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an employee of the Department of Energy (DOE), an employee of one of its predecessor agencies, or an employee of a DOE contractor or subcontractor who has worked at least 250 workdays at the Rocky Flats Plant in Golden, Colorado from April 1, 1952 through December 31, 1983. If the employee does not have 250 workdays at the Rocky Flats Plant during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees at the Rocky Flats Plant, NIOSH intends to use any internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). Additionally, NIOSH can reconstruct internal and external doses for uranium and thorium extraction operations based upon source term information. This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected employees at the facility is included as Attachment 2.

This Circular should be used in conjunction with EEOICPA Bulletin No. 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as Attachment 3.

As outlined in EEOICPA Bulletin No. 11-07, the district offices and Final Adjudication Branch (FAB) offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. All cases on the comprehensive list, that are located at a district office or FAB office, must be reviewed for possible inclusion in the SEC class. The jurisdictional office listed on the comprehensive report as the location of where the case resides is responsible for ensuring that screening occurs for that case. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the Screening (SEC/PER/Other) Navigation Panel. From the Screening (SEC/PER/Other) screen, select the 'Create' button. Based on the result of the review and in accordance with the 'SEC Class Screening Worksheet,' select the appropriate result of "Likely" if the case is likely an SEC, "Unlikely" if it is unlikely that the case will be an SEC, or "Development Needed" if development is needed. The date of the signed worksheet is recorded in the "Date" field. The reason associated with the SEC is selected in the "Reason" field. For this SEC, the reason is "Rvwd per Circular 14-05, Rocky Flats Plant SEC (4/1/52 – 12/31/83)." If the CE determines that the case is going to be awarded based on a SEC, a positive SEC causation path must be entered into ECS. This process is the equivalent of the SER/SEF codes discussed in Bulletin No. 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Attachment 1



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

December 12, 2013

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
Washington, DC 20515

Dear Representative Pelosi:

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 and 42 C.F.R. pt. 83, a petition was filed on behalf of workers who were employed at the Rocky Flats Plant in Golden, Colorado, to be added to the Special Exposure Cohort (SEC).

The Centers for Disease Control and Prevention's (CDC) National Institute for Occupational Safety and Health (NIOSH) evaluated the petition and presented its findings to the Advisory Board on Radiation and Worker Health (Board) on October 16, 2013. The Board considered the petition, and on November 12, 2013, I received the Board's recommendation concerning this petition. I have also received the deliberations, findings, and recommendations of the Director of NIOSH and the Director of CDC. Based on this information, I have designated the following class for addition to the SEC:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Rocky Flats Plant in Golden, Colorado, from April 1, 1952, through December 31, 1983, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

The criteria and findings upon which this designation is based are provided in the enclosed report.

Please contact me if you have any further questions regarding this matter.

Sincerely,

Kathleen Sebelius

Enclosure



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

NIOSH Tracking Number: NIOSH Claim ID
Energy Employee: Energy Employee Name

National Institute for Occupational
Safety and Health
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati, OH 45226-1998
Phone: 877-222-7570
Fax: 513-533-6840

Claimant Name
Address
City, State, Zip, Country

Date

Dear Claimant Name:

As you may know, a petition to add a class of former employees from the Rocky Flats Plant in Golden, CO, to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) was received by NIOSH. This letter is to provide you with information about the status of this petition and the effect this petition may have on your claim.

On December 12, 2013, in a report to Congress, the Secretary of the Department of Health and Human Services, Kathleen Sebelius, recommended the following class of employees be added to the SEC:

"All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Rocky Flats Plant in Golden, Colorado, from April 1, 1952, through December 31, 1983, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort."

Because Congress took no action within 30 days after receiving the report, the above class was added to the SEC January 11, 2014.

Our records indicate that you, or the energy employee on the claim, worked at the Rocky Flats Plant during the period from April 1, 1952, through December 31, 1983, and were diagnosed with an SEC-specified cancer. Your case will be reviewed to see whether it meets the criteria to be included in this new SEC class.

Because the Department of Labor (DOL) determines whether a case is eligible to be included and receive compensation under SEC classes, your claim will be returned to DOL. DOL will then review the case and decide whether your case is eligible to be included in the new SEC for the Rocky Flats Plant. Qualification for compensation under the SEC requires certain medical and employment criteria be met. DOL will let you know the results of this review when it is complete. If you do not meet the criteria for compensation under the new SEC class, DOL will let us know and your case will continue in the dose reconstruction process.

I hope this information is helpful. Should you have any questions about the SEC process, or about eligibility requirements for the new class of employees that has been added to the SEC, you should contact the NIOSH Division of Compensation Analysis and Support (DCAS) toll-free at 1-877-222-7570 or by email at <dcas@cdc.gov>. Additional information about DCAS and the SEC procedures can be found on the DCAS Web site at <<http://www.cdc.gov/niosh/ocas>>.

Sincerely,

Stuart L. Hinnefeld, Director
Division of Compensation Analysis and Support
National Institute for Occupational Safety and Health

Representatives

Attachment 3
Rocky Flats Plant

SEC Class Screening Worksheet

1) Employee Name _____

2) SS# _____

3) Is there proof of a diagnosis of a specified cancer? Y / N

If yes, (list cancer type and diagnosis date)

4) Does there appear to be 250 workdays of covered employment April 1, 1952 through December 31, 1983? Y / N

If yes, identify employment period at the Rocky Flats Plant.

5) If either question 3 or 4 is answered “no,” is there anything in the file to suggest that additional development might change the answers to “yes?” Y / N

If so, what development is needed?

ECS Action Taken on SEC Screening Navigation Panel:

☐ Select “Likely” (#3 and #4 both Yes)

☐ Select “Unlikely” (#5 is a No)

☐ Select “Development Needed” (#5 is a Yes)

Date

Signature

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

14-06 Qualifying as a “spouse” under EEOICPA following the Supreme Court’s decision in *United States v. Windsor*

EEOICPA CIRCULAR NO.14-06

February 28, 2014

SUBJECT: Qualifying as a “spouse” under EEOICPA following the Supreme Court’s decision in *United States v. Windsor*.

On June 26, 2013, the Supreme Court ruled in *United States v. Windsor* that Section 3 of the Defense of Marriage Act (DOMA) is unconstitutional. Section 3 provided that, in any federal statute (such as EEOICPA), the term “marriage” meant a legal union between one man and one woman as husband and wife, and that the term “spouse” referred only to a person of the opposite sex who is a husband or a wife. In light of the Supreme Court’s decision in *Windsor*, the Division of Energy Employees Occupational Illness Compensation (DEEOIC) is issuing this Circular to provide guidance to claims examiners on the meaning of the terms “marriage,” “spouse,” “husband,” “wife,” and any other term related to marital status as they appear in EEOICPA and the Program’s regulations and policies.

DEEOIC has always allowed survivors to prove the existence of an opposite-sex marriage by submitting a copy of a valid marriage certificate issued by the state of celebration. Starting with former Chapter 2-200.4c(1) (June 2002) of the Federal (EEOICPA) Procedure Manual, which provided that “For a surviving spouse, documentation would consist of a copy of his/her marriage certificate,” this practice continues to the present day in current Chapter 2-1200.7 (August 2010), which states that “For

either a Part B or Part E claim for spousal survivorship, the necessary documentation to establish a viable claim usually consists of a copy of the marriage certificate issued or recognized by a State Authority or an Indian Tribe Authority.” This practice will now be applied to same-sex marriages in the same manner it has been applied to opposite-sex marriages.

For the purposes of EEOICPA, its regulations at 20 C.F.R. Part 30 and its policies, the terms “spouse,” “husband,” and “wife” will be read to refer to any individual who is lawfully married under any state law, including an individual married to a person of the same sex who was legally married in a state that recognizes such marriages, but who is now domiciled in a state that does not recognize such marriages. The terms “married,” “marriage” and any other term related to marital status will be read to include a same-sex marriage valid in the state where it was celebrated.

For purposes of this guidance, the term “state” means any state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Northern Mariana Islands, any other territory or possession of the United States and any foreign jurisdiction having the legal authority to sanction marriages. The terms “spouse,” “marriage,” and other terms related to marital status, however, do not include individuals in a formal relationship recognized by a state that is not called a “marriage” under state law, such as a domestic partnership or a civil union, even when the individuals who are in these relationships have the same rights and responsibilities as those individuals who are married under state law. The foregoing sentence applies to individuals who are in these types of relationships with an individual of the opposite sex or same sex. The terms “spouse,” “marriage,” and other terms related to marital status also do not include individuals in marriages celebrated outside the United States that are generally not recognized in the United States, such as bigamous or non-consensual marriages.

Pursuant to this Circular, DEEOIC will recognize marriages that are valid in the state in which they were celebrated, regardless of the couple’s current state of domicile. There is no need for any change to DEEOIC’s procedures, because they are already focused on the “state of celebration” when a survivor alleges a ceremonial marriage.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Sections

14-07 Joslyn Manufacturing and Supply Company Special Exposure Cohort (SEC) Class from March 1, 1943 through July 31, 1948

EEOICPA CIRCULAR NO. 14-07 April 26, 2014

SUBJECT: Joslyn Manufacturing and Supply Company Special Exposure Cohort (SEC) Class from March 1, 1943 through July 31, 1948.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for the Joslyn Manufacturing and Supply Company located in Fort Wayne, Indiana.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R Part 83, a petition was filed on behalf of workers at the Joslyn

Manufacturing and Supply Company in Fort Wayne, Indiana, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health (“the Board”) on January 28, 2014. On February 25, 2014, the Secretary of Health and Human Services (HHS) received the Board’s recommendation to add to the SEC a class of employees who worked at the Joslyn Manufacturing and Supply Company in Fort Wayne, Indiana.

On March 27, 2014, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All Atomic Weapons Employees who worked for Joslyn Manufacturing and Supply Company at the covered facility in Fort Wayne, Indiana, from March 1, 1943 through July 31, 1948, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

A copy of the Secretary’s letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of April 26, 2014, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

This is the second SEC class for workers at the Joslyn Manufacturing and Supply Company. The initial class was the subject of EEOICPA Circular No. 13-07. To qualify under this SEC class, the employee must be an Atomic Weapons Employee who has worked at least 250 workdays at the Joslyn Manufacturing and Supply Company in Fort Wayne, Indiana from March 1, 1943 through July 31, 1948. If the employee does not have 250 workdays at the Joslyn Manufacturing and Supply Company during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for Atomic Weapons Employees at the Joslyn Manufacturing and Supply Company, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected employees at the facility is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin No. 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA Bulletin No. 11-07, the district offices and Final Adjudication Branch (FAB) office are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. All cases on the comprehensive list, that are located at a district office or FAB office, are reviewed for possible inclusion in the SEC class. The jurisdictional office listed on the comprehensive report as the location of where the case resides is responsible for ensuring that screening occurs for that case. For screening only, the results reflected on the initial screening worksheet are recorded in ECS using the Screening (SEC/PER/Other) Navigation Panel. From the Screening (SEC/PER/Other) Navigation Panel on the case, select the ‘Create’ button. Based on the result of the review and in accordance with the ‘SEC Class Screening Worksheet’, select the appropriate result of “Likely” if the case is likely an SEC, “Unlikely” if it is unlikely that the case will

be an SEC or “Development Needed” if development is needed. The date of the signed worksheet is recorded in the “Date” field. The reason associated with the SEC is selected in the “Reason” field. For this SEC, the reason is “Rvwd per Circular 14-07, Joslyn Manufacturing and Supply Company (3/1/43 – 7/31/48).” If the CE determines that the case is going to be awarded based on a SEC, he or she enters a positive SEC causation path into ECS. This process is the equivalent of the SER/SEF codes discussed in Bulletin No. 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Attachment 1



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

March 27, 2014

The Honorable Joseph R. Biden, Jr.
President of the United States Senate
Washington, DC 20510

Dear Mr. President:

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 and 42 C.F.R. pt. 83, a petition was filed on behalf of workers who were employed at the Joslyn Manufacturing and Supply Co. in Fort Wayne, Indiana, to be added to the Special Exposure Cohort (SEC).

The Centers for Disease Control and Prevention's (CDC) National Institute for Occupational Safety and Health (NIOSH) evaluated the petition and presented its findings to the Advisory Board on Radiation and Worker Health (Board) on January 28, 2014. The Board considered the petition, and on February 25, 2014, I received the Board's recommendation concerning this petition. I have also received the deliberations, findings, and recommendations of the Director of NIOSH and the Director of CDC. Based on this information, I have designated the following class for addition to the SEC:

All Atomic Weapons Employees who worked for Joslyn Manufacturing and Supply Co. at the covered facility in Fort Wayne, Indiana, from March 1, 1943, through July 31, 1948, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

The criteria and findings upon which this designation is based are provided in the enclosed report.

Please contact me if you have any further questions regarding this matter.

Sincerely,

Kathleen Sebelius

Enclosure

Attachment 2



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

NIOSH Tracking Number: NIOSH Claim ID
Energy Employee: Energy Employee Name

National Institute for Occupational
Safety and Health
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati, OH 45226-1998
Phone: 877-222-7570
Fax: 513-533-6840

Claimant Name
Address
City, State, Zip, Country

Date

Dear Claimant Name:

As you may know, a petition to add a class of former employees who worked at Joslyn Manufacturing and Supply Co., Fort Wayne, IN, to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) was received by NIOSH. This letter is to provide you with information about the status of this petition and the effect this petition may have on your claim.

On March 27, 2014, in a report to Congress, the Secretary of the Department of Health and Human Services, Kathleen Sebelius, recommended the following class of employees be added to the SEC:

"All Atomic Weapons Employees who worked for Joslyn Manufacturing and Supply Co. at the covered facility in Fort Wayne, Indiana, from March 1, 1943, through July 31, 1948, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort."

Because Congress took no action within 30 days after receiving the report, the above class was added to the SEC April 26, 2014.

Our records indicate that you, or the energy employee on the claim, worked at Joslyn Manufacturing and Supply Co. during the period from March 1, 1943, through July 31, 1948, and were diagnosed with an SEC-specified cancer. Your case will be reviewed to see whether it meets the criteria to be included in this new SEC class.

Because the Department of Labor (DOL) determines whether a case is eligible to be included and receive compensation under SEC classes, your claim will be returned to DOL. DOL will then review the case and determine whether your case is eligible to be included in the new SEC for Joslyn Manufacturing and Supply Co. Qualification for compensation under the SEC requires certain medical and employment criteria be met. DOL will let you know the results of this review when it is complete. If you do not meet the criteria for compensation under the new SEC class, DOL will let us know and your case will continue in the dose reconstruction process.

I hope this information is helpful. Should you have any questions about the SEC process, or about eligibility requirements for the new class of employees that has been added to the SEC, you should contact the NIOSH Division of Compensation Analysis and Support (DCAS) toll-free at 1-877-222-7570 or by email at <dcas@cdc.gov>. Additional information about DCAS and the SEC procedures can be found on the DCAS Web site at <<http://www.cdc.gov/niosh/ocas>>.

Sincerely,

Stuart L. Hinnefeld, Director
Division of Compensation Analysis and Support
National Institute for Occupational Safety and Health

Representatives

Attachment 3

Joslyn Manufacturing and Supply Company
SEC Class Screening Worksheet

1) Employee Name _____

2) SS# _____

3) Is there proof of a diagnosis of a specified cancer? Y / N

If yes, (list cancer type and diagnosis date)

4) Does there appear to be 250 workdays of covered employment between March 1, 1943 and July 31, 1948? Y / N

If yes, identify employment period at Joslyn Manufacturing and Supply Company

5) If either question 3 or 4 is answered “no,” is there anything in the file to suggest that additional development might change the answers to “yes?” Y / N

If so, what development is needed?

ECS Action Taken on SEC Screening Navigation Panel:

- ☐ Select “Likely” (#3 and #4 both Yes)
- ☐ Select “Unlikely” (#5 is a No)
- ☐ Select “Development Needed” (#5 is a Yes)

Date

Signature

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

14-08 Nuclear Metals, Inc. Special Exposure Cohort (SEC) Class from January 1, 1980 through December 31, 1990

EEOICPA CIRCULAR NO. 14-08 Date: August 10, 2014

SUBJECT: Nuclear Metals, Inc. Special Exposure Cohort (SEC) Class from January 1, 1980 through December 31, 1990.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for Nuclear Metals, Inc. located in West Concord, Massachusetts.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000

(EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers at Nuclear Metals, Inc. in West Concord, Massachusetts, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health (“the Board”) on April 29, 2014. On June 10, 2014, the Secretary of Health and Human Services (HHS) received the Board’s recommendation to add to the SEC a class of employees who worked at Nuclear Metals, Inc. in West Concord, Massachusetts.

On July 11, 2014, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All Atomic Weapons Employees who worked at the facility owned by Nuclear Metals, Inc. (or a subsequent owner) in West Concord, Massachusetts, during the period from January 1, 1980, through December 31, 1990, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

A copy of the Secretary’s letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of August 10, 2014, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

This is the second SEC class for workers at Nuclear Metals, Inc. The initial class was the subject of EEOICPA Circular No. 13-05. To qualify under this SEC class, the employee must be an Atomic Weapons Employee who worked at the facility owned by Nuclear Metals, Inc. (or a subsequent owner) in West Concord, Massachusetts, during the period from January 1, 1980 through December 31, 1990. If the employee does not have 250 workdays at the facility owned by Nuclear Metals, Inc. (or a subsequent owner) during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for Atomic Weapons Employees at the facility owned by Nuclear Metals, Inc. (or a subsequent owner), NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected employees at the facility is included as [Attachment 2](#).

This Circular should be used in conjunction the EEOICPA Bulletin No. 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA Bulletin No. 11-07, the district offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the Screening (SEC/PER/Other) Navigation Panel. From the Screening (SEC/PER/Other) Navigation Panel on the case, select the ‘Create’ button. Based on the result of the review and in accordance with the ‘SEC Class Screening Worksheet’, select the appropriate result of “Likely” if the case is likely an SEC, “Unlikely” if it is unlikely that the case will be an SEC or “Development Needed” if development is needed. The date of the signed worksheet is recorded in the “Date” field. The reason associated with the SEC is selected in the “Reason” field. For this SEC, the reason is “Rvwd per Circular 14-08,

Nuclear Metals, Inc. (1/1/80 – 12/31/90).” If the District Office and FAB CEs determine that the case is going to be awarded based on a SEC, a positive SEC causation path must be entered into ECS, selecting the SER and SEF blocks, and entering their Dates and the appropriate SER Reason and SEF Reason “Rvwd per Circular 14-08, Nuclear Metals, Inc. (1/1/80 – 12/31/90).” This process is the equivalent of the SER/SEF codes discussed in Bulletin 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Attachment 1



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

JUL 11 2014

The Honorable Joseph R. Biden, Jr.
President of the United States Senate
Washington, DC 20510

Dear Mr. President:

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 and 42 C.F.R. pt. 83, a petition was filed on behalf of workers who were employed at Nuclear Metals, Inc. in West Concord, Massachusetts, to be added to the Special Exposure Cohort (SEC).

The Centers for Disease Control and Prevention's (CDC) National Institute for Occupational Safety and Health (NIOSH) evaluated the petition and presented its findings to the Advisory Board on Radiation and Worker Health (Board) on April 29, 2014. The Board considered the petition, and on June 10, 2014, I received the Board's recommendation concerning this petition. I have also received the deliberations, findings, and recommendations of the Director of NIOSH and the Director of CDC. Based on this information, I have designated the following class for addition to the SEC:

All Atomic Weapons Employees who worked at the facility owned by Nuclear Metals, Inc. (or a subsequent owner) in West Concord, Massachusetts, during the period from January 1, 1980, through December 31, 1990, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

The criteria and findings upon which this designation is based are provided in the enclosed report.

Please contact me if you have any further questions regarding this matter.

Sincerely,

Sylvia M. Burwell

Enclosure

Attachment 2



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

NIOSH Tracking Number: NIOSH Claim ID
Energy Employee: Energy Employee Name

National Institute for Occupational
Safety and Health
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati, OH 45226-1998
Phone: 877-222-7570
Fax: 513-533-6840

Claimant Name
Address
City, State, Zip, Country

Date

Dear Claimant Name:

As you may know, a petition to add a class of former employees who worked at Nuclear Metals, Inc., West Concord, MA, to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) was received by NIOSH. This letter is to provide you with information about the status of this petition and the effect this petition may have on your claim.

On July 11, 2014, in a report to Congress, the Secretary of the Department of Health and Human Services, Sylvia Burwell, recommended the following class of employees be added to the SEC:

"All Atomic Weapons Employees who worked at the facility owned by Nuclear Metals, Inc. (or a subsequent owner) in West Concord, Massachusetts, during the period from January 1, 1980, through December 31, 1990, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort."

Because Congress took no action within 30 days after receiving the report, the above class was added to the SEC August 10, 2014.

Our records indicate that you, or the energy employee on the claim, worked at Nuclear Metals, Inc. during the period from January 1, 1980, through December 31, 1990, and were diagnosed with an SEC-specified cancer. Your case will be reviewed to see whether it meets the criteria to be included in this new SEC class.

Because the Department of Labor (DOL) determines whether a case is eligible to be included and receive compensation under SEC classes, your claim will be returned to DOL. DOL will then review the case and determine whether your case is eligible to be included in the new SEC for Nuclear Metals, Inc. Qualification for compensation under the SEC requires certain medical and employment criteria be met. DOL will let you know the results of this review when it is complete. If you do not meet the criteria for compensation under the new SEC class, DOL will let us know and your case will continue in the dose reconstruction process.

I hope this information is helpful. Should you have any questions about the SEC process, or about eligibility requirements for the new class of employees that has been added to the SEC, you should contact the NIOSH Division of Compensation of Analysis and Support (DCAS) toll-free at 1-877-222-7570 or by email at <dcas@cdc.gov>. Additional information about DCAS and the SEC procedures can be found on the DCAS Web site at <<http://www.cdc.gov/niosh/ocas>>.

Sincerely,

Stuart L. Hinnefeld, Director
Division of Compensation Analysis and Support
National Institute for Occupational Safety and Health

Representatives

Attachment 3

Nuclear Metals, Inc.
SEC Class Screening Worksheet

1) Employee Name _____

2) SS# _____

3) Is there proof of a diagnosis of a specified cancer? Y / N

If yes, (list cancer type and diagnosis date)

4) Does there appear to be 250 workdays of covered employment between January 1, 1980 and December 31, 1990? Y / N

If yes, identify employment period at Nuclear Metals, Inc.

5) If either question 3 or 4 is answered “no,” is there anything in the file to suggest that additional development might change the answers to “yes?” Y / N

If so, what development is needed?

ECS Action Taken on SEC Screening Navigation Panel:

- ☐ Select “Likely” (#3 and #4 both Yes)
- ☐ Select “Unlikely” (#5 is a No)
- ☐ Select “Development Needed” (#5 is a Yes)

Date

Signature

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

2013 EEOICP Final Circulars

13-01 Ventron Corporation Special Exposure Cohort (SEC) Class from November 1, 1942 through December 31, 1948

EEOICPA CIRCULAR NO. 13-01 November 11, 2012

SUBJECT: Ventron Corporation Special Exposure Cohort (SEC) Class from November 1, 1942 through December 31, 1948.

The purpose of this circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for the Ventron Corporation located in Beverly, Massachusetts (aka Metal Hydrides).

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers at Ventron Corporation in Beverly, Massachusetts, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the petitioners and the Advisory Board on Radiation and Worker Health (“the Board”) on June 21, 2012. On September 17, 2012, the Secretary of Health and Human Services

(HHS) received the Board's recommendation to add to the SEC a class of employees who worked at the Ventron Corporation in Beverly, Massachusetts.

On October 12, 2012, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All Atomic Weapons Employees who worked for the Ventron Corporation at its facility in Beverly, Massachusetts, from November 1, 1942 through December 31, 1948, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more classes of employees included in the Special Exposure Cohort.

A copy of the Secretary's letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of November 11, 2012, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an Atomic Weapons Employee who has worked at least 250 workdays at the Ventron Corporation in Beverly, Massachusetts from November 1, 1942 through December 31, 1948. If the employee does not have 250 workdays at the Ventron Corporation during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees at Ventron Corporation, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Ventron Corporation employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA BULLETIN NO. 11-07, the district offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the SEC Screening Navigation Panel. From the SEC Screening Navigation Panel, on the case, select the 'Create Status' button. Based on the result of the review and in accordance with the 'SEC Class Screening Worksheet', the appropriate result of "ISD" if development is needed, "ISL" if the case is likely an SEC, or "ISU" if it is unlikely that the case will be an SEC is selected in the "Status Code" field. The date of the signed worksheet is recorded in the "Date" field. The reason associated with the SEC is selected in the "Status Reason Code" field. For this SEC, the reason is "Rvwd per Circular 13-01, Ventron Corporation SEC (11/1/42-12/31/48)." If the CE determines that the case is going to be awarded based on an SEC, a positive SEC causation path must be entered into ECS. This process is the equivalent of the SER/SEF codes discussed in Bulletin 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

[Attachments:](#)

Attachment 1



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

October 12, 2012

The Honorable Joseph R. Biden, Jr.
President of the United States Senate
Washington, DC 20510

Dear Mr. President:

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 and 42 C.F.R. pt. 83, a petition was filed on behalf of workers who were employed at the Ventron Corporation in Beverly, Massachusetts, to be added to the Special Exposure Cohort (SEC).

The Centers for Disease Control and Prevention's (CDC) National Institute for Occupational Safety and Health (NIOSH) evaluated the petition and presented its findings to the Advisory Board on Radiation and Worker Health (Board) on August 15, 2012. The Board considered the petition, and on September 17, 2012, I received the Board's recommendation concerning this petition. I have also received the deliberations, findings, and recommendations of the Director of NIOSH and the Director of CDC. Based on this information, I have designated the following class for addition to the SEC:

All Atomic Weapons Employees who worked for the Ventron Corporation at its facility in Beverly, Massachusetts, from November 1, 1942, through December 31, 1948, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more classes of employees included in the Special Exposure Cohort.

The criteria and findings upon which this designation is based are provided in the enclosed report.

Please contact me if you have any further questions regarding this matter.

Sincerely,

Kathleen Sebelius

Enclosure

Attachment 2



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

NIOSH Tracking Number: NIOSH Claim ID
Energy Employee: Energy Employee Name

National Institute for Occupational
Safety and Health
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati, OH 45226-1998
Phone: 877-222-7570
Fax: 513-533-6840

Claimant Name
Address
City, State, Zip, Country

Date

Dear Claimant Name:

As you may know, a petition to add a class of former employees from the Ventron Corporation, Beverly, MA, to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) was received by NIOSH. This letter is to provide you with information about the status of this petition and the effect this petition may have on your claim.

On October 12, 2012, in a report to Congress, the Secretary of the Department of Health and Human Services, Kathleen Sebelius, recommended the following class of employees be added to the SEC:

"All Atomic Weapons Employees who worked for the Ventron Corporation at its facility in Beverly, Massachusetts, from November 1, 1942, through December 31, 1948, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort."

Because Congress took no action within 30 days after receiving the report, the above class was added to the SEC on November 11, 2012.

Our records indicate that you, or the energy employee on the claim, worked at the Ventron Corporation during the period from November 1, 1942 through December 31, 1948, and were diagnosed with an SEC-specified cancer. Your case will be reviewed to see whether it meets the criteria to be included in this new SEC class.

Because the Department of Labor (DOL) determines whether a case is eligible to be included and receive compensation under SEC classes, your claim will be returned to DOL. DOL will then review the case, and decide whether your case is eligible to be included in the new SEC for the Ventron Corporation. Qualification for compensation under the SEC requires certain medical and employment criteria be met. DOL will let you know the results of this review when it is complete. If you do not meet the criteria for compensation under the new SEC class, DOL will let us know and your case will continue in the dose reconstruction process.

I hope this information is helpful. Should you have any questions about the SEC process, or about eligibility requirements for the new class of employees that has been added to the SEC, you should contact the NIOSH Division of Compensation Analysis and Support (DCAS) toll-free at 1-877-222-7570 or by email at <dcas@cdc.gov>. Additional information about DCAS and the SEC procedures can be found on the DCAS Web site at <<http://www.cdc.gov/niosh/locas>>.

Sincerely,

Stuart L. Hinnefeld, Director
Division of Compensation Analysis and Support
National Institute for Occupational Safety and Health

Representatives

Attachment 3

Ventron Corporation

SEC Class Screening Worksheet

- 1) Employee Name _____
- 2) SS# _____

3) Is there proof of a diagnosis of a specified cancer? Y / N

If yes, (list cancer type and diagnosis date)

4) Does there appear to be 250 workdays of covered employment between November 1, 1942 and December 31, 1948? Y / N

If yes, identify employment period at Ventron Corporation.

5) If either question 3 or 4 is answered “no,” is there anything in the file to suggest that additional development might change the answers to “yes?” Y / N

If so, what development is needed?

ECS Action Taken on SEC Screening Navigation Panel:

- ☐ Select “ISL” (#3 and #4 both Yes)
- ☐ Select “ISU” (#5 is a No)
- ☐ Select “ISD” (#5 is

Date

Signature

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

13-02 Oak Ridge National Laboratory (X-10) Special Exposure Cohort (SEC) Class from June 17, 1943 through July 31, 1955

EEOICPA CIRCULAR NO. 13-02 January 6, 2013

SUBJECT: Oak Ridge National Laboratory (X-10) Special Exposure Cohort (SEC) Class from June 17, 1943 through July 31, 1955.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for the Oak Ridge National Laboratory (X-10) located in Oak Ridge, Tennessee.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers at Oak Ridge National Laboratory (X-10) in Oak Ridge, Tennessee, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the petitioners and the Advisory Board on Radiation and Worker Health (“the

Board”) on September 18, 2012. On November 7, 2012, the Secretary of Health and Human Services (HHS) received the Board’s recommendation to add to the SEC a class of employees who worked at the Oak Ridge National Laboratory in Oak Ridge, Tennessee.

On December 7, 2012, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked in any area at the Oak Ridge National Laboratory (X-10) in Oak Ridge, Tennessee, from June 17, 1943, through July 31, 1955, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

A copy of the Secretary’s letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of January 6, 2013, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an employee of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked in any area at the Oak Ridge National Laboratory (X-10) in Oak Ridge, Tennessee, from June 17, 1943 through July 31, 1955, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort. If the employee does not have 250 workdays at the Oak Ridge National Laboratory (X-10) during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees at the Oak Ridge National Laboratory (X-10), NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Oak Ridge National Laboratory (X-10) employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin No. 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA Bulletin No. 11-07, the district offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the Screening (SEC/PER/Other) Navigation Panel. From the Screening (SEC/PER/Other) Navigation Panel on the case, select the ‘Create’ button. Based on the result of the review and in accordance with the ‘SEC Class Screening Worksheet’, the appropriate result of “Likely” if the case is likely an SEC, “Unlikely” if it is unlikely that the case will be an SEC or “Development Needed” if development is needed, is selected. The date of the signed worksheet is recorded in the “Date” field. The reason associated with the SEC is selected in the “Reason” field. For this SEC, the reason is “Rvwd per Circular 13-02, Oak Ridge National Laboratory (X-10) SEC (6/17/43-7/31/55).” If the District Office

and FAB CEs determine that the case is going to be awarded based on a SEC, a positive SEC causation path must be entered into ECS, selecting the SER and SEF blocks, and entering their Dates and the appropriate SER Reason and SEF Reason “Rvwd per Circular 13-02, Oak Ridge National Laboratory (X-10) SEC (6/17/43-7/31/55).” This process is the equivalent of the SER/SEF codes discussed in Bulletin No. 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

13-03 Los Alamos National Laboratory Special Exposure Cohort (SEC) Class from January 1, 1976 through December 31, 1995

EEOICPA CIRCULAR NO. 13-03 January 6, 2013

SUBJECT: Los Alamos National Laboratory Special Exposure Cohort (SEC) Class from January 1, 1976 through December 31, 1995.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for the Los Alamos National Laboratory located in Los Alamos, New Mexico.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from the Los Alamos National Laboratory in Los Alamos, New Mexico, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health (“the Board”) on October 31, 2012. On November 7, 2012, the Secretary of Health and Human Services (HHS) received the Board’s recommendation to add to the SEC a class of employees who worked at the Los Alamos National Laboratory.

On December 7, 2012, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Los Alamos National Laboratory (LANL) in Los Alamos, New Mexico from January 1, 1976, through December 31, 1995, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

A copy of the Secretary’s letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of January 6, 2013, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in

the report to Congress.

To qualify under this class, the employee must be an employee of the Department of Energy (DOE), an employee of one of its predecessor agencies, or an employee of a DOE contractor or subcontractor who has worked at least 250 workdays at the Los Alamos National Laboratory in Los Alamos, New Mexico between January 1, 1976 through December 31, 1995. If the employee does not have 250 workdays at the Los Alamos National Laboratory during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them to meet the 250-workday requirement.

While a new SEC class has been added for employees at the Los Alamos National Laboratory, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Los Alamos National Laboratory employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin No. 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA Bulletin No. 11-07, the district offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the Screening (SEC/PER/Other) Navigation Panel. From the Screening (SEC/PER/Other) Navigation Panel on the case, select the 'Create Status' button. Based on the result of the review and in accordance with the 'SEC Class Screening Worksheet', the appropriate result of either "Development Needed" if development is needed, "Likely" if the case is likely an SEC, or "Unlikely" if it is unlikely that the case will be an SEC is selected. The date of the signed worksheet is recorded in the "Date" field. The reason associated with the SEC is selected in the "Reason" field. For this SEC, the reason is "Rvwd per Circular 13-03 Los Alamos National Laboratory SEC (1/1/76-12/31/95)." If the District Office and FAB CEs determine that the case is going to be awarded based on a SEC, a positive SEC causation path must be entered into ECS, selecting the SER and SEF blocks, and entering their Dates and the appropriate SER Reason and SEF Reason "Rvwd per Circular 13-03 Los Alamos National Laboratory SEC (1/1/76-12/31/95)." This process is the equivalent of the SER/SEF codes discussed in Bulletin No. 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

13-04 Mound Plant Special Exposure Cohort (SEC) Class from September 1, 1972 through December 31, 1972 or from January 1, 1975 through December 31, 1976

EEOICPA CIRCULAR NO. 13-04

January 6, 2013

SUBJECT: Mound Plant Special Exposure Cohort (SEC) Class from September 1, 1972 through December 31, 1972 or from January 1, 1975 through December 31, 1976.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for the Mound Plant located in Miamisburg, Ohio.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers at the Mound Plant in Miamisburg, Ohio, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health (“the Board”) on September 19, 2012. On November 7, 2012, the Secretary of Health and Human Services (HHS) received the Board’s recommendation to add to the SEC a class of employees who worked at the Mound Plant in Miamisburg, Ohio.

On December 7, 2012, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Mound Plant in Miamisburg, Ohio, from September 1, 1972, through December 31, 1972, or from January 1, 1975, through December 31, 1976, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

A copy of the Secretary’s letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of January 6, 2013, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

This is the third SEC class for workers at the Mound Plant. The initial two classes were the subject of EEOICPA Bulletin Nos. 08-19 and 10-21. To qualify under this class, the employee must be an employee of the Department of Energy (DOE), an employee of one of its predecessor agencies, or an employee of a DOE contractor or subcontractor who has worked at least 250 workdays at the Mound Plant in Miamisburg, Ohio from September 1, 1972 through December 31, 1972 or from January 1, 1975 through December 31, 1976. If the employee does not have 250 workdays at the Mound Plant during the periods of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them to meet the 250-workday requirement.

While a new SEC class has been added for employees at the Mound Plant, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Mound Plant employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin No. 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA Bulletin No. 11-07, the district offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the Screening (SEC/PER/Other) Navigation Panel. From the Screening (SEC/PER/Other) Navigation Panel on the case, select the 'Create' button. Based on the result of the review and in accordance with the 'SEC Class Screening Worksheet', select the appropriate result of "Likely" if the case is likely an SEC, "Unlikely" if it is unlikely that the case will be an SEC or "Development Needed" if development is needed. The date of the signed worksheet is recorded in the "Date" field. The reason associated with the SEC is selected in the "Reason" field. For this SEC, the reason is "Rvwd per Circular 13-04, Mound Plant SEC (9/1/72 – 12/31/72 or 1/1/75 – 12/31/76)." If the District Office and FAB CEs determine that the case is going to be awarded based on a SEC, a positive SEC causation path must be entered into ECS, selecting the SER and SEF blocks, and entering their Dates and the appropriate SER Reason and SEF Reason "Rvwd per Circular 13-04, Mound Plant SEC (9/1/72 – 12/31/72 or 1/1/75 – 12/31/76)." This process is the equivalent of the SER/SEF codes discussed in Bulletin No. 11 07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

13-05 Nuclear Metals, Inc. Special Exposure Cohort (SEC) Class from October 29, 1958 through December 31, 1979

EEOICPA CIRCULAR NO. 13-05 January 6, 2013

SUBJECT: Nuclear Metals, Inc. Special Exposure Cohort (SEC) Class from October 29, 1958 through December 31, 1979.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for Nuclear Metals, Inc. located in West Concord, Massachusetts.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers at Nuclear Metals, Inc. in West Concord, Massachusetts, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health ("the Board") on September 20, 2012. On November 7, 2012, the Secretary of Health and Human Services (HHS) received the Board's recommendation to add to the SEC a class of employees who worked at Nuclear Metals, Inc. in West Concord, Massachusetts.

On December 7, 2012, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All Atomic Weapons Employees who worked at the facility owned by Nuclear Metals, Inc. (or a subsequent owner) in West Concord, Massachusetts, during the period from October 29, 1958, through

December 31, 1979, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

A copy of the Secretary's letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of January 6, 2013, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an Atomic Weapons Employee who worked at the facility owned by Nuclear Metals, Inc. (or a subsequent owner) in West Concord, Massachusetts, during the period from October 29, 1958 through December 31, 1979. If the employee does not have 250 workdays at the facility owned by Nuclear Metals, Inc. (or a subsequent owner) during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for Atomic Weapons Employees at the facility owned by Nuclear Metals, Inc. (or a subsequent owner), NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected employees at the facility is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin No.11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA Bulletin No. 11-07, the district offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the Screening (SEC/PER/Other) Navigation Panel. From the Screening (SEC/PER/Other) Navigation Panel on the case, select the 'Create' button. Based on the result of the review and in accordance with the 'SEC Class Screening Worksheet', select the appropriate result of "Likely" if the case is likely an SEC, "Unlikely" if it is unlikely that the case will be an SEC or "Development Needed" if development is needed. The date of the signed worksheet is recorded in the "Date" field. The reason associated with the SEC is selected in the "Reason" field. For this SEC, the reason is "Rvwd per Circular 13-05, Nuclear Metals, Inc. (10/29/58 – 12/31/79)." If the District Office and FAB CEs determine that the case is going to be awarded based on a SEC, a positive SEC causation path must be entered into ECS, selecting the SER and SEF blocks, and entering their Dates and the appropriate SER Reason and SEF Reason "Rvwd per Circular 13-05, Nuclear Metals, Inc. (10/29/58 – 12/31/79)." This process is the equivalent of the SER/SEF codes discussed in Bulletin No. 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

13-06 Review of Denied Bladder Cancer Cases under Part E

EEOICPA CIRCULAR NO. 13-06

February 21, 2013

SUBJECT: Review of Denied Bladder Cancer Cases under Part E.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the first set of cases to be reviewed under Bulletin No. 13-02, "Systematic Review of Denied Part E Cases."

An important component of adjudicating claims under Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) is the Site Exposure Matrix (SEM). SEM identifies toxic substances that were present at Department of Energy (DOE) facilities and Radiation Exposure Compensation Act (RECA) uranium mines and mills. Moreover, the information contained in the SEM identifies scientifically known relational connections between particular chemical or biological exposures and specific illnesses. The SEM labels these relational connections as toxic "health effects."

The source of health effect findings referenced in SEM is the National Library of Medicine's (NLM) Haz-Map database. Haz-Map is an occupational health database designed to provide information about the adverse effects of workplace exposures to chemical and biological agents. These links are derived from current scientific evidence.

Recently, Haz-Map was updated to reflect the latest scientific recommendations of the International Agency for Research on Cancer (IARC). The subject of this Circular is bladder cancer because Haz-Map now identifies exposures to the following substances as being causally linked to bladder cancer: Direct Black 38 (1937-37-7) (identified in SEM as Cholorazole BlackE), Benzo(a)pyrene (50-32-8), 4,4'-Methylenebis-(2-chloroaniline)[hereafter MOCA] and o-Toluidine (95-53-4). A pull list has been assembled that contains a list of all denied Part E bladder cancer claims.

The cases on this list are to be reviewed as per the policies and procedures outlined in Bulletin No. 13-02, and in conjunction with the instructions provided in this Circular, including completion of the worksheet which is provided in [Attachment 1](#). Cases reviewed using the guidance in this Circular are to have the related screening actions recorded in ECS, as outlined in Bulletin No. 13-02. The "Initial Screening Reason" to be selected with the Initial Screening date and result (and "No Action Necessary," if needed) is "Rvwd per Circular 13-06, Bladder Part E." The completed worksheet and related SEM search(es) are to be placed in the case file.

In terms of the scientific studies utilized to conclude that these additional toxins are now linked to bladder cancer, none were studies of DOE worker populations but involve other worker populations. The following paragraphs will provide an overview of these substances to provide context for making exposure determinations, including some information about worker populations and how this can be extended to DOE workers. In all instances a thorough SEM search is to be conducted in conjunction with a review of the DAR/OHQ and any other potentially relevant material in the case file. Additionally, the IH referral process is available to help assess potential exposure levels.

The link between **Direct Black** and Bladder Cancer is largely based upon dye industry workers, especially the dyestuff workers in northern Italy. There are no dye works at DOE. However, this substance was used at DOE in limited research and laboratory activities at Brookhaven National Laboratory and the Savannah River Site.

The link between **MOCA** and Bladder Cancer was based upon genotoxicity studies and not on specific epidemiological work related to MOCA. Currently only identified as being present at a dozen DOE facilities,[\[1\]](#) MOCA is typically associated with explosives work and with plastics, adhesives and

epoxy preparation.

Benzo(a)pyrene is in the family of chemicals known as polycyclic aromatic hydrocarbons (PAH) and its link to bladder cancer is based upon genotoxicity studies for the PAH family. The industries in which PAH's (but not necessarily Benzo(a)pyrene), were studied included coal liquefaction, coal gasification, coke production, wood preservation with creosote, aluminum production and more. Additionally, Benzo(a)pyrene is an extremely common substance. It is even found in trace amounts in all engine exhaust, both gasoline and diesel. This means all people will have some exposure to this substance. With common substances such as this, the key to a finding of significant exposure is the level, duration and intensity of that exposure. Although there was an elevated risk in the aluminum industry for even one year of work, none of the many DOE jobs in which there is some Benzo(a)pyrene exposure come close to having the constant, indoor, high level exposure to Benzo(a)pyrene as workers in the aluminum production industry would have. Of the jobs associated with Benzo(a)pyrene at DOE facilities, the only industries studied (as part of the PAH study) pertinent to DOE facilities are roofing and paving. Roofing and paving are performed outdoors and as a consequence have lower exposures than those experienced by an aluminum production worker. Nevertheless, someone who spent almost all their time for multiple years working on massive DOE roofing projects might very well have the exposure needed for a finding of significant exposure. Other types of jobs associated with Benzo(a)pyrene exposure at DOE facilities include firefighter training and sheet metal fabrication. These cases, and others that show potential for exposure, all need to be assessed on a case-by-case basis to determine whether exposure to Benzo(a)pyrene was significant.

Benzo(a)pyrene was also used *extensively* at the Lovelace Respiratory Research Institute for various inhalation studies and therefore, those involved in research work at this institute can be assumed to have had significant exposure.

The link between **o-Toluidine** and Bladder cancer was based upon studies of workers in the production of rubber additives which found an increased risk for those who had long-term exposure (more than 10 years). Currently, o-Toluidine is identified as being present at nine DOE facilities^[2] in various laboratory and other miscellaneous activities.

With any solid cancerous tumor, such as bladder cancer, the minimum exposure time period associated with increased cancer risk is a full working year. This means that employees need to work in a labor category associated with regular, routine exposure to the substance for a full working year as a baseline for favorable determinations under this Circular. This Circular also is a reminder that CE's have the authority and discretion to make determinations regarding nature, extent and duration of exposure and that the information presented here is not intended to alter guidance on establishing exposure to toxic substances at DOE facilities, but rather is to provide information on new links and giving the scientific context of that information.

Be reminded that Bulletin No. 13-02 calls for a thorough review of *all* cases on the list. Additionally, *all* non-approved Part E diagnoses are to be reviewed for each case on the list, not just bladder cancer and not just the toxins identified in this Circular. The review being conducted, while focused on bladder cancer, is intended to provide a comprehensive review of Part E case adjudication. CEs are to review the case in such a way that any subsequent updates to SEM or the case are considered since its denial. SEM is constantly updated. Toxins are added at facility locations on a daily basis and searches from past years may now be obsolete. A worksheet is provided in conjunction with this Circular to help guide staff through the process of case reassessment.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

[Attachment 1](#)

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

[1] Clarksville Modification Center, Iowa Ordnance Plant, Kansas City Plant, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, Mound Plant, Nevada Site Office, Oak Ridge Gaseous Diffusion Plant (K-25), Pantex, Pinellas Plant, Sandia National Laboratories – Albuquerque and Y-12.

[2] Brookhaven National Laboratory, Hanford, Idaho National Laboratory, Lovelace Respiratory Research Institute, Nevada Test Site, Pacific Northwest National Laboratory, Rocky Flats Plant, Savannah River Site, Shippingport Atomic Power Plant.

13-07 Joslyn Manufacturing and Supply Company Special Exposure Cohort (SEC) Class from March 1, 1943 through December 31, 1947

EEOICPA CIRCULAR NO. 13-07 April 5, 2013

SUBJECT: Joslyn Manufacturing and Supply Company Special Exposure Cohort (SEC) Class from March 1, 1943 through December 31, 1947.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for the Joslyn Manufacturing and Supply Company located in Fort Wayne, Indiana.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers at the Joslyn Manufacturing and Supply Company in Fort Wayne, Indiana, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health (“the Board”) on December 12, 2012. On February 4, 2013, the Secretary of Health and Human Services (HHS) received the Board’s recommendation to add to the SEC a class of employees who worked at the Joslyn Manufacturing and Supply Company in Fort Wayne, Indiana.

On March 6, 2013, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All Atomic Weapons Employees who worked for Joslyn Manufacturing and Supply Company at the covered facility in Fort Wayne, Indiana, from March 1, 1943 through December 31, 1947, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

A copy of the Secretary’s letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of April 5, 2013, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the

report to Congress.

To qualify under this SEC class, the employee must be an Atomic Weapons Employee who has worked at least 250 workdays at the Joslyn Manufacturing and Supply Company in Fort Wayne, Indiana from March 1, 1943 through December 31, 1947. If the employee does not have 250 workdays at the Joslyn Manufacturing and Supply Company during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for Atomic Weapons Employees at the Joslyn Manufacturing and Supply Company, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected employees at the facility is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin No. 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA Bulletin No. 11-07, the district offices and Final Adjudication Branch (FAB) offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. All cases on the comprehensive list, that are located at a district office or FAB office, must be reviewed for possible inclusion in the SEC class. The jurisdictional office listed on the comprehensive report as the location of where the case resides is responsible for ensuring that screening occurs for that case. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the Screening (SEC/PER/Other) Navigation Panel. From the Screening (SEC/PER/Other) Navigation Panel on the case, select the 'Create' button. Based on the result of the review and in accordance with the 'SEC Class Screening Worksheet', select the appropriate result of "Likely" if the case is likely an SEC, "Unlikely" if it is unlikely that the case will be an SEC or "Development Needed" if development is needed. The date of the signed worksheet is recorded in the "Date" field. The reason associated with the SEC is selected in the "Reason" field. For this SEC, the reason is "Rvwd per Circular 13-07, Joslyn Manufacturing and Supply Company (3/1/43 – 12/31/47)." If the CE determines that the case is going to be awarded based on a SEC, a positive SEC causation path must be entered into ECS. This process is the equivalent of the SER/SEF codes discussed in Bulletin No. 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

13-08 Baker Brothers Special Exposure Cohort (SEC) Class from June 1, 1943 through December 31, 1944

EEOICPA CIRCULAR NO. 13-08 April 5, 2013

SUBJECT: Baker Brothers Special Exposure Cohort (SEC) Class from June 1, 1943 through

December 31, 1944.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for the Baker Brothers site located in Toledo, Ohio.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers at the Bakers Brothers site in Toledo, Ohio, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health (“the Board”) on December 12, 2012. On February 4, 2013, the Secretary of Health and Human Services (HHS) received the Board’s recommendation to add to the SEC a class of employees who worked at the Baker Brothers site in Toledo, Ohio.

On March 6, 2013, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All Atomic Weapons Employees who worked at the Baker Brothers site in Toledo, Ohio, during the period from June 1, 1943, through December 31, 1944, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

A copy of the Secretary’s letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of April 5, 2013, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an Atomic Weapons Employee who worked at the Baker Brothers site in Toledo, Ohio, during the period from June 1, 1943 through December 31, 1944. If the employee does not have 250 workdays at the Baker Brothers site during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for Atomic Weapons Employees at the Baker Brothers site, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected employees at the site is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin No. 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA Bulletin No. 11-07, the district offices and Final Adjudication Branch (FAB) offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. All cases on the comprehensive list, that are located at a district office or FAB office, must be reviewed for possible inclusion in the SEC class. The jurisdictional office listed on the comprehensive report as the location of where the case resides is responsible for ensuring that

screening occurs for that case. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the Screening (SEC/PER/Other) Navigation Panel. From the Screening (SEC/PER/Other) Navigation Panel on the case, select the 'Create' button. Based on the result of the review and in accordance with the 'SEC Class Screening Worksheet', select the appropriate result of "Likely" if the case is likely an SEC, "Unlikely" if it is unlikely that the case will be an SEC or "Development Needed" if development is needed. The date of the signed worksheet is recorded in the "Date" field. The reason associated with the SEC is selected in the "Reason" field. For this SEC, the reason is "Rvwd per Circular 13-08, Baker Brothers site (06/01/43 – 12/31/44)." If the District Office and FAB CEs determine that the case is going to be awarded based on a SEC, a positive SEC causation path must be entered into ECS, selecting the SER and SEF blocks, and entering their Dates and the appropriate SER Reason and SEF Reason "Rvwd per Circular 13-08, Baker Brothers site (06/01/43 – 12/31/44)." This process is the equivalent of the SER/SEF codes discussed in Bulletin No. 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

13-09 Battelle Laboratories King Avenue Special Exposure Cohort Class (SEC) from April 16, 1943 through June 30, 1956

EEOICPA CIRCULAR NO. 13-09 April 5, 2013

SUBJECT: Battelle Laboratories King Avenue Special Exposure Cohort Class (SEC) from April 16, 1943 through June 30, 1956.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for Battelle Laboratories at the King Avenue facility located in Columbus, Ohio.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from Battelle Laboratories at the King Avenue facility in Columbus, Ohio, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health ("the Board") on December 11, 2012. On February 4, 2013, the Secretary of Health and Human Services (HHS) received the Board's recommendation to add to the SEC a class of Employees who worked at Battelle Laboratories at the King Avenue facility in Columbus, Ohio.

On March 6, 2013, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All Atomic Weapons Employees who worked at the King Avenue facility owned by Battelle Laboratories in Columbus, Ohio, during the period from April 16, 1943, through June 30, 1956, for a number of work days aggregating at least 250 work days, occurring either solely under this

employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

A copy of the Secretary's letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of April 5, 2013, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an Atomic Weapons employee who worked at the King Avenue facility owned by Battelle Laboratories in Columbus, Ohio, during the period from April 16, 1943 through June 30, 1956. If the employee does not have 250 workdays at the King Avenue facility owned by Battelle Laboratories during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

Battelle, however, is a large corporation with employees in many locations. This class for SEC only applies to those employees who worked at the King Avenue facility. The Battelle location on West Jefferson in Columbus, Ohio is not part of the SEC.

While a new SEC class has been added for Atomic Weapons employees at the King Avenue facility owned by Battelle Laboratories, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected facility owned by Battelle Laboratories employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA Bulletin No. 11-07, the district offices and Final Adjudication Branch (FAB) offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. All cases on the comprehensive list, that are located at a district office or FAB office, must be reviewed for possible inclusion in the SEC class. The jurisdictional office listed on the comprehensive report as the location of where the case resides is responsible for ensuring that screening occurs for that case. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the Screening (SEC/PER/Other) Navigation Panel. From the Screening (SEC/PER/Other) Navigation Panel, on the case, select the 'Create' button. Based on the result of the review and in accordance with the 'SEC Class Screening Worksheet', select the appropriate result of "Likely" if the case is likely an SEC, "Unlikely" if it is unlikely that the case will be an SEC or "Development Needed" if development is needed. The date of the signed worksheet is recorded in the "Date" field. The reason associated with the SEC is selected in the "Reason" field. For this SEC, the reason is "Rvwd per Circular 13-09, Battelle Laboratories (04/16/1943 – 06/30/1956)." If the CE determines that the case is going to be awarded based on a SEC, a positive SEC causation path must be entered into ECS. This process is the equivalent of the SER/SEF codes discussed in Bulletin 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

13-10 Pacific Northwest National Laboratory (PNNL) did not exist separately from Hanford until 2005

EEOICPA CIRCULAR NO. 13-10 May 23, 2013

SUBJECT: Pacific Northwest National Laboratory (PNNL) did not exist separately from Hanford until 2005.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff regarding the characterization of the PNNL and its predecessor, the Pacific Northwest Laboratory (PNL) with regard to the Department of Energy's (DOE) Hanford site. Based upon documentation received from and discussions with the DOE and the National Institute for Occupational Safety and Health (NIOSH), it is now understood that neither PNL nor PNNL had facilities separate from the Hanford facility until 2005. Therefore, for purposes of administering the Energy Employees Occupational Illness Compensation Act (EEOICPA), PNL and PNNL employment associated with operation of the laboratory functions for Hanford took place on the premises of Hanford through the end of 2004. Specifically with regard to inclusion in the Hanford SEC classes, the 300, 1100 and 3000 areas are all part of Hanford.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

13-12 Review of Denied Ovarian Cancer Cases under Part E

EEOICPA CIRCULAR NO. 13-12 August 29, 2013

SUBJECT: Review of Denied Ovarian Cancer Cases under Part E.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of another set of cases to be reviewed under Bulletin No. 13-02, "Systematic Review of Denied Part E Cases."

An important component of adjudicating claims under Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) is the Site Exposure Matrix (SEM). SEM identifies toxic substances that were present at Department of Energy (DOE) facilities and Radiation Exposure Compensation Act (RECA) uranium mines and mills. Moreover, the information contained in the SEM identifies scientifically known relational connections between particular chemical or biological exposures and specific illnesses. The SEM labels these relational connections as toxic "health effects."

The source of health effect findings referenced in SEM is the National Library of Medicine's (NLM) Haz-Map database. Haz-Map is an occupational health database designed to provide information about the adverse effects of workplace exposures to chemical and biological agents. These links are derived from current scientific evidence.

Recently, Haz-Map was updated to reflect the latest scientific recommendations of the International Agency for Research on Cancer (IARC). The subject of this Circular is ovarian cancer because Haz-Map now identifies exposure to asbestos as being causally linked to ovarian cancer. A pull list has been assembled that contains a list of all denied Part E ovarian cancer claims.

The cases on this list are to be reviewed as per the policies and procedures outlined in Bulletin No. 13-02, and in conjunction with the instructions provided in this Circular, including completion of the worksheet which is provided in [Attachment 1](#). Additionally, staff are to use the guidance for ECS coding described in Bulletin No. 13-02. The “Initial Screening Reason” to be selected with the Initial Screening date and result (and “No Action Necessary,” if needed) is “Rvwd per Circular 13-12, Ovarian Cancer Part E.” The completed worksheet and related SEM search(es) are to be placed in the case file.

In its review of the scientific studies utilized to conclude that there is a link between asbestos and ovarian cancer, the IARC noted that a causal association between exposure to asbestos and cancer of the ovary was clearly established based on five strongly positive cohort mortality studies of women with heavy occupational exposure to asbestos.

Implementing Bulletin No. 13-02 states (at action item 7) that in addition to a finding of exposure, cases require a finding of medical causation for cases reviewed under this guidance. However, because of the scientific evidence regarding the nature of the link between asbestos and ovarian cancer, the requirement of a medical opinion on causation is waived for cases meeting the following criteria:

- Workers who have 250 days or more of *significant* exposure to asbestos (all fiber types) at a covered facility and
- who have a latency period of 20 years from first exposure to asbestos (all fiber types) as a covered employee with a diagnosis of ovarian cancer.

Cases that meet these bulleted criteria are to be coded “ISL,” which means “likely acceptance,” and then the district office is to proceed with reopening the case, as outlined in DEEOIC Bulletin No. 13-02, item 9.

In making determinations as to whether the asbestos exposure was significant, [Attachment 2](#) is provided. This list contains labor categories and job tasks associated with high levels of asbestos exposure. In reviewing cases, for employees with one year of DOE contractor employment *prior to 1986*^[1] in some combination of any of the labor categories and/or job tasks identified in [Attachment 2](#), the CE can assume significant asbestos exposure. Additionally, for employees who do not fit into any of these categories, the CE should review the file for other demonstrable evidence of asbestos exposure, such as DOE monitoring information or other information in the DAR response that indicates asbestos exposure. Other demonstrable evidence of asbestos exposure includes a diagnosis of asbestosis or mesothelioma. For these cases, the CE can likewise assume significant asbestos exposure, (in conjunction with at least one year of DOE contractor employment.) All other cases require an IH assessment for a determination regarding the level of asbestos exposure.

For cases that have some indicators of asbestos exposure and a diagnosis of ovarian cancer, but do not have significant exposure for at least one year prior to 1986 in conjunction with a 20 year latency period, the CE is to obtain a medical opinion on causation.

Cases reviewed under this circular which require either an IH or medical review are to be coded “ISD” for “development needed.”

Be reminded that Bulletin No. 13-02 calls for a thorough review of *all* cases on the list for *all* denied Part E diagnoses, not just ovarian cancer. The review being conducted, while focused on ovarian

cancer, is intended to provide a comprehensive review of Part E case adjudication. CEs are to review the case in such a way that any subsequent updates to SEM or the case are considered since it was denied. SEM is constantly updated. Toxins are added at facility locations on a daily basis and searches from past years may now be obsolete. A worksheet is provided in conjunction with this Circular to help guide staff through the process of case reassessment.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

[Attachment 1](#)

Ovarian Cancer

Part E Comprehensive Review Screening Worksheet

1) Employee Name _____

2) Last four SSN _____

3) Ovarian Cancer Dx Date: _____

4) What is the first date of DOE contractor employment? _____

5) Review the case file and SEM to determine whether there are 250 days of significant exposure. To decide this – decide whether the case evidence shows:

1) asbestos exposure was significant and how we know this, note specific labor categories and/or job tasks from Attachment 2 and/or scenarios associated with exposure

2) period of employment during which it is established that the employee experienced significant asbestos exposure at a DOE facility and

3) calculate whether such exposure was at least 250 days in duration

Does the case evidence establish at least 250 days of significant asbestos exposure at a DOE facility?
Y – N (If development is needed, mark N)

6) Are there at least 20 years between first date of asbestos exposure associated with DOE employment (use date from #4) and ovarian cancer diagnosis? Y -- N (If development is needed, mark N)

7) If YES to both 5 and 6, update ECS to reflect “ISL” for the circular assessment and continue to review any other denied Part E diagnosis.

If NO to either #5 and/or #6, and it is felt that additional development should be undertaken update ECS to reflect “ISD” for the circular assessment. Initiate additional development of the case including

potential IH referral to ascertain level/extent or duration of asbestos exposure.

8) Conduct a new assessment on any other denied Part E condition in accordance with the guidance listed in bulletin No. 13-02 to ascertain whether there is new exposure data (via new SEM search, evaluation of DAR/OHQ/case evidence) or medical evidence that could potentially alter the denial outcome. Note the outcome of that assessment here:

Be sure to check each denied condition. Attach/image for the file record any new SEM search result. Depending on the outcome of analysis, additional development may be required. If sufficient evidence exists or is obtained via development to warrant reopening a previously denied claim under Part E appropriate action is taken to initiate such action.

Date

Signature

[Attachment 2](#)

Significant Asbestos Exposure: Associated Labor Categories and Job Tasks

Automotive mechanic; Vehicle mechanic; Vehicle maintenance mechanic

Boilermaker

Carpenter; Drywaller; Plasterer

Demolition technician; Laborer

Electrical mechanic; Electrician; Floor covering worker

*Furnace & saw operator; Furnace builder; Furnace operator; Furnace puller; Furnace technician;
Furnace tender; Furnace unloader*

Glazier; Glass installer; Glazer

Grinder operator; Mason (concrete grinding); Tool grinder; Maintenance mechanic (general grinding); Welder (general grinding); Machinist (machine grinding)

Insulation worker; Insulation trade worker; Insulator

Ironworker; Ironworker-rigger

Maintenance mechanic; Electrician; Insulator;

Mason; Brick & tile mason; Concrete and terrazzo worker; Bricklayer, Tilesetter

Millwright

Heavy equipment operator; Operating Engineer

Painter

Pipefitter, Plumber steamfitter; Plumber/pipefitter; Plumbing & pipefitting mechanic; Plumbing technician, Steamfitter

Roofer

Sheet metal mechanic; Sheet metal fabricator/installer

Welder; Welder burner; Welder mechanic

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

[\[1\]](#) 1986 has been selected because it marks the issuance of separate, comprehensive asbestos standards for general industry and construction. The 1986 standard reduced levels under prior standards, some of which were issued as early as 1971. Although it is understood that compliance with the standard was not instantaneous, levels after this date are appropriate for an IH referral and this, along with other factors, will be considered.

2012 EEOICP Final Circulars

12-01 W.R. Grace and Company Special Exposure Cohort (SEC) Class from May 1, 1956 through January 31, 1958

EEOICPA CIRCULAR NO. 12-01 November 17, 2011

SUBJECT: W.R. Grace and Company Special Exposure Cohort Class (SEC) from May 1, 1956 through January 31, 1958.

The purpose of this circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for W.R. Grace and Company in Curtis Bay, Maryland.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from W.R. Grace and Company in Curtis Bay, Maryland.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health ("the Board"). On September 14, 2011, the Board submitted recommendations to the Secretary of Health and Human Services (HHS) to add to the SEC a class of employees who worked at W.R. Grace and Company in Curtis Bay, Maryland.

On October 18, 2011, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All Atomic Weapons Employees who worked at any building or area at the facility owned by W.R.

Grace and Company in Curtis Bay, Maryland, for the operational period from May 1, 1956 through January 31, 1958, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

A copy of the Secretary's letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of November 17, 2011, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the Atomic Weapons Employee must have worked at least 250 workdays at any building or area at the facility owned by W.R. Grace and Company in Curtis Bay, Maryland from May 1, 1956 through January 31, 1958. If the employee does not have 250 workdays at W.R. Grace and Company in Curtis Bay, Maryland during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees who worked at W.R. Grace and Company in Curtis Bay, Maryland, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected W.R. Grace and Company employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin No. 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

The reason code "201, - Rvwd per Circular 12-01, W.R. Grace (Maryland) SEC(5/1/56-1/1/58)" has been added to ECMS to be used in conjunction with the NA, ISL, ISU, ISD, SER, and SEF codes as outlined in EEOICPA Bulletin No. 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

12-02 Y-12 facility Special Exposure Cohort (SEC) Class from January 1, 1948 through December 31, 1957

EEOICPA CIRCULAR NO. 12-02 November 17, 2011

SUBJECT: Y-12 facility Special Exposure Cohort Class (SEC) from January 1, 1948 through December 31, 1957.

The purpose of this circular is to notify all Division of Energy Employees Occupational Illness

Compensation (DEEOIC) staff of the SEC class designation for the Y-12 facility in Oak Ridge, Tennessee.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from the Y-12 facility in Oak Ridge, Tennessee to be added to the Special Exposure Cohort (SEC).

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.14. NIOSH submitted its findings to the petitioners and the Advisory Board on Radiation and Worker Health (“the Board”). On September 19, 2011, the Secretary of Health and Human Services (HHS) received the Board’s recommendation to add to the SEC a class of employees who worked at the Y-12 facility in Oak Ridge, Tennessee.

On October 18, 2011, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Y-12 facility in Oak Ridge, Tennessee, during the period from January 1, 1948 through December 31, 1957, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

A copy of the Secretary’s letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of November 17, 2011, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

It should be noted that there are already three classes in the SEC pertaining to Y-12. The class to become effective on November 17, 2011, subsumes one of these earlier classes which covered only thorium and cyclotron workers at Y-12 for the period January 1, 1948 through December 31, 1957 (Bulletin No. 07-04). The other two classes pertaining to Y-12 both cover the period March 1, 1943 through December 31, 1947 and the later of those includes all employees during the period (the first of these classes is covered in Bulletin Nos. 06-04, 06-11 and the latter class by Bulletin No. 08-41).

To qualify under this most recent SEC class, the employee must be an employee of the Department of Energy, an employee of one of its predecessor agencies, or a contractor or subcontractor who has worked at least 250 workdays in any area of the Y-12 facility in Oak Ridge, Tennessee between January 1, 1948 and December 31, 1957. If the employee does not have 250 workdays at the Y-12 facility during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees at the Y-12 facility, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Y-12 facility employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin No. 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

The reason code “202 - Rvwd per Circular 12-02, Y-12 facility SEC (1/1/48-12/31/57)” has been added to ECMS to be used in conjunction with the NA, ISL, ISU, ISD, SER, and SEF codes as outlined in EEOICPA Bulletin No. 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

12-03 Ames Laboratory at Iowa State University Special Exposure Cohort (SEC) Class from August 13, 1942 through December 31, 1970

EEOICPA CIRCULAR NO. 12-03 November 17, 2011

SUBJECT: Ames Laboratory at Iowa State University Special Exposure Cohort Class (SEC) from August 13, 1942 through December 31, 1970.

The purpose of this circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for Ames Laboratory at Iowa State University in Ames, Iowa.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from Ames Laboratory at Iowa State University in Ames, Iowa to be added to the Special Exposure Cohort (SEC).

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.14. NIOSH submitted its findings to the petitioners and the Advisory Board on Radiation and Worker Health (“the Board”). On September 14, 2011, the Board submitted recommendations to the Secretary of Health and Human Services (HHS) to add to the SEC a class of employees who worked at Ames Laboratory at Iowa State University in Ames, Iowa.

On October 18, 2011, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All Department of Energy employees, its predecessor agencies, and its contractors and subcontractors who worked in any area of the Ames Laboratory at Iowa State University during the period from August 13, 1942 through December 31, 1970, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more classes of employees included in the Special Exposure Cohort.

A copy of the Secretary’s letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of November 17, 2011, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an employee of the Department of Energy, an employee of one of its predecessor agencies, or a contractor or subcontractor who has worked at least

250 workdays at Ames Laboratory at Iowa State University in Ames, Iowa between August 13, 1942 and December 31, 1970. If the employee does not have 250 workdays at Ames Laboratory at Iowa State University in Ames, Iowa during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees who worked at Ames Laboratory at Iowa State University in Ames, Iowa, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Ames Laboratory at Iowa State University employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin No. 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

The reason code “203, - Rvwd per Circular 12-03, Ames Laboratory SEC (8/13/42-12/31/70)” has been added to ECMS to be used in conjunction with the NA, ISL, ISU, ISD, SER, and SEF codes as outlined in EEOICPA Bulletin No. 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

12-04 Vitro Manufacturing Special Exposure Cohort (SEC) Class from January 1, 1960 through September 30, 1965

EEOICPA CIRCULAR NO. 12-04 November 17, 2011

SUBJECT: Vitro Manufacturing Special Exposure Cohort (SEC) Class from January 1, 1960 through September 30, 1965.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the new SEC class designation for the Vitro Manufacturing facility, in Canonsburg, Pennsylvania.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from the Vitro Manufacturing facility, in Canonsburg, Pennsylvania to be added to the Special Exposure Cohort (SEC).

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health (“the Board”). On September 14, 2011, the Board submitted recommendations to the Secretary of Health and Human Services (HHS) to add to the SEC an additional class of employees who worked at the Vitro

Manufacturing facility, in Canonsburg, Pennsylvania.

On October 18, 2011, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All Atomic Weapons Employees who worked at Vitro Manufacturing in Canonsburg, Pennsylvania, from January 1, 1960 through September 30, 1965, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

A copy of the Secretary's letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of November 17, 2011, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

This is the third SEC class for workers at Vitro Manufacturing. The initial class was the subject of DEEOIC Bulletin 09-08. The second class was the subject of EEOICPA Circular 11-08. To qualify under this SEC class, the employee must be an Atomic Weapons Employee who has worked at least 250 days at the Vitro Manufacturing facility, in Canonsburg, Pennsylvania from January 1, 1960 through September 30, 1965. If the employee does not have 250 workdays at Vitro Manufacturing during the period of the class, the case file must be reviewed to determine if additional workdays in the SEC can be found by combining workdays from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250 workday requirement.

While the new SEC class has been added for employees at the Vitro Manufacturing facility, NIOSH intends to use any internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). Additionally, NIOSH can reconstruct internal and external dose for uranium extraction operations based upon source term information. It can also estimate occupational medical dose. This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Vitro Manufacturing employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

The reason code "204 – Rvwd per Circular 12-04, Vitro Manufacturing (Canonsburg) SEC (1/1/60 – 9/39/65)" has been added to ECMS to be used in conjunction with the NA, ISL, ISU, SER, and SEF codes as outlined in the EEOICPA Bulletin 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

12-05 Employment at 17 new facilities now covered under EEOICPA and additional years added at 3 facilities

EEOICPA CIRCULAR NO. 12-05

December 2, 2011

SUBJECT: Employment at 17 new facilities is now covered under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) and additional years of employment have been added at three facilities.

The purpose of this Circular is to announce that 17 additional facilities associated with the Uranium Mill Tailings Radiation Control Act (UMTRCA) are Department of Energy (DOE) facilities under EEOICPA and three facilities already covered under EEOICPA have additional covered time periods associated with environmental remediation at those facilities.

In EEOICPA Circular No. 11-01, the Division of Energy Employees Occupational Illness Compensation (DEEOIC) determined that the Uranium Mill at Shiprock was a Department of Energy (DOE) facility, for the purposes of EEOICPA. The Uranium Mill at Shiprock, however, is only one of the facilities associated with UMTRCA. Since the release of that earlier Circular, DEEOIC has considered whether additional facilities meet the statutory definition of a DOE facility. As a result of this review, and for the same reasons given in EEOICPA Circular No. 11-01, DEEOIC has determined that the following facilities meet the DOE facility definition based upon DOE-funded environmental remediation efforts for the years noted in parenthesis:

1. Uranium Mill in Monument Valley (AZ) (May 1989 -February 1990; September 1992 – May 1994)
2. Uranium Mill in Tuba City (AZ) (January 1985 – February 1986; January 1988 – April 1990)
3. Climax Uranium Mill in Grand Junction (CO) (December 1988 – August 1994)
4. Uranium Mill in Gunnison (CO) (September 1991 – December 1995)
5. Uranium Mill in Maybell (CO) (May 1995 – September 1998)
6. Uranium Mill in Naturita (CO) (May – November 1994 and June 1996 - September 1998)
7. New Uranium Mill in Rifle (CO) (September 1988 – September 1989 and April 1992 - October 1996)
8. Old Uranium Mill in Rifle (CO) (September 1988 – September 1989 and April 1992 - October 1996)
9. Uranium Mill No. 1 in Slick Rock (East) (CO) (1995 -1996)
10. Uranium Mill No. 2 in Slick Rock (West) (CO) (1995 -1996)
11. Uranium Mill in Lowman (ID) (1992; 1994 - present)
12. Uranium Mill in Ambrosia Lake (NM) (July 1987- April 1989 and October 1992 – July 1995)
13. Uranium Mill and Disposal Cell in Lakeview (OR) (1986 - 1989)
14. Uranium Mill in Falls City (TX) (January 1992 - June 1994)
15. Uranium Mill in Mexican Hat (UT) (July – October 1987 and then from September 1992 – February 1995)
16. Uranium Mill in Riverton (WY) (May 1988- September 1990)
17. Uranium Mill in Converse County (Spook Site) (WY) (April – September 1989)

Additionally, while each of the following facilities is already covered under EEOICPA, additional years of coverage correlating to periods of environmental remediation performed under contract to DOE are also being added under this Circular. This remediation was performed as part of UMTRCA for all locations noted in this Circular, except for the remediation at the Uranium Mill in Monticello for which the remediation was performed or under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The years added to these facilities are as follows:

1. Uranium Mill in Durango (CO), currently covered for 1948 – 1953, is now also covered for remediation under UMTRCA for the period October 1986 - May 1991.
2. Vitro Manufacturing in Canonsburg, PA, currently covered as a beryllium vendor facility for 1948, and as an atomic weapons employer facility for 1942-1959 (with residual radiation coverage for 1958-1985), is now also covered as a DOE facility for remediation under UMTRCA for 1983-1985 and 1996.
3. Uranium Mill in Monticello (UT), currently covered for 1948-1960, is now also covered for remediation performed by DOE and DOE contractors under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for the period 1983-2000.

Coverage for the Uranium Mill at Shiprock, NM is unchanged by this Circular.

In making determinations on whether the facilities in this Circular are covered under EEOICPA and for which years, DEEOIC relied upon documentation from DOE, including their reports entitled, “A Report to Congress on Long-Term Stewardship,” and “Uranium Mill Tailings Remedial Action Surface Project 1979-1999, End of Project Report,” as well as a September 28, 2011 letter from Dr. Patricia R. Worthington, Director of DOE’s Office of Health and Safety and its attachment entitled, “Subcontractors on UMTRCA Contracts by UMTRCA Site.” For each period newly identified above, the documentation establishes that DOE was responsible for remediation and funded contractors to accomplish this work.

To aid DEEOIC staff in understanding the names of DOE contractors and subcontractors that performed the work identified in this Circular, a document entitled, “UMTRCA remediation subcontracts” will be made available for claims adjudication purposes.

Given the findings of DEEOIC, each of the facilities identified in this Circular is a DOE facility for purposes of the EEOICPA for the period noted, and staff should handle claims in a manner consistent with this guidance.

Rachel P. Leiton

Director, Division of Energy Employees

Occupational Illness Compensation

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

12-06 Pantex Plant Special Exposure Cohort (SEC) Class from January 1, 1958 through December 31, 1983

EEOICPA CIRCULAR NO. 12-06 January 20, 2012

SUBJECT: Pantex Plant Special Exposure Cohort (SEC) Class from January 1, 1958 through December 31, 1983.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the new SEC class designation for the Pantex Plant in Amarillo, Texas.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from the Pantex Plant, in Amarillo, Texas to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health (“the Board”). On November 17, 2011, the Board submitted recommendations to the Secretary of Health and Human Services (HHS) to add to the SEC an additional class of employees who worked at the Pantex Plant, in Amarillo, Texas.

On December 21, 2011, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Pantex Plant in Amarillo, Texas, during the period from January 1, 1958 through December 31, 1983, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the SEC.

A copy of the Secretary’s letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of January 20, 2012, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

While a new SEC class has been added for employees at the Pantex Plant, NIOSH intends to use any internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). Additionally, NIOSH can reconstruct internal and external dose for uranium extraction operations based upon source term information. It can also estimate occupational medical dose. This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH. A copy of the NIOSH letter to affected Pantex Plant employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

The reason code “206 – Rvwd per Circular 12-06, Pantex Plant SEC (1/1/58 – 12/31/83)” has been added to ECMS to be used in conjunction with the coding instructions outlined in the EEOICPA Bulletin 11-07 (or when available, the CE is to choose the appropriate selection from the ECS menu.)

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

12-07 Linde Ceramics Plant Special Exposure Cohort (SEC) Class from November 1, 1947 through December 31, 1953

EEOICPA CIRCULAR NO. 12-07 March 3, 2012

SUBJECT: Linde Ceramics Plant Special Exposure Cohort Class (SEC) from November 1, 1947 through December 31, 1953.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for the Linde Ceramics Plant located in Tonawanda, New York.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from the Linde Ceramics Plant, in Tonawanda, New York, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health ("the Board"). On December 29, 2011, the Board submitted recommendations to the Secretary of Health and Human Services (HHS) to add to the SEC a class of employees who worked at the Linde Ceramics Plant in Tonawanda, New York.

On February 2, 2012, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All Atomic Weapons Employees who worked in any area at the Linde Ceramics Plant in Tonawanda, New York, from November 1, 1947 through December 31, 1953, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the SEC.

A copy of the Secretary's letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of March 3, 2012, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an Atomic Weapons Employee who has worked at least 250 workdays at the Linde Ceramics Plant in Tonawanda, New York between November 1, 1947 and December 31, 1953. If the employee does not have 250 workdays at the Linde Ceramics Plant during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees at the Linde Ceramics Plant, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Linde Ceramics Plant employees is included as [Attachment 2](#). This Circular should be used in conjunction with EEOICPA Bulletin 11-07, Special Exposure Cohort

Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA BULLETIN NO. 11-07, the district offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the NIOSH causation path. If a NIOSH causation path has not yet been created, one must be created. From the NIOSH path on the case, the 'View/Perform SEC Screening' window is selected. Based on the result of the review and in accordance with the 'SEC Class Screening Worksheet', the appropriate result of "Likely SEC" (formerly the ISL code) or "Unlikely SEC" (formerly the ISU code) or "SEC Development Needed" (formerly the ISD code) is selected. The date of the signed worksheet is recorded in the date field. For this SEC, the reason is "Rvwd per Circular 12-07, Linde Ceramics Plant SEC (11/1/47 – 12/31/53)". If the CE determines that the case is going to be awarded based on a SEC, a positive SEC causation path must be entered into ECS. This process is the equivalent of the SER/SEF codes discussed in Bulletin 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

12-08 Savannah River Site Special Exposure Cohort (SEC) Class from January 1, 1953 through September 30, 1972

EEOICPA CIRCULAR NO. 12-08

March 03, 2012

SUBJECT: Savannah River Site Special Exposure Cohort Class (SEC) from January 1, 1953 through September 30, 1972.

The purpose of this circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for Savannah River Site located in Aiken, South Carolina.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from Savannah River Site, in Aiken, South Carolina, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health ("the Board"). On December 29, 2011, the Board submitted recommendations to the Secretary of Health and Human Services (HHS) to add to the SEC a class of employees who worked at Savannah River Site in Aiken, South Carolina.

On February 2, 2012, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Savannah River Site from January 1, 1953 through September 30,

1972 for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more classes of employees included in the Special Exposure Cohort.

A copy of the Secretary's letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of March 3, 2012, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an employee of the Department of Energy, an employee of one of its predecessor agencies, or a contractor or subcontractor who has worked at least 250 workdays at the Savannah River Site in Aiken, South Carolina between January 1, 1953 and September 30, 1972. If the employee does not have 250 workdays at the Savannah River Site during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees at the Savannah River Site, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Savannah River Site employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA BULLETIN NO. 11-07, the district offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the NIOSH causation path. If a NIOSH causation path has not yet been created, one must be created. From the NIOSH path on the case, the 'View/Perform SEC Screening' window is selected. Based on the result of the review and in accordance with the 'SEC Class Screening Worksheet', the appropriate result of "Likely SEC" (formerly the ISL code) or "Unlikely SEC" (formerly the ISU code) or "SEC Development Needed" (formerly the ISD code) is selected. The date of the signed worksheet is recorded in the date field. For this SEC, the reason is "208, - Rvwd per Circular 12-08, Savannah River Site (1/1/53 - 9/30/72)". If the CE determines that the case is going to be awarded based on SEC, a positive SEC causation path must be entered into ECS. This process is the equivalent of the SER/SEF codes discussed in Bulletin 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

12-09 Electro Metallurgical Special Exposure Cohort Class (SEC) from August 13, 1942 through December 31, 1947

EEOICPA CIRCULAR NO. 12-09

June 10, 2012

SUBJECT: Electro Metallurgical Special Exposure Cohort Class (SEC) from August 13, 1942 through December 31, 1947.

The purpose of this circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for Electro Metallurgical located in Niagara Falls, New York.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from Electro Metallurgical, in Niagara Falls, New York, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health (“the Board”). On April 9, 2012, the Board submitted recommendations to the Secretary of Health and Human Services (HHS) to add to the SEC a class of employees who worked at the Electro Metallurgical site, in Niagara Falls, New York.

On May 11, 2012, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Electro Metallurgical Site in Niagara Falls, New York, from August 13, 1942 through December 31, 1947 for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more classes of employees included in the Special Exposure Cohort.

A copy of the Secretary’s letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of June 10, 2012, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an employee of the Department of Energy, an employee of one of its predecessor agencies, or a contractor or subcontractor who has worked at least 250 workdays at the Electro Metallurgical site, in Niagara Falls, New York, from August 13, 1942 through December 31, 1947. If the employee does not have 250 workdays at Electro Metallurgical during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees at Electro Metallurgical, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Electro Metallurgical employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA BULLETIN NO. 11-07, the district offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the NIOSH Causation Path. From the NIOSH Causation Path on the case, the 'View/Perform SEC Screening' window is selected. Based on the result of the review and in accordance with the 'SEC Class Screening Worksheet', the appropriate result of "Likely SEC" or "Unlikely SEC" or "SEC Development Needed" is selected. The date of the signed worksheet is recorded in the date field. The reason associated with the SEC is selected in the "Initial SEC Screening Reason" field. For this SEC, the reason is "Rvw'd per Circular 12-09, Electro Metallurgical (8/13/42 – 12/31/47)". If the CE determines that the case is going to be awarded based on a SEC, a positive SEC causation path must be entered into ECS. This process is the equivalent of the SER/SEF codes discussed in Bulletin 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

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Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

12-10 Sandia National Laboratories Special Exposure Cohort Class (SEC) from January 1, 1963 through December 31, 1994

EEOICPA CIRCULAR NO. 12-10

June 10, 2012

SUBJECT: Sandia National Laboratories Special Exposure Cohort Class (SEC) from January 1, 1963 through December 31, 1994.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for Sandia National Laboratories located in Albuquerque, New Mexico.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from Sandia National Laboratories, in Albuquerque, New Mexico, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health ("the Board"). On April 9, 2012, the Board submitted recommendations to the Secretary of Health and Human Services (HHS) to add to the SEC a class of employees who worked at Sandia National Laboratories in Albuquerque, New Mexico.

On May 11, 2012, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked in any area at Sandia National Laboratories in Albuquerque, New Mexico, from January 1, 1963 through December 31, 1994, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure

Cohort.

A copy of the Secretary's letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of June 10, 2012, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

This is the second SEC class for workers at Sandia National Laboratories. The initial class was the subject of EEOICPA Circular 11-10. To qualify under this SEC class, the employee must be an employee of the Department of Energy, an employee of one of its predecessor agencies, or a contractor or subcontractor who has worked at least 250 workdays in any area of the Sandia National Laboratories in Albuquerque, New Mexico between January 1, 1963 through December 31, 1994. If the employee does not have 250 workdays at Sandia National Laboratories during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees at Sandia National Laboratories, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Sandia National Laboratories employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA BULLETIN 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA BULLETIN NO. 11-07, the district offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the NIOSH Causation Path. From the NIOSH Causation Path on the case, the 'View/Perform SEC Screening' window is selected. Based on the result of the review and in accordance with the 'SEC Class Screening Worksheet', the appropriate result of "Likely SEC" or "Unlikely SEC" or "SEC Development Needed" is selected. The date of the signed worksheet is recorded in the date field. The reason associated with the SEC is selected in the "Initial SEC Screening Reason" field. For this SEC, the reason is "Rvwd per Circular 12-10, Sandia National Laboratories SEC (1/1/63 – 12/31/94)." If the CE determines that the case is going to be awarded based on an SEC, a positive SEC causation path must be entered into ECS. This process is the equivalent of the SER/SEF codes discussed in BULLETIN 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

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12-11 Clinton Engineer Works Special Exposure Cohort Class (SEC) from January 1, 1943 through December 31, 1949

EEOICPA CIRCULAR NO. 12-11

June 10, 2012

SUBJECT: Clinton Engineer Works Special Exposure Cohort Class (SEC) from January 1, 1943 through December 31, 1949.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for Clinton Engineer Works located in Oak Ridge, Tennessee.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from Clinton Engineer Works, in Oak Ridge, Tennessee, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health ("the Board"). On April 9, 2012, the Board submitted recommendations to the Secretary of Health and Human Services (HHS) to add to the SEC a class of employees who worked at Clinton Engineer Works in Oak Ridge, Tennessee.

On May 11, 2012, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All employees of the Tennessee Eastman Corporation (1943-1947) and the Carbide and Carbon Chemicals Corporation (1947-1949) who were employed at the Clinton Engineer Works in Oak Ridge, Tennessee, from January 1, 1943 through December 31, 1949, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

A copy of the Secretary's letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of June 10, 2012, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this class, the employee must be an employee of the Tennessee Eastman Corporation (1943-1947) and/or the Carbide and Carbon Chemicals Corporation (1947-1949) who was employed at the Clinton Engineer Works, Oak Ridge, Tennessee, from January 1, 1943 through December 31, 1949 for a number of work days aggregating at least 250 work days, occurring solely under this employment or in combination with work days within the parameters established for one or more classes of employees included in the Special Exposure Cohort. If the employee does not have 250 work days at Clinton Engineer Works during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees at Clinton Engineer Works, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Clinton Engineer Works employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA BULLETIN 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA BULLETIN NO. 11-07, the district offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the NIOSH Causation Path. From the NIOSH Causation Path on the case, the 'View/Perform SEC Screening' window is selected. Based on the result of the review and in accordance with the 'SEC Class Screening Worksheet', the appropriate result of "Likely SEC" or "Unlikely SEC" or "SEC Development Needed" is selected. The date of the signed worksheet is recorded in the date field. The reason associated with the SEC is selected in the "Initial SEC Screening Reason" field. For this SEC, the reason is "Rvwd per Circular 12-11, Clinton Engineer Works SEC (1/1/43 – 12/31/49)." If the CE determines that the case is going to be awarded based on an SEC, a positive SEC causation path must be entered into ECS. This process is the equivalent of the SER/SEF codes discussed in BULLETIN 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

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12-12 Brookhaven National Laboratory Special Exposure Cohort Class (SEC) from January 1, 1980 through December 31, 1993

EEOICPA CIRCULAR NO. 12-12

June 10, 2012

SUBJECT: Brookhaven National Laboratory Special Exposure Cohort Class (SEC) from January 1, 1980 through December 31, 1993.

The purpose of this circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for Brookhaven National Laboratory located in Upton, New York.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from Brookhaven National Laboratory, in Upton, New York, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.14. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health ("the Board"). On April 9, 2012, the Board submitted recommendations to the Secretary of Health and Human Services (HHS) to add to the SEC a class of employees who worked at Brookhaven National Laboratory in Upton, New York.

On May 11, 2012, the Secretary of HHS designated the following class for addition to the SEC in a

report to Congress:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Brookhaven National Laboratory in Upton, New York, from January 1, 1980 through December 31, 1993, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

A copy of the Secretary's letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of June 10, 2012, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an employee of the Department of Energy, an employee of one of its predecessor agencies, or a contractor or subcontractor who has worked at least 250 workdays at the Brookhaven National Laboratory, in Upton, New York, between January 1, 1980 and December 31, 1993. If the employee does not have 250 workdays at the Brookhaven National Laboratory during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees at the Brookhaven National Laboratory, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Brookhaven National Laboratory employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA BULLETIN NO. 11-07, the district offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the NIOSH causation path. From the NIOSH Causation Path on the case, the 'View/Perform SEC Screening' window is selected. Based on the result of the review and in accordance with the 'SEC Class Screening Worksheet', the appropriate result of "Likely SEC" or "Unlikely SEC" or "SEC Development Needed" is selected. The date of the signed worksheet is recorded in the date field. The reason associated with the SEC is selected in the "Initial SEC Screening Reason" field. For this SEC, the reason is "Rvwd per Circular 12-12, Brookhaven National Laboratory (1/1/80 - 12/31/93)". If the CE determines that the case is going to be awarded based on a SEC, a positive SEC causation path must be entered into ECS. This process is the equivalent of the SER/SEF codes discussed in Bulletin 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

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Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

12-13 (1) Sarcoma of the lung is a specified cancer. (2) When cancer of the fallopian tubes is considered to be ovarian cancer, which is a specified cancer.

EEOICPA CIRCULAR NO. 12-13

May 11, 2012

SUBJECT: (1) Sarcoma of the lung is a specified cancer.

(2) When cancer of the fallopian tubes is considered to be ovarian cancer, which is a specified cancer.

The purpose of this Circular is to provide clarification on two cancers that can be considered as specified cancers under the Special Exposure Cohort (SEC). The Division of Energy Employees Occupational Illness Compensation asked the National Cancer Institute (NCI) to provide guidance on whether the above-referenced cancers can be included as specified cancers. The guidance provided by NCI is as follows:

- (1) Sarcoma of the lung: Sarcoma refers to a diverse group of cancerous tumors found in various locations in the body such as the bones and soft tissue (also called connective tissue). Primary lung sarcomas are classified according to their histological features. Sarcoma of the lung is considered a lung cancer.
- (2) Cancer of the fallopian tube: An endometrioid adenocarcinoma of the fallopian tube is considered as an ovarian cancer under the following condition: An endometrioid carcinoma of the fallopian tube from which a transition zone is identified and where the endometrium is negative should be called a primary endometrioid carcinoma of the fallopian tube. High-grade endometrioid carcinoma involving the fallopian tube may also involve the ovary. If both organs are involved, the convention is to call it ovarian cancer.

Lung cancer and ovarian cancer are specified cancers under the SEC. Therefore, the DEEOIC has determined that this information allows for the two cancers as described above to be treated as specified cancers under the SEC.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

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12-14 The Feed Material Production Center (FMPC) Special Exposure Cohort Class (SEC) from January 1, 1968 through December 31, 1978

EEOICPA CIRCULAR NO. 12-14

July 27, 2012

SUBJECT: The Feed Material Production Center (FMPC) Special Exposure Cohort Class (SEC) from January 1, 1968 through December 31, 1978.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for the FMPC in Fernald, Ohio.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000

(EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from the FMPC, in Fernald, Ohio, to be added to the SEC.

NIOSH evaluated the petition under 42 C.F.R § 83.13 and submitted a report of its evaluation findings to the Advisory Board on Radiation and Worker Health (“the Board”). On May 29, 2012, the Board submitted recommendations to the Secretary of Health and Human Services (HHS) to add to the SEC a class of employees who worked at the FMPC, in Fernald, Ohio.

On June 27, 2012, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All employees of DOE, its predecessor agencies, and their contractors, or subcontractors who worked at the Feed Materials Production Center(FMPC) in Fernald, Ohio, from January 1, 1968 through December 31, 1978, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort

A copy of the Secretary’s letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of July 27, 2012, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an employee of the DOE, an employee of one of its predecessor agencies, or a contractor or subcontractor who has worked at least 250 workdays at the FMPC, in Fernald, Ohio from January 1, 1968 through December 31, 1978. If the employee does not have 250 workdays at the FMPC during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees at the FMPC, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected FMPC employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA BULLETIN NO. 11-07, the district offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the NIOSH Causation Path. From the NIOSH Causation Path on the case, the ‘View/Perform SEC Screening’ window is selected. Based on the result of the review and in accordance with the ‘SEC Class Screening Worksheet’, the appropriate result of “Likely SEC” or “Unlikely SEC” or “SEC Development Needed” is selected. The date of the signed worksheet is recorded in the date field. The reason associated with the SEC is selected in the “Initial SEC Screening Reason” field. For this SEC, the reason is “Rvwrd per Circular 12-14, Feed Materials Production Center (FMPC) SEC (1/1/68-12/31/78).” If the CE determines that the case is going to be awarded based an SEC, a positive SEC causation path must be entered into ECS. This process is the equivalent of the SER/SEF codes discussed in Bulletin 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

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12-15 Winchester Engineering and Analytical Center Special Exposure Cohort Class (SEC) from January 1, 1952 through December 31, 1961

EEOICPA CIRCULAR NO. 12-15 September 22, 2012

SUBJECT: Winchester Engineering and Analytical Center Special Exposure Cohort Class (SEC) from January 1, 1952 through December 31, 1961.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for the Winchester Engineering and Analytical Center located in Winchester, Massachusetts.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from the Winchester Engineering and Analytical Center in Winchester, Massachusetts, to be added to the SEC.

The decision to initiate the petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.14. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health (“the Board”) on June 19, 2012. On August 1, 2012, the Secretary of Health and Human Services (HHS) received the Board’s recommendation to add to the SEC a class of employees who worked at the Winchester Engineering and Analytical Center in Winchester, Massachusetts.

On August 23, 2012, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Winchester Engineering and Analytical Center in Winchester, Massachusetts, from January 1, 1952 through December 31, 1961, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

A copy of the Secretary’s letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of September 22, 2012, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an employee of the Department of Energy (DOE), an employee of one of its predecessor agencies, or an employee of a DOE contractor or subcontractor who has worked at least 250 workdays at the Winchester Engineering and Analytical Center in Winchester, Massachusetts from January 1, 1952 through December 31, 1961. If the

employee does not have 250 workdays at the Winchester Engineering and Analytical Center during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them to meet the 250-workday requirement.

While a new SEC class has been added for employees at the Winchester Engineering and Analytical Center, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Winchester Engineering and Analytical Center employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin No. 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA Bulletin No. 11-07, the district offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the NIOSH Causation Path. From the NIOSH Causation Path on the case, the 'View/Perform SEC Screening' window is selected. Based on the result of the review and in accordance with the 'SEC Class Screening Worksheet', the appropriate result of "Likely SEC" or "Unlikely SEC" or "SEC Development Needed" is selected. The date of the signed worksheet is recorded in the date field. The reason associated with the SEC is selected in the "Initial SEC Screening Reason" field. For this SEC, the reason is "Rvwd per Circular 12-15, Winchester Engineering and Analytical Center SEC (1/1/52 – 12/31/61)." If the CE determines that the case is going to be awarded based on SEC, a positive SEC causation path must be entered into ECS. This process is the equivalent of the SER/SEF codes discussed in Bulletin No. 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

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Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

12-16 Hanford Engineer Works Special Exposure Cohort Class (SEC) from July 1, 1972 through December 31, 1983

EEOICPA CIRCULAR NO. 12-16 September 22, 2012

SUBJECT: Hanford Engineer Works Special Exposure Cohort Class (SEC) from July 1, 1972 through December 31, 1983.

The purpose of this circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for the Hanford Engineer Works in Richland, Washington.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000

(EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from the Hanford Engineer Works in Richland, Washington.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. §83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health (“the Board”) on June 19, 2012. On August 1, 2012, the Secretary of Health and Human Services (HHS) received the Board’s recommendation to add to the SEC a class of employees who worked at the Hanford Engineer Works in Richland, Washington.

On August 23, 2012, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Hanford Engineer Works in Richland, Washington from July 1, 1972 through December 31, 1983, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

A copy of the Secretary’s letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of September 22, 2012, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an employee of the Department of Energy, an employee of one of its predecessor agencies, or an employee of a contractor or subcontractor who has worked at least 250 workdays in any area of the Hanford Engineer Works in Richland, Washington between July 1, 1972 and December 31, 1983. If the employee does not have 250 workdays at Hanford Engineer Works during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees at the Hanford Engineer Works, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Hanford employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin No. 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA Bulletin No. 11-07, the district offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the NIOSH causation path. From the NIOSH Causation Path on the case, the ‘View/Perform SEC Screening’ window is selected. Based on the result of the review and in accordance with the ‘SEC Class Screening Worksheet,’ the appropriate result of “Likely SEC” or “Unlikely SEC” or “SEC Development Needed” is selected. The date of the signed worksheet is recorded in the date field. The reason associated with the SEC is selected in the “Initial SEC Screening Reason” field. For this SEC, the reason is “Rvwd per Circular 12-16, Hanford SEC (7/1/72 - 12/31/83).” If the CE determines that the case is going to be awarded based on a SEC, a positive SEC causation path must be entered into

ECS. This process is the equivalent of the SER/SEF codes discussed in Bulletin No. 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

12-17 Clarksville Modification Center, Ft. Campbell Special Exposure Cohort Class (SEC) from August 1, 1949 through December 31, 1967

EEOICPA CIRCULAR NO. 12-17 September 22, 2012

SUBJECT: Clarksville Modification Center, Ft. Campbell Special Exposure Cohort Class (SEC) from August 1, 1949 through December 31, 1967.

The purpose of this circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for the Clarksville Modification Center, Ft. Campbell located in Clarksville, Tennessee.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from the Clarksville Modification Center, Ft. Campbell, in Clarksville, Tennessee to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.14. NIOSH submitted its findings to the petitioners and the Advisory Board on Radiation and Worker Health (“the Board”) on June 20, 2012. On August 1, 2012, the Secretary of Health and Human Services (HHS) received the Board’s recommendation to add to the SEC a class of employees who worked at the Clarksville Modification Center, Ft. Campbell, in Clarksville, Tennessee.

On August 23, 2012, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors, who worked at the Clarksville Modification Center, Ft. Campbell, in Clarksville, Tennessee, from August 1, 1949 through December 31, 1967, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more classes of employees included in the Special Exposure Cohort.

A copy of the Secretary’s letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of September 22, 2012, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an employee of the Department of Energy (DOE), an employee of one of its predecessor agencies, or an employee of a DOE contractor or subcontractor who has worked at least 250 workdays at the Clarksville Modification Center, Ft.

Campbell, in Clarksville, Tennessee between August 1, 1949 and December 31, 1967. If the employee does not have 250 workdays at the Clarksville Modification Center, Ft. Campbell during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them to meet the 250-workday requirement.

While a new SEC class has been added for employees who worked at the Clarksville Modification Center, Fort Campbell, NIOSH intends to use any available internal monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Clarksville Modification Center, Ft. Campbell employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin No. 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA Bulletin No. 11-07, the district offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the NIOSH Causation Path. From the NIOSH Causation Path on the case, the 'View/Perform SEC Screening' window is selected. Based on the result of the review and in accordance with the 'SEC Class Screening Worksheet', the appropriate result of "Likely SEC" or "Unlikely SEC" or "SEC Development Needed" is selected. The date of the signed worksheet is recorded in the date field. The reason associated with the SEC is selected in the "Initial SEC Screening Reason" field. For this SEC, the reason is "Rvwd per Circular 12-17, Clarksville Modification Center SEC (8/1/49-12/31/67)." If the CE determines that the case is going to be awarded based on an SEC, a positive SEC causation path must be entered into ECS. This process is the equivalent of the SER/SEF codes discussed in Bulletin No. 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

12-18 Medina Modification Center Special Exposure Cohort Class (SEC) from January 1, 1958 through December 31, 1966

EEOICPA CIRCULAR NO. 12-18 September 22, 2012

SUBJECT: Medina Modification Center Special Exposure Cohort Class (SEC) from January 1, 1958 through December 31, 1966.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for Medina Modification Center located in San Antonio, Texas.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from Medina Modification Center in San Antonio, Texas, to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health (“the Board”) on June 21, 2012. On August 1, 2012, the Secretary of Health and Human Services (HHS) received the Board’s recommendation to add to the SEC a class of employees who worked at the Medina Modification Center in San Antonio, Texas.

On August 23, 2012, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Medina Modification Center in San Antonio, Texas, from January 1, 1958 through December 31, 1966, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

A copy of the Secretary’s letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of September 22, 2012, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this class, the employee must be an employee of the Department of Energy (DOE), an employee of one of its predecessor agencies, or an employee of a DOE contractor or subcontractor who has worked at least 250 workdays at the Medina Modification Center in San Antonio, Texas between January 1, 1958 through December 31, 1966. If the employee does not have 250 workdays at Medina Modification Center during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them to meet the 250-workday requirement.

While a new SEC class has been added for employees at Medina Modification Center, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Medina Modification Center employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin No. 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

As outlined in EEOICPA Bulletin No. 11-07, the district offices are to use the comprehensive list provided as the basis for an initial screening of cases associated with all SEC classes. For screening only, the results reflected on the initial screening worksheet must be recorded in ECS using the NIOSH Causation Path. From the NIOSH Causation Path on the case, the ‘View/Perform SEC Screening’ window is selected. Based on the result of the review and in accordance with the ‘SEC Class Screening Worksheet’, the appropriate result of “Likely SEC” or “Unlikely SEC” or “SEC Development Needed” is selected. The date of the signed worksheet is recorded in the date field. The reason associated with the SEC is selected in the “Initial SEC Screening Reason” field. For this SEC,

the reason is “Rvwvd per Circular 12-18, Medina Modification Center SEC (1/1/58 – 12/31/66).” If the CE determines that the case is going to be awarded based on an SEC, a positive SEC causation path must be entered into ECS. This process is the equivalent of the SER/SEF codes discussed in Bulletin No. 11 07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

2011 EEOICPA Final Circulars

11-01 Determination that the Uranium Mill at Shiprock is a DOE facility for the period October 1984 through November 1986

EEOICPA CIRCULAR NO. 11-01 December 15, 2010

SUBJECT: Determination that the Uranium Mill at Shiprock is a DOE facility for the period October 1984 through November 1986.

The issue was raised as to whether the Uranium Mill at Shiprock, NM is a covered Department of Energy (DOE) facility under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). The site is a former Uranium Mill located on Navajo land. The mill was shut down in 1968 and the area was found to have radiological contamination. As a consequence, DOE was obligated under the Uranium Mill Tailings Radiation Control Act (UMTRCA) to conduct environmental remediation at this site. After researching the issue and reviewing documentation related to the Uranium Mill at Shiprock, it was determined that it is a covered DOE facility for the period October 1984 through November 1986.

The relevant statutory definition states at §73841 (12): The term “Department of Energy facility” means any building, structure, or premise, including the grounds upon which such building, structure, or premise is located

(A) in which operations are, or have been, conducted by, or on behalf of, the Department of Energy (except for buildings, structures, premises, grounds, or operations covered by Executive Order No. 12344, dated February 1, 1982 (42 U.S.C. 7158 note), pertaining to the Naval Nuclear Propulsion Program); **and**

(B) with regard to which the Department of Energy has or had

- i. a proprietary interest; **or**
- ii. entered into a contract with an entity to provide management and operation, management and integration, environmental remediation services, construction, or maintenance services. (emphasis added) 42 U.S.C. § 73841(12).

According to the Department of Energy’s “A Report to Congress on Long-Term Stewardship,” the surface remediation, including construction of the disposal cell, was completed in November 1986. Other DOE documentation from the Energy Information Administration indicates that the remedial

work began in October 1984. This same report states that the remediation was concluded in October 1986, but given that other DOE documentation indicates that remediation was concluded as of November 1986, the latter date will be utilized for administration of the EEOICPA. Accordingly, it is clear from the documentation that DOE was responsible for remediation of the site and coordinated contractors to accomplish this work. Conducting this remediation work fulfills the operations (A) portion of the definition. Since an environmental remediation contract is one listed in (B)(ii), the Uranium Mill at Shiprock meets the statutory definition of a DOE facility for this period of time.

The Uranium Mill at Shiprock is a DOE facility for purposes of the EEOICPA for the period October 1984 through November 1986 and staff should handle claims in a manner consistent with this guidance.

Rachel P. Leiton

Director, Division of Energy Employees

Occupational Illness Compensation

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

11-02 Consideration of mediastinal lymph node biopsy as medical evidence of lung pathology consistent with chronic beryllium disease (CBD)

EEOICPA CIRCULAR NO. 11-02

March 8, 2011

SUBJECT: Consideration of mediastinal lymph node biopsy as medical evidence of lung pathology consistent with chronic beryllium disease (CBD).

The purpose of this circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff how to consider a mediastinal lymph node biopsy as a diagnostic tool for the purpose of establishing lung pathology consistent with CBD under Part B of the EEOICPA in both the pre and post 1993 requirements.

Under 42 U.S.C. § 7384l(13), a Part B claim for CBD has the following requirements –

(A) For diagnoses on or after January 1, 1993, beryllium sensitivity (as established in accordance with paragraph (8)(A)), together with lung pathology consistent with chronic beryllium disease, including—

(i) a lung biopsy showing granulomas or a lymphocytic process consistent with chronic beryllium disease;

(ii) a computerized axial tomography scan showing changes consistent with chronic beryllium disease; or

(iii) pulmonary function or exercise testing showing pulmonary deficits consistent with chronic beryllium disease.

(B) For diagnoses before January 1, 1993, the presence of—

(i) occupational or environmental history, or epidemiologic evidence of beryllium exposure; and

(ii) any three of the following criteria:

(I) Characteristic chest radiographic (or computed tomography (CT)) abnormalities.

(II) Restrictive or obstructive lung physiology testing or diffusing lung capacity defect.

- (III) Lung pathology consistent with chronic beryllium disease.
- (IV) Clinical course consistent with a chronic respiratory disorder.
- (V) Immunologic tests showing beryllium sensitivity (skin patch test or beryllium blood test preferred).

A mediastinal lymph node biopsy interpreted by a physician as evidence of “lung pathology consistent with CBD” may be used to establish CBD *in addition to* the existing three criteria identified under § 7384l(13)(A) for a diagnosis after January 1, 1993. The CE should be aware that a mediastinal lymph node biopsy is not the equivalent of a “lung biopsy” and, as such, does not substitute for such in the assessment of a post-1993 CBD claim.

For a diagnosis before January 1, 1993, a mediastinal lymph node biopsy interpreted by a physician as evidence of “lung pathology consistent with CBD” may be used to satisfy the diagnostic criteria at § 7384l(13)(B)(ii)(III).

With reference to claims under Part E, as there is no statutory requirement regarding the diagnostic criteria necessary to substantiate diagnosed CBD, this guidance is relevant only in so far as the program recognizes that the results of a mediastinal biopsy may be applicable to the assessment of CBD.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

11-03 Calculating aggregate work days for employees residing at a Department of Energy (DOE) facility

EEOICPA CIRCULAR NO. 11-03 April 22, 2011

SUBJECT: Calculating aggregate work days for employees residing at a Department of Energy (DOE) facility.

The purpose of this Circular is to clarify for all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff the method by which an employee residing at a DOE facility may be credited with work day(s) for purposes of inclusion in the Special Exposure Cohort (SEC).

Guidance issued by the DEEOIC has defined a work day as the equivalent of an 8 hour work shift. This facilitates assessment of total work days based on hourly, daily or, monthly work-shift tallies. In addition, allowance has been granted in policy directives for individuals residing at atomic weapon test sites, such as the Nevada Test Site (NTS) and the Pacific Proving Grounds (PPG) to be credited with the equivalent of three (8-hour) work days for each calendar day spent working and residing at the test site.

NTS and PPG are unique DOE facilities that were the site of above-ground nuclear weapons testing. As part of weapons testing activities at these locations, employees were often required to live onsite in remote locations in circumstances that tended to blur the line between work and residency. Additionally, the danger inherent in weapons testing, particularly atmospheric testing, and resuspension of radioactive particles, further distinguishes these facilities from all others. Although it is recognized that employees lived on the premises of other DOE facilities, the circumstances of such residency do

not include the uniqueness, the remoteness, nor the risks and dangers inherent in living at NTS and PPG.

For this reason, the allowance for considering each 24-hour day spent in residence or employment at a Department of Energy facility as three separate work shifts is exclusive to employees at the NTS and PPG. It does not apply to individuals residing at other DOE facilities that are linked to atomic weapons production or processing. For purposes of inclusion into the SEC, the assessment of work days for these other employees must be derived from evidence of employment during the course of a normal work-shift, and does not include credit for three (8-hour) shifts for every 24-hour period spent in residence at the facility.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

11-04 Linde Ceramics Plant Special Exposure Cohort Class (SEC) from January 1, 1954 through December 31, 1969

EEOICPA CIRCULAR NO. 11-04 May 21, 2011

SUBJECT: Linde Ceramics Plant Special Exposure Cohort Class (SEC) from January 1, 1954 through December 31, 1969.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for the Linde Ceramics Plant located in Tonawanda, New York.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from the Linde Ceramics Plant to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health ("the Board"). On March 22, 2011, the Secretary of Health and Human Services (HHS) received the Board's recommendation to add to the SEC a class of employees who worked at the Linde Ceramics Plant in Tonawanda, New York.

On April 21, 2011, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All Atomic Weapons Employees who worked at the Linde Ceramics Plant in Tonawanda, New York, from January 1, 1954 through December 31, 1969, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

A copy of the Secretary's letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of May 21,

2011, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an Atomic Weapons Employee who has worked at least 250 workdays at the Linde Ceramics Plant in Tonawanda, New York between January 1, 1954 and December 31, 1969. If the employee does not have 250 workdays at the Linde Ceramics Plant during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees at Linde Ceramics Plant, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Linde Ceramics Plant employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

The reason code "C04, - Rvwd per Circular 11-04" has been added to ECMS to be used in conjunction with the NA, ISL, ISU, ISD, SER, and SEF codes as outlined in EEOICPA Bulletin 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

11-05 Grand Junction Operations Office Special Exposure Cohort Class (SEC) from March 23, 1943 through January 31, 1975

EEOICPA CIRCULAR NO. 11-05 May 28, 2011

SUBJECT: Grand Junction Operations Office Special Exposure Cohort Class (SEC) from March 23, 1943 through January 31, 1975.

The purpose of this circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for the Grand Junction Operations Office located in Grand Junction, Colorado.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from the Grand Junction Operations Office to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health ("the Board"). On March 30, 2011, the Secretary of Health and Human Services (HHS) received the Board's recommendation to add to the SEC a class of employees who worked at the Grand Junction Operations

Office in Grand Junction, Colorado.

On April 29, 2011, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All employees of the Department of Energy, its predecessor agencies, and its contractors and subcontractors who worked at the Grand Junction Operations Office from March 23, 1943 through January 31, 1975, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees in the SEC.

A copy of the Secretary's letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of May 29, 2011, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an employee of the Department of Energy, an employee of one of its predecessor agencies, or a contractor or subcontractor who has worked at least 250 workdays at the Grand Junction Operations Office in Grand Junction, Colorado between March 23, 1943 and January 31, 1975. If the employee does not have 250 workdays at the Grand Junction Operations Office during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees at the Grand Junction Operations Office, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Grand Junction Operations Office employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

The reason code "C05, - Rvwd per Circular 11-05" has been added to ECMS to be used in conjunction with the NA, ISL, ISU, ISD, SER, and SEF codes as outlined in EEOICPA Bulletin 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

11-06 Wah Chang Facility Special Exposure Cohort (SEC) Class from January 1, 1971 through December 31, 1972

EEOICPA CIRCULAR NO. 11-06

May 29, 2011

SUBJECT: Wah Chang Facility Special Exposure Cohort (SEC) Class from January 1, 1971 through December 31, 1972.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for the Wah Chang facility, in Albany, Oregon.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from the Wah Chang facility in Albany, Oregon to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health (“the Board”). On March 30, 2011, the Secretary of Health and Human Services (HHS) received the Board’s recommendation to add to the SEC a class of employees who worked at the Wah Chang facility in Albany, Oregon.

On April 29, 2011, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All Atomic Weapon Employer employees who worked in any building at the Wah Chang facility in Albany, Oregon, for the operational period from January 1, 1971 through December 31, 1972, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

A copy of the Secretary’s letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of May 29, 2011, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an Atomic Weapons Employee who has worked at least 250 workdays at the Wah Chang facility in Albany, Oregon from January 1, 1971 through December 31, 1972. If the employee does not have 250 workdays at the Wah Chang facility during the period of the class, the case file must be reviewed to determine if additional workdays in the SEC can be found by combining workdays from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250 workday requirement.

While a new SEC class has been added for employees at the Wah Chang facility, NIOSH intends to use any reliable internal and external monitoring data that may be available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Wah Chang facility employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

The reason code “C06, - Rvwd per Circular 11-06” has been added to ECMS to be used in conjunction with the NA, ISL, ISU, ISD, SER, and SEF codes as outlined in EEOICPA Bulletin 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

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11-07 Norton Co. Special Exposure Cohort (SEC) Class from January 1, 1958 to October 10, 1962

EEOICPA CIRCULAR NO. 11-07 May 29, 2011

SUBJECT: Norton Co. Special Exposure Cohort (SEC) Class from January 1, 1958 to October 10, 1962.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for the Norton Co. facility located in Worcester, Massachusetts.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from the Norton Co. facility to be added to the SEC.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health ("the Board"). On March 30, 2011, the Secretary of Health and Human Services (HHS) received the Board's recommendation to add to the SEC a class of employees who worked at the Norton Co. facility in Worcester, Massachusetts.

On April 29, 2011, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All Atomic Weapons employees who worked in any building or area at the facility owned by the Norton Co. (or a subsequent owner) in Worcester, Massachusetts, during the period from January 1, 1958 through October 10, 1962, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

A copy of the Secretary's letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of May 29, 2011, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an Atomic Weapons Employee who has worked at least 250 workdays at the facility owned by the Norton Co. (or a subsequent owner) in Worcester, Massachusetts between January 1, 1958 and October 10, 1962. If the employee does not have 250 workdays at the Norton Co. during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees at the Norton Co. facility, NIOSH intends to use any internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

The reason code "C07, - Rvwd per Circular 11-07" has been added to ECMS to be used in conjunction with the NA, ISL, ISU, ISD, SER, and SEF codes as outlined in EEOICPA Bulletin 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

11-08 Vitro Manufacturing SEC Class from January 1, 1958 through December 31, 1959

EEOICPA CIRCULAR NO. 11-08

May 29, 2011

SUBJECT: Vitro Manufacturing SEC Class from January 1, 1958 through December 31, 1959.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the new SEC class designation for the Vitro Manufacturing facility, in Canonsburg, Pennsylvania.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from the Vitro Manufacturing facility in Canonsburg, Pennsylvania, to be added to the Special Exposure Cohort (SEC).

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health ("the Board"). On March 30, 2011, the Board submitted recommendations to the Secretary of Health and Human Services (HHS) to add to the SEC an additional class of employees who worked at the Vitro Manufacturing facility, in Canonsburg, Pennsylvania.

On April 29, 2011, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All Atomic Weapons Employer employees who worked at Vitro Manufacturing in Canonsburg, Pennsylvania, from January 1, 1958 through December 31, 1959, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

A copy of the Secretary's letter to Congress recommending the designation is included as [Attachment](#)

1. Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of May 29, 2011, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

This is the second SEC class in effect for Vitro Manufacturing. The previous class was the subject of DEEOIC Bulletin 09-08. To qualify under this SEC class, the employee must be an Atomic Weapons Employee who has worked at least 250 days at the Vitro Manufacturing facility, in Canonsburg, Pennsylvania, from January 1, 1958 through December 31, 1959. If the employee does not have 250 workdays at Vitro Manufacturing during the period of the class, the case file must be reviewed to determine if additional workdays in the SEC can be found by combining workdays from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250 workday requirement.

While a new SEC class has been added for employees at the Vitro Manufacturing facility, NIOSH intends to use any internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). Additionally, NIOSH can reconstruct internal and external dose for uranium extraction operations based upon source term information and can estimate occupational medical dose. This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Vitro Manufacturing employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

The reason code "C08, - Rvwd per Circular 11-08" has been added to ECMS to be used in conjunction with the NA, ISL, ISU, ISD, SER, and SEF codes as outlined in EEOICPA Bulletin 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

11-09 Corporate name change of Brush Wellman, Inc. a statutory beryllium vendor

EEOICPA CIRCULAR NO. 11-09

May 13, 2011

SUBJECT: Corporate name change of Brush Wellman, Inc. a statutory beryllium vendor.

The purpose of this Circular is to inform all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff that on March 8, 2011, the corporate name of Brush Wellman Inc. changed to Materion Brush Inc.

As enunciated in EEOICPA Circular 03-1, the covered time frame for this statutory beryllium vendor is August 18, 1943 and continuing. Furthermore, as a statutory beryllium vendor, Materion Brush employees in the United States are covered regardless of work location.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

11-10 Sandia National Laboratories Special Exposure Cohort Class (SEC) from January 1, 1949 through December 31, 1962

EEOICPA CIRCULAR NO. 11-10 September 9, 2011

SUBJECT: Sandia National Laboratories Special Exposure Cohort Class (SEC) from January 1, 1949 through December 31, 1962.

The purpose of this circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for Sandia National Laboratories in Albuquerque, New Mexico.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from Sandia National Laboratories in Albuquerque, New Mexico.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health ("the Board"). On July 11, 2011, the Secretary of Health and Human Services (HHS) received the Board's recommendation to add to the SEC a class of employees who worked at Sandia National Laboratories in Albuquerque, New Mexico.

On August 10, 2011, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All employees of the Department of Energy, its predecessor agencies, and its contractors and subcontractors who worked in any area at Sandia National Laboratories in Albuquerque, New Mexico from January 1, 1949 through December 31, 1962, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

A copy of the Secretary's letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of September 9, 2011, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an employee of the Department of Energy, an employee of one of its predecessor agencies, or a contractor or subcontractor who has worked at least 250 workdays in any area of the Sandia National laboratories in Albuquerque, New Mexico between January 1, 1949 and December 31, 1962. If the employee does not have 250 workdays at Sandia National Laboratories during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees at Sandia National Laboratories, NIOSH intends

to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected Sandia National Laboratories employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin No. 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

The reason code “C10, - Rvwd per Circular 11-10, Sandia National Laboratories SEC (1/1/49-12/31/62)” has been added to ECMS to be used in conjunction with the NA, ISL, ISU, ISD, SER, and SEF codes as outlined in EEOICPA Bulletin No. 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

11-11 General Electric Co. Special Exposure Cohort Class (SEC) from January 1, 1961 through June 30, 1970

EEOICPA CIRCULAR NO. 11-11 September 30, 2011

SUBJECT: General Electric Co. Special Exposure Cohort Class (SEC) from January 1, 1961 through June 30, 1970.

The purpose of this circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of the SEC class designation for General Electric Co. in Evendale, Ohio.

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. Part 83, a petition was filed on behalf of workers from General Electric Co. in Evendale, Ohio.

The decision to initiate this petition occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not reconstruct a dose under 42 C.F.R. § 83.13. NIOSH submitted its findings to the Advisory Board on Radiation and Worker Health (“the Board”). On July 27, 2011, the Board submitted recommendations to the Secretary of Health and Human Services (HHS) to add to the SEC a class of employees who worked at General Electric Co. in Evendale, Ohio.

On August 31, 2011, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at General Electric Co. in Evendale, Ohio, from January 1, 1961 through June 30, 1970, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

A copy of the Secretary's letter to Congress recommending the designation is included as [Attachment 1](#). Although Congress had the authority to reject the recommendation within a 30-day time frame, Congress took no action. Therefore, the SEC designation for this class became effective as of September 30, 2011, which was 30 days after the Secretary of HHS designated the class for addition to the SEC in the report to Congress.

To qualify under this SEC class, the employee must be an employee of the Department of Energy, an employee of one of its predecessor agencies, or a contractor or subcontractor who has worked at least 250 workdays at General Electric Co. in Evendale, Ohio between January 1, 1961 and June 30, 1970. If the employee does not have 250 workdays at General Electric Co. in Evendale, Ohio during the period of the class, the case file must be reviewed to determine if additional days in the SEC can be found by combining days from employment meeting the criteria for other SEC classes and aggregating them together to meet the 250-workday requirement.

While a new SEC class has been added for employees who worked at General Electric Co. in Evendale, Ohio, NIOSH intends to use any available internal and external monitoring data that may become available for an individual claim (and that can be interpreted using existing NIOSH dose reconstruction processes or procedures). This means that for claims that do not satisfy the SEC membership criteria, a partial dose reconstruction is to be performed by NIOSH.

A copy of the NIOSH letter to affected General Electric Co. employees is included as [Attachment 2](#).

This Circular should be used in conjunction with EEOICPA Bulletin No. 11-07, Special Exposure Cohort Claim Processing. A screening worksheet is included as [Attachment 3](#).

The reason code "C11, - Rvwd per Circular 11-11, General Electric Co. (Ohio) SEC (1/1/61-6/30/70)" has been added to ECMS to be used in conjunction with the NA, ISL, ISU, ISD, SER, and SEF codes as outlined in EEOICPA Bulletin No. 11-07.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Attachments

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

2010 EEOICP Final Circulars

10-01 High Energy Rate Forging Facility is a DOE facility

EEOICPA CIRCULAR NO. 10-01 October 28, 2009

SUBJECT: High Energy Rate Forging Facility is a DOE facility

As part of adjudicating a claim, the issue was raised as to whether the High Energy Rate Forging (HERF) facility in Oxnard, CA was a covered Department of Energy (DOE) facility under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). After researching the issue and reviewing related documentation, it was determined that the HERF facility is a covered DOE facility from 1984 through June 30, 1997.

The relevant statutory definition states: The term "Department of Energy facility" means any building,

structure, or premise, including the grounds upon which such building, structure, or premise is located

(A) in which operations are, or have been, conducted by, or on behalf of, the Department of Energy (except for buildings, structures, premises, grounds, or operations covered by Executive Order No. 12344, dated February 1, 1982 (42 U.S.C. 7158 note), pertaining to the Naval Nuclear Propulsion Program); **and**

(B) with regard to which the Department of Energy has or had

i. a proprietary interest; **or**

ii. entered into a contract with an entity to provide management and operation, management and integration, environmental remediation services, construction, or maintenance services. (emphasis added) 42 U.S.C. § 7384l(12).

The HERF facility was used to perform forgings in the manufacture of non-nuclear weapons parts under the direction of DOE's Rocky Flats Plant. This work demonstrates that the HERF performed operations "on behalf of" the DOE.

Based upon an official DOE website and a publication entitled, "Rockwell International, Precision Forge Oxnard Facility, Capability Study," DOE owned the HERF facility property from 1984 through June 30, 1997, thus fulfilling the second part of the definition for proprietary interest. Additionally, the HERF was operated under the same management and operation (M&O) contract as the Rocky Flats Plant. These M&O contractors were Rockwell International, EG&G Rocky Flats, Inc. and Kaiser Hill.

Accordingly, the HERF is a DOE facility for purposes of the EEOICPA for the period from 1984 through June 30, 1997 and staff should handle claims in a manner consistent with this guidance.

Rachel P. Leiton

Director, Division of Energy Employees

Occupational Illness Compensation

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

10-02 Linde Ceramics Plant Residual Radiation Period

EEOICPA CIRCULAR NO. 10-02 February 24, 2010

SUBJECT: Linde Ceramics Plant Residual Radiation Period

The purpose of this Circular is to explain the coverage of certain employees at the Linde Ceramics Plant in Tonawanda, New York under Part B of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) who worked solely during the period defined by the National Institute for Occupational Safety and Health (NIOSH) as having the potential for significant residual radiation.

Circular No. 07-07 stated that Buildings 30, 31, 37 and 38 had been determined to meet the definition of a Department of Energy (DOE) facility for purposes of EEOICPA from 1942 through 1953. That determination has since been incorporated into the recent publication of all DOE facilities currently covered under EEOICPA in the Federal Register on June 23, 2009.

Circular No. 07-07 also stated that the remaining portion of the Linde Ceramics Plant, the Tonawanda Laboratory (Building 14), did not meet the statutory definition of a DOE facility. Thus, the basic

EEOICPA coverage outlined in Circular No. 07-07 remains unchanged, including the fact that the Tonawanda Laboratory continues to be treated as an AWE facility.

Circular No. 07-07 suggested that employees who worked in Buildings 30, 31, 37 and 38 only during the period that NIOSH found had potential for significant residual radiation did not qualify for coverage as atomic weapons employees under Part B of EEOICPA because they did not work at an AWE facility. It has now been determined that this suggestion was incorrect because it failed to take into account that the 2004 amendments to EEOICPA added a second way for these workers to qualify as atomic weapons employees. Under this second definition, an atomic weapons employee is:

(B) An individual employed—

- (i) at a facility with respect to which the National Institute for Occupational Safety and Health, in its report dated October 2003 and titled “Report on Residual Radioactive and Beryllium Contamination at Atomic Weapons Employer Facilities and Beryllium Vendor Facilities”, or any update to that report, found that there is a potential for significant residual contamination outside of the period in which weapons-related production occurred;
- (ii) by an atomic weapons employer or subsequent owner or operators of a facility described in clause (i); and
- (iii) during a period, as specified in such report or any update to such report, of potential for significant residual radioactive contamination at such facility.

Because employees who worked in Buildings 30, 31, 37 and 38 only during the residual contamination period:

- (1) worked at a facility that NIOSH found had a potential for residual radioactive contamination;
- (2) worked for an AWE (since the Linde Air Products Company retained its status as an AWE notwithstanding the change in the status of Buildings 30, 31, 37 and 38 to a DOE facility); and
- (3) worked during the period designated by NIOSH as having potential for significant residual radioactive contamination;

all Linde Air Products Company employees who worked for that company in Buildings 30, 31, 37 or 38 solely during the residual radioactive contamination period meet the definition of an “atomic weapons employee” added by the 2004 amendments. Also under this second definition, all employees of subsequent owners or operators of the Linde Ceramics Plant, such as Praxair, who worked for that company only in Buildings 30, 31, 37 or 38 solely during the residual radioactive contamination period, are also atomic weapons employees.

Determining that a portion of the Linde Ceramics Plant was a DOE facility rather than an AWE facility has no effect on the SEC class designation pertaining to a class of Linde Ceramics Plant employees. This Circular also does not change any aspect of EEOICPA Bulletin No. 06-06, which outlines how to handle the Linde Ceramics Plant SEC class. Proceed to handle all Linde Ceramics Plant claims in accordance with this guidance.

Rachel P. Leiton

Director, Division of Energy Employees

Occupational Illness Compensation

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing

Representatives, District Office Mail & File Section, Resource Center Managers

10-03 St. Louis Airport Storage Site (SLAPS) is a DOE facility

EEOICPA CIRCULAR NO. 10-03

April 13, 2010

SUBJECT: St. Louis Airport Storage Site (SLAPS) is a DOE facility

The purpose of this Circular is to provide information on a change in coverage under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) at the St. Louis Airport Storage Site (SLAPS) in St. Louis, Missouri. A recent review of the documentation associated with this facility makes it clear that the Atomic Energy Commission (AEC) and the Department of Energy (DOE) owned this property at times. Therefore SLAPS is a covered DOE facility from 1947 through 1973 and then again from 1984 through 1998.

The relevant statutory definition states: The term “Department of Energy facility” means any building, structure, or premise, including the grounds upon which such building, structure, or premise is located

(A) in which operations are, or have been, conducted by, or on behalf of, the Department of Energy (except for buildings, structures, premises, grounds, or operations covered by Executive Order No. 12344, dated February 1, 1982 (42 U.S.C. 7158 note), pertaining to the Naval Nuclear Propulsion Program); **and**

(B) with regard to which the Department of Energy has or had

- i. a proprietary interest; **or**
- ii. entered into a contract with an entity to provide management and operation, management and integration, environmental remediation services, construction, or maintenance services. (emphasis added) 42 U.S.C. § 7384l(12).

The SLAPS location was used by the DOE and its predecessor agencies to store residues from the Mallinckrodt Chemical Works. This work allows SLAPS to fulfill the “operations” prong of the DOE facility definitional test. Moreover, since it is known that the AEC and then DOE owned the premises at various times, this establishes the “proprietary interest” criteria.

Accordingly, SLAPS is a DOE facility for purposes of the EEOICPA for the period from 1947 through 1973 and then again from 1984 through 1998, and staff should handle claims in a manner consistent with this guidance.

Rachel P. Leiton

Director, Division of Energy Employees

Occupational Illness Compensation

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

10-04 Ionizing Radiation Health Effects under Part E

EEOICPA CIRCULAR NO. 10-04

August 27, 2010

SUBJECT: Ionizing radiation health effects under Part E

The purpose of this circular is to notify all Division of Energy Employees Occupational Illness

Compensation (DEEOIC) staff that we have identified three non-cancerous occupational diseases associated with exposure to ionizing radiation:

1) Aplastic Anemia (ICD-9 code 284.89)

2) Cataract, chemical or radiation induced

(ICD-9 code 366.46)

3) Radiation sickness-acute (ICD-9 code 990)

By recognizing these non-cancerous occupational diseases as being associated with ionizing radiation, the DEEOIC is also better aligning the Site Exposure Matrix (SEM) with the National Library of Medicine's Haz-Map database.

Each of the occupational affects noted in this circular require exposures to a very high dose[1] of radiation and have short latency periods as shown in this table:

Condition	Radiation level needed to induce	Latency period
Aplastic Anemia	125 rem	6 months or less
Cataracts	500-800 rem directed towards lens of the eye	A year or less
Radiation Sickness (Acute)	100-200 rem	Two weeks or less

The levels of radiation needed to induce these conditions would be the result of an acute event, not chronic levels accumulated over a lifetime of radiation work, and not the exposure received as part of normal radioactive processing work. In other words, the only way to have a causal relationship between ionizing radiation and these three conditions is if the employee was involved in a serious radiation accident. Such accidents are very rare and would be well-documented in Department of Energy (DOE) records. The evidence needed to support such an exposure includes incident and/or accident reports or medical or dosimetry records specific to the individual that identifies the type of excursion or incident in which the employee was involved. The aggregate dose resulting from a dose reconstruction performed by the National Institute for Occupational Safety and Health (NIOSH) does not provide suitable evidence, as these dose reconstructions look at chronic exposure covering many years.

If an employee has a diagnosis of one of these three conditions and medical, dosimetry, or incident reports indicating high or accidental radiation exposure due to a specific event or acute exposure, the case needs to be referred to the National Office for a health physicist review and causation determination.

In SEM, ionizing radiation is shown at the site level only. This means that ionizing radiation will appear on the drop-down list of toxic substances for each site where ionizing radiation was present, but will not appear in building, labor category, or work process profiles. This is appropriate because exposure to these very high levels of ionizing radiation is not part of any worker's normal job activities, past or present.

While the acute levels of occupational radiation discussed in this circular are rare, various medical

procedures associated with cancer treatment may involve equivalent exposure. If a claimant has had radiation therapy to treat a work-related cancer and has any of the conditions mentioned in this circular, staff are to develop the condition(s) under the guidelines for consequential illness described in item 6 of Procedure Manual Chapter 2-1500.

As always, cancer claims associated with exposure to ionizing radiation should be handled under Part B where NIOSH will perform a dose reconstruction as part of establishing a probability of causation.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

[1] For comparison, 450 rem can be a fatal dose of radiation and result in death in 50% of those so exposed within 30 days of receiving such an acute dose, depending on how it is received by the body.

2009 EEOICP Final Circulars

09-01 This Circular provides clarification of the procedure for determining impairment ratings for Part E claims

EEOICPA CIRCULAR NO.09-01 February 6, 2009

SUBJECT: This Circular provides clarification of the procedure for determining impairment ratings for Part E claims.

Under Part E of the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), as amended (42 U.S.C. § 7384 *et seq.*) the Secretary of Labor is required to determine minimum impairment ratings “in accordance with” the American Medical Association’s (AMA’s) Guides to the Evaluation of Permanent Impairment (the *Guides*). 42 U.S.C. § 7385s-2(b). The Division of Energy Employees Occupational Illness Compensation (DEEOIC), in its implementing regulations, requires that impairments be evaluated in accordance with the “current edition” of the *Guides*. 20 C.F.R. § 30.901(b). The *Guides* provide instructions to rating physicians to determine the total percentage of whole body impairment due to injury or illness.

At the time that the amendments to the Act creating Part E were enacted (October 28, 2004), and as of the effective date of DEEOIC’s implementing regulations (February 27, 2007), the current edition of the *Guides* was the Fifth Edition. In January of 2008, the AMA published the Sixth Edition of the *Guides*. In the interest of congruity and fairness to claimants, DEEOIC has concluded that evaluations to determine percentages for impairment claims submitted by Part E claimants must be made using the Fifth Edition of the *Guides*.

Following consultation with DEEOIC medical professionals, the Division has determined that the Sixth Edition of the *Guides* represent a major departure from the Fifth Edition, and would likely have a significant impact on claimants applying for impairment benefits under Part E. This impact will negatively affect most claims submitted by lowering the percentage of impairment, and add

unnecessary delays to the time required to receive an evaluation. DEEOIC has determined that continued use of the Fifth Edition will most benefit EEOICPA Part E claimants, and will result in a more expedient evaluation and compensation process. Additionally, all prior impairment evaluations were performed based on the Fifth Edition of the *Guides*. A change to the Sixth Edition methodology would unfairly penalize future claimants who file for impairment benefits vis-à-vis previous claimants. Claimants who have already received impairment awards, yet wish to have their percentages reevaluated due to changed circumstances, would likewise be unfairly affected by transition to the Sixth Edition.

As has been discussed, the Act is silent on the edition of the *Guides* to be used in Part E impairment evaluations. 42 U.S.C. § 7385s-2(b). However, DEEOIC's regulations require use of the "current edition" of the *Guides*. 20 C.F.R. § 30.901(b). At the time of the regulation's effective date, the Fifth Edition was the "current edition" of the *Guides*. As such, continued use of the Fifth Edition is appropriate given DEEOIC's administrative rules.

Retention of the Fifth Edition alleviates the need for medical providers and DEEOIC District Medical Consultants (DMCs) to be retrained using the methods required by the Sixth Edition. Part E claimants seeking impairment evaluations will benefit from the greater availability of physicians with training in the Fifth Edition, particularly in medically underserved areas.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office, Mail & File Sections, Resource Center Managers

2008 EEOICP Final Circulars

08-01 Massachusetts Institute of Technology

EEOICPA CIRCULAR NO. 08-01 October 10, 2007

SUBJECT: Massachusetts Institute of Technology

The purpose of this Circular is to provide information on a change in EEOICPA coverage at the Massachusetts Institute of Technology (MIT) in Cambridge, Massachusetts.

The determination has been made that the Hood Building, which is adjacent to the MIT campus, meets the definition of a DOE facility from 1946-1963. It has also been determined that MIT itself is validly designated as an Atomic Weapons Employer (AWE) from 1942-1946 and as a beryllium vendor for 1943-1946. Prior to this Circular the designation was for MIT as both an AWE and beryllium vendor for 1942-1963.

As a result of the recent determinations, EEOICPA coverage relating to MIT can now be stated as follows:

- MIT is an AWE for 1942-1946
- MIT is a beryllium vendor for 1943-1946
- The Hood Building is a DOE facility for 1946-1963 (during which there was the potential for

beryllium exposure from AEC activities).

Characterizing the Hood Building as a DOE facility for this time period means that contractors performing work on behalf of the Atomic Energy Commission (AEC), a DOE predecessor agency, who worked in the Hood Building during this timeframe are now covered under Part E of the EEOICPA.

The contractors working in the Hood Building were primarily employees of the Massachusetts Institute of Technology and Nuclear Metals, Inc.

PETER M. TURCIC

Director, Division of Energy Employees

Occupational Illness Compensation

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

08-02 General Steel

EEOICPA CIRCULAR NO. 08-02 November 1, 2007

SUBJECT: This Circular clarifies coverage for the General Steel Industries facility in Granite City, Illinois.

A recent review of documentation pertaining to General Steel Industries in Granite City, Illinois has resulted in additional information regarding the location of this designated atomic weapons employer (AWE). The address of the AWE known as “General Steel Industries” is 1417 State Street in Granite City, Illinois. The building at 1417 State Street is part of what was later known as Granite City Steel’s “South Plant.” For a claim to receive consideration under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA), it must be established that the employee worked at the 1417 State Street address, or within the South Plant generally.

General Steel Industries performed weapons-related work from 1953 to 1966. During that period, however, “Granite City Steel” coexisted as a separate company in Granite City, IL. This has led to some confusion because Granite City Steel is shown as an “also known as” name for this AWE. The purpose of this circular is to clarify the facility definition by providing specific information about the address of the AWE, which was not previously identified. This circular is for clarification purposes only and does not change actual EEOICPA coverage for this facility in any way.

This particular General Steel Industries plant ceased operations in 1972 and was then purchased by Granite City Steel. Granite City Steel was itself a subsidiary of National Steel Corporation. Since Granite City Steel and National Steel Corporation are “subsequent owners or operators” of the 1417 State Street AWE facility (which had residual radioactive contamination until remediation in 1993), they are validly characterized under the category of “also known as.” To be an AWE employee, the worker must have been employed by and at General Steel Industries or employed by a subsequent owner/operator (Granite City Steel) at the General Steel Industries’ location at 1417 State Street.

Granite City Steel’s other plant in Granite City is not covered. Its location is variously described as being on 20th or 21st Streets because 20th Street serves as the major transportation route to the plant, but it also has a Madison Street address.

PETER M. TURCIC

Director, Division of Energy Employees

Occupational Illness Compensation

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Section

08-03 Rocky Flats Building 881

EEOICPA CIRCULAR NO. 08-03 November 6, 2007

SUBJECT: Rocky Flats Building 881

In DEEOIC Bulletin 08-01, "Rocky Flats SEC designations," provisions for including employees in the SEC are outlined in Action #4. One of the three evidentiary methods by which an employee who worked at Rocky Flats during the specified time period and with a specified cancer can be found to have "been monitored or should have been monitored," is that the employee worked in one of nine buildings that are listed in the Bulletin. It has been determined that Building 881 should be added to that list. Although NIOSH did not identify this building specifically to the DEEOIC as one in which there was exposure to plutonium, their SEC Petition Evaluation Report states on page 24 in its description of Building 881, "Small quantities of other radioactive materials such as ²³³U and Pu were also handled." Additionally, in completing dose reconstructions for Rocky Flats workers, NIOSH added neutron dose to employees who worked in Building 881, even though those workers were not on the *Rocky Flats Neutron Dosimetry Reconstruction Project List*. Therefore, because there is the potential that employees worked with plutonium in Building 881 and therefore should have been monitored for neutrons, the CE can accept that employees with a work location of Building 881 who meet the other criteria for inclusion in the SEC, are included in the class.

PETER M. TURCIC

Director, Division of Energy Employees

Occupational Illness Compensation

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08-04 Change to the EEOICPA covered time period at the DeSoto Avenue facility

U.S. Department of Labor

Employment Standards Administration
Office of Workers' Compensation Programs
Division of Energy Employees Occupational
Illness Compensation
Washington, D.C. 20210



EEOICPA CIRCULAR NO. 08-04

April 29, 2008

SUBJECT: Change to the EEOICPA covered time period at the DeSoto Avenue facility

Recent review of documentation provided by a claimant has led to the addition of one year, 1959, to the covered time frame for the DeSoto Avenue facility in Los Angeles County, CA, an EEOICPA-covered DOE facility.

Prior to the issuance of this Circular, the covered years for the DeSoto Avenue facility were 1960-1995 and 1998. By adding 1959, the revised years for which the DeSoto Avenue facility meets the definition of a DOE facility are 1959-1995 and 1998 for remediation.

Information on a public DOE website (<http://www.etec.energy.gov/Reading-Room/DeSoto.html>) states, "The DeSoto facility was constructed in 1959 and was originally the headquarters of Atomics International. During the period 1959 through the mid-1990s, radiological operations were conducted at the DeSoto Facility, utilizing nuclear fuel material and other radioactive materials..." This information, in conjunction with what was already known about the facility is sufficient to add 1959 to the covered time period.

A handwritten signature in cursive script, reading "Peter M. Turcic".

PETER M. TURCIC
Director, Division of Energy Employees
Occupational Illness Compensation

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08-05 OSTI as a covered DOE facility

EEOICPA CIRCULAR NO. 08-05 May 2, 2008

SUBJECT: OSTI as a covered DOE facility

As part of adjudicating a claim, the issue was raised as to whether the Office of Scientific and Technical Information (OSTI) in Oak Ridge, TN was a covered DOE facility for the period 1957-present under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA or the Act). After researching the issue and reviewing related documentation, it was been determined that OSTI is a covered DOE facility.

Prior to publication of this circular, OSTI was not recognized as a covered facility under the EEOICPA. The purpose of this circular is to alert all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff that OSTI is now a covered DOE facility. Accordingly, OSTI federal employees are now covered under Part B and any OSTI contractor and/or subcontractor employees are additionally eligible for Part E.

OSTI's current street address is 1 Science.gov Way in Oak Ridge, Tennessee. Prior to November 7, 2003, the street address for OSTI, at this exact same location, was 175 Oak Ridge Turnpike, Oak Ridge, TN.

The determination that OSTI is a DOE facility is based upon the Act. The relevant statutory section is: 42 U.S.C. § 7384l(12) The term "Department of Energy facility" means any building, structure, or premise, including the grounds upon which such building, structure, or premise is located

(A) in which operations are, or have been, conducted by, or on behalf of, the Department of Energy (except for buildings, structures, premises, grounds, or operations covered by Executive Order No. 12344, dated February 1, 1982 (42 U.S.C. 7158 note), pertaining to the Naval Nuclear Propulsion Program); **and**

(B) with regard to which the Department of Energy has or had

i. a proprietary interest; **or**

- ii. entered into a contract with an entity to provide management and operation, management and integration, environmental remediation services, construction, or maintenance services. (emphasis added) 42 U.S.C. § 7384l(12).

OSTI has served as a repository for all technical reports pertaining to the Department of Energy and its predecessor agencies since 1943. Its basic functions are the collection, preservation and dissemination of energy-related scientific and technical information. Additionally, it was previously concluded that the term “operations” in §73841 (12) has a broad meaning and there is no requirement that the work performed in a DOE building have a “nuclear weapons nexus” in order for that building to properly be considered a “Department of Energy facility” under EEOICPA. Therefore, the library-type work performed at OSTI constitutes “operations” on behalf of the DOE.

With regard to fulfilling the second part of the definition, the building in which OSTI is now housed was built by the AEC as a warehouse sometime after the final drawings were approved on January 6, 1948, and was in use by 1950. Architectural schematics indicate that in 1957, Building 1916 T-1 was significantly expanded and interior walls were added for the purpose of housing the relocated OSTI (then TISE) offices. The schematics refer to the “United States Atomic Energy Commission” as the owner of the property in 1957 and current real estate assessment data available through the State of Tennessee indicate that DOE continues to own the property today. This therefore shows that DOE has a proprietary interest in the “buildings, structure and land” which house OSTI and the EEOICPA statutory definition of a DOE facility is therefore met, effective January 1, 1957.

PETER M. TURCIC

Director, Division of Energy Employees

Occupational Illness Compensation

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08-06 Expansion of Nevada Test Site to include Area 51

EEOICPA CIRCULAR NO. 08-06 August 5, 2008

SUBJECT: Expansion of Nevada Test Site to include Area 51

The purpose of this circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff that Area 51 is part of the Nevada Test Site (NTS) for the years 1958-1999.

NTS is a covered DOE facility for the period 1951-present. The DEEOIC considers Area 51 part of NTS for the period 1958-1999. The DOE categorizes Reynolds Electrical and Engineering Company (REECO) and Bechtel Nevada, Inc. as “captive contractors,” for the DOE and its predecessors, including both the Atomic Energy Commission (AEC) and the Energy Research and Development Agency (ERDA). This means that employees of REECO and Bechtel Nevada who worked at the NTS, including Area 51, are DOE contractor employees, regardless of what information may previously have been received from DOE.

Additionally, staff is reminded that there is an SEC class in effect for the NTS. The NTS class in the SEC covers the years January 27, 1951 through December 31, 1962 and procedures for assessing inclusion in the class are outlined in Bulletin No. 06-16. DOE contractor employment in Area 51 counts towards the 250 days needed for inclusion in the NTS SEC class. This means that any REECO,

Bechtel Nevada or other DOE contractor or sub-contractor employment in Area 51 between the years 1958 and 1962 counts towards inclusion in the NTS SEC class.

The determination that Area 51 is part of the NTS and therefore part of a DOE facility is based upon the Act. The relevant statutory section is:

42 U.S.C. § 7384l(12) The term “Department of Energy facility” means any building, structure, or premise, including the grounds upon which such building, structure, or premise is located

(A) in which operations are, or have been, conducted by, or on behalf of, the Department of Energy (except for buildings, structures, premises, grounds, or operations covered by Executive Order No. 12344, dated February 1, 1982 (42 U.S.C. 7158 note), pertaining to the Naval Nuclear Propulsion Program); **and**

(B) with regard to which the Department of Energy has or had

- i. a proprietary interest; **or**
- ii. entered into a contract with an entity to provide management and operation, management and integration, environmental remediation services, construction, or maintenance services. (emphasis added) 42 U.S.C. § 7384l(12).

DOE has acknowledged that Area 51 was the location of DOE operations and therefore the first prong of the definitional test is met.

With regard to the second prong of the DOE facility definition, DOE has reported, “The referenced area is one that had historically been part of NTS. In 1958, under Public Land Order 1662, approximately 38,000 acres (60 square miles) of land was administratively withdrawn by the Department of Interior for use by the AEC as part of its NTS. Following its designation as part of NTS, the area was then referred to as “Area 51” at some point during its usage by AEC....From 1958 until 1999 when the land was legislatively withdrawn for use of the Department of Defense (under the Military Lands Withdrawal Act of 1999, Public Law 106-65), the land was under the jurisdiction of AEC and its successors (the Energy Research and Development Agency, and later the Department of Energy. This satisfied the “proprietary interest” portion of the definitional test.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

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08-07 Presumption of chronic beryllium disease in situations with a diagnosis of sarcoidosis and a history of beryllium exposure

EEOICPA CIRCULAR NO. 08-07

September 4, 2008

SUBJECT: Presumption of chronic beryllium disease in situations with a diagnosis of sarcoidosis and a history of beryllium exposure.

The purpose of this circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff that a diagnosis of sarcoidosis is not medically appropriate if there is a documented history of beryllium exposure. In these situations, the CE is to consider the diagnosis of sarcoidosis to be a diagnosis of chronic beryllium disease (CBD). However, the application of this

presumption in the adjudication of a claim will differ between Parts B and E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

Part B: To establish that an employee was exposed to beryllium while in the performance of duty, he or she must meet the definition of a “covered beryllium employee.” A “covered beryllium employee” is an employee as defined in section 7384l(7) of EEOICPA who was exposed to beryllium, for at least one day, while employed at a Department of Energy facility; or was present at a Department of Energy facility, or a facility owned and operated by a beryllium vendor, because of employment by the United States, a beryllium vendor, or a contractor or subcontractor of the Department of Energy.

Because a diagnosis of sarcoidosis for a covered beryllium employee is not medically appropriate, in any instance where this situation occurs, CBD is to be the presumed diagnosis. However, as Part B of EEOICPA necessitates the satisfaction of specific diagnostic criteria to qualify for compensability, the case record must contain the required medical documentation for pre- or post-1993 CBD to allow for an acceptance of the claim. (See the Federal (EEOICPA) Procedure Manual, Chapter 2-700 for the pre- and post-1993 CBD criteria.)

Part E CBD claims: Establishing “covered employment” for CBD claims under Part E requires that an employee have at least one day of verified DOE contractor/subcontractor employment at a covered DOE site during a covered time period where beryllium dust, particles, or vapor may have been present. For these claims, whenever the case file contains medical evidence of diagnosed sarcoidosis, a diagnosis of CBD is to be presumed and the claim is to be accepted. (See the Federal (EEOICPA) Procedure Manual, Chapter E-500(15) for the requirements for claims filed for beryllium illnesses under Part E).

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

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08-08 This Circular provides additional clarification of the term “child” as defined under the EEOICPA.

EEOICPA CIRCULAR NO.08-08 September 23, 2008

SUBJECT: This Circular provides additional clarification of the term “child” as defined under the EEOICPA.

Decisions on survivor claims filed under EEOICPA routinely reference the definitions of “child” found in 42 U.S.C. § 7384s(e)(3)(B) and § 7385s-3(d)(3). However, neither of those definitions describe the entire universe of claimants who can qualify as a “child” because they both use the non-exhaustive term “includes.” The regulation at 20 C.F.R. § 30.500(a)(2) also uses “includes” when defining a “child” under the EEOICPA. Although the Federal (EEOICPA) Procedure Manual contains guidance on who qualifies as a “child,” it does not do so in a unified manner. This Circular clarifies earlier guidance by providing a simple definition of the term “child” to be used when adjudicating all claims filed by alleged surviving children under Parts B and E.

Neither of the statutory definitions of the term “child” explicitly refers to persons who are the legitimate “issue” of a deceased covered employee, *i.e.*, persons who are **presumed** to have a genetic

link with a deceased covered employee because they are born within a marriage between the deceased covered employee and his/her spouse. These persons are reported to be children of the deceased covered employee on their birth certificates. Persons who do not have this **presumed** genetic link can use DNA or other types of genetic testing to prove that they have a genetic link to a deceased covered employee who has neither “recognized” nor otherwise openly acknowledged them as a child during their lifetimes. Combining these presumed and proven genetic “children” with those already described within § 7384s(e)(3)(B) and § 7385s-3(d)(3), the Division of Energy Employees Occupational Illness Compensation has devised the following comprehensive definition of the term “child” to be used in all recommended and final decisions on claims filed by persons alleging to be a surviving “child” of a deceased covered employee (of course, a “child” under Part E must still also meet one of the three additional criteria found in the definition of a “covered child”):

A “child” of an individual under both Parts B and E of EEOICPA can only be a biological child, a stepchild, or an adopted child of that individual.

A person who is or was only a “dependent” of an individual, but does not fit within the above comprehensive definition of a “child” of that individual, is not a “child” for the purposes of the compensation program established by EEOICPA.

The term “biological child” is broad and encompasses all of the types of individuals about whom there is either an undisputed presumption or affirmative proof regarding their genetic link to an individual. A “biological child” of an individual is any of the following:

1. A legitimate (born of married parents) child born while the individual is still living.
2. A legitimate child conceived while the individual is still living, but born after he/she has died (these persons are commonly referred to as “posthumous” children).
3. An illegitimate (born of unmarried parents) child born while the individual is still living, whether or not the individual ever “recognized” the person as a child.
4. An illegitimate child conceived while the individual is still living, but born after he/she has died.

All of these children are biological children, but those described in 3 and 4 above may have to prove that status through DNA or other types of genetic testing. In addition, there may be disputes between alleged children where these tests are submitted in an effort to refute the presumed genetic link of a person described in 1 and 2 above. Disputes regarding the outcome of genetic testing should still be evaluated using the guidance contained in Chapter 2-200.5b(1) of the Federal (EEOICPA) Procedure Manual. However, if there is uncertainty regarding the appropriateness of testing submitted in support of a dispute regarding the genetic link between a deceased covered employee and a claimant alleging to be that individual’s “child,” the matter should be referred to the Policy Branch for guidance and possible referral to the Solicitor’s Office.

RACHEL P. LEITON

Director, Division of Energy Employees

Occupational Illness Compensation

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2007 EEOICP Final Circulars

07-01 Department of Energy (DOE) facility description of Line 1 (Division B) at the Iowa Ordnance Plant. (Replaced by Circular 07-03).

07-02 Clinton Engineer Works

EEOICPA CIRCULAR NO. 07-02

May 8, 2007

SUBJECT: Clinton Engineer Works

After research and consultation with Counsel for Energy Employees Compensation, Division of Federal Employee' and Energy Workers' Compensation (Counsel) it has been determined that under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA or the Act) the Clinton Engineer Works (CEW) is a covered DOE facility for the period 1943-1949.

As the attached map shows, the CEW includes the present-day town of Oak Ridge, TN, as well as the various processing plants located in Oak Ridge, including Y-12, K-25 (including K-27), and X-10, all of which were previously designated. This circular does not affect coverage of these plants in any way and is intended only to provide notice of the additional coverage of the CEW.

The relevant statutory sections are:

42 U.S.C. § 7384l(10) The term "Department of Energy" includes the predecessor agencies of the Department of Energy, including the Manhattan Engineering [sic] District

42 U.S.C. § 7384l(12) The term "Department of Energy facility" means any building, structure, or premise, including the grounds upon which such building, structure, or premise is located

(A) in which operations are, or have been, conducted by, or on behalf of, the Department of Energy (except for buildings, structures, premises, grounds, or operations covered by Executive Order No. 12344, dated February 1, 1982 (42 U.S.C. 7158 note), pertaining to the Naval Nuclear Propulsion Program); **and**

(B) with regard to which the Department of Energy has or had

- i. a proprietary interest; **or**
- ii. entered into a contract with an entity to provide management and operation, management and integration, environmental remediation services, construction, or maintenance services. (emphasis added) 42 U.S.C. § 7384l(12).

Operations on behalf of the DOE were conducted by the Roanne-Anderson Company and a host of subcontractors. Roanne-Anderson Company was formed specifically for the task of operating the CEW and was named for the two counties in which the CEW is located (the CEW is bisected by the county line). Contract No. W-7401-eng-115 between the MED and Roanne-Anderson was effective as of September 23, 1943 and had the following "Statement of Work" at paragraph 1:

1. The Contractor [the Roanne-Anderson Company, Inc.] shall operate and maintain all Government owned facilities, utilities, services, properties, and appurtenances situated within the Clinton Engineer Works area, in the state of Tennessee, as directed by the Contracting Officer [the MED]; provided, however, that the work to be performed hereunder shall not be deemed to include the operation or maintenance of any plants, facilities, utilities, or appurtenances situated within restricted areas as designated by the District Engineer, Manhattan District, U.S. Engineer Office.

Paragraph 2 of Article I of the contract further describes the work to be performed, and reads as follows, in pertinent part:

- a) The operation and maintenance of residences, hotels, restaurants, cafeterias,

dormitories, temporary housing facilities, hospitals, laundries, and all other buildings, structures, and facilities whether similar or dissimilar in nature...

- b) Operation of the hospitals in accordance with and under the direction and supervision of the Medical Representative of the Contracting Office...
- c) Maintenance, heating, repairing and furnishing with necessary services and supplies the schools and church buildings or portions of buildings in which are operated or conducted any of the recreational facilities. The Contractor shall, when directed by the Contracting Officer, pay the compensation to all persons engaged in the operation of the said schools, churches, and recreational facilities less any deductions therefrom required by law or directed by the Contracting Officer or his representatives or provided for any contract of employment. The Contractor shall not be required to operate the schools and churches.

The land shown in the map as the CEW was purchased for the MED shortly after General Groves' visit in September 1942, though it was not until late in the summer of 1943 that the MED moved its headquarters to Oak Ridge, Tennessee from Manhattan, NY.

Once the Atomic Energy Commission (AEC) was created, all the property from the MED was transferred to the newly created agency, so that by January 1, 1947, the entire CEW was owned by the AEC. Since the MED and then the AEC owned the land, the proprietary interest portion of the test is also met. All buildings and property that comprise the Clinton Engineer Works is considered a qualifying DOE facility, including the federal building and the power plant. In 1949 the gates to the CEW came down and the process of privatization began with the government selling off the property piece-meal to individuals and businesses.

PETER M. TURCIC

Director, Division of Energy Employees

Occupational Illness Compensation

[Attachment 1](#)

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07-03 This Circular replaces Circular No. 07-01, Department of Energy (DOE) facility description of Line 1 (Division B) at the Iowa Ordnance Plant.

EEOICPA CIRCULAR NO. 07-03

May 22, 2007

SUBJECT: This Circular replaces Circular No. 07-01, Department of Energy (DOE) facility description of Line 1 (Division B) at the Iowa Ordnance Plant, with one correction.

The SEC period of 1947 through 1974 referenced in Circular 07-01 is incorrect. The correct SEC period is March 1949 through 1974.

The purpose of this Circular is to correct an error in the SEC time frame noted in Circular 07-01, and provide a description (as discussed in Circular 07-01) of that portion of the Iowa Ordnance Plant (IOP) considered to be a DOE facility for purposes of claims adjudication under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

42 U.S.C. § 7384l(12) contains the statutory definition of "Department of Energy facility" and states

that the term:

Department of Energy facility means, any building, structure, or premise, including the grounds upon which such building, structure, or premise is located:

(A) In which operations are, or have been, conducted by, or on behalf of, the DOE (except for buildings, structures, premises, grounds, or operations covered by E.O. 12344, dated February 1, 1982 (42 U.S.C. 7158 note), pertaining to the Naval Nuclear Propulsion Program); and

(B) With regard to which the DOE has or had:

(i) A proprietary interest; or

(ii) Entered into a contract with an entity to provide management and operation, management and integration, environmental remediation services, construction, or maintenance services.

The IOP, also known as the Iowa Army Ammunitions Plant (IAAP), is a load, assemble, and pack munitions facility that began production in 1941 and continues to operate as a Government-owned, contractor-operated installation.

In 1947, Silas Mason Company entered into a contract with the Ordnance Department to assist in the design and engineering to construct and operate a facility for the purpose of supplying the Atomic Energy Commission (AEC, predecessor to the present day Department of Energy) with explosive components for nuclear weapons. Under contract with the AEC, Silas Mason Company conducted high explosive fabrication, assembly of non-nuclear and nuclear components, retrofits, modifications, surveillance, and disassembly of nuclear weapons. This work was performed adjacent to other areas at the IAAP dedicated to the production and manufacture of routine military munitions. The qualifying "DOE facility" portion of the IAAP extends to those locations of the plant where Silas Mason Company (aka Mason & Hanger – Silas Mason, Co. Inc.) performed operations for the AEC.

In a letter to the Division of Energy Employees Occupational Illness Compensation (DEEOIC), dated July 19, 2005, the National Institute for Occupational Safety and Health (NIOSH) clarified that the Special Exposure Cohort (SEC) membership class for the facility encompassed AEC workers at Line 1 and associated areas of the facility from March 1949 through 1974, including Yard C, Yard G, Yard L, Firing Site Area, Burning Field "B", and Storage Sites for Pits and Weapons including Buildings 73 and 77. NIOSH went on to write in its correspondence that the SEC class designation should be "inclusive of all workers and activities involved in AEC operations at IAAP and not limiting or excluding workers, activities, or site locations that may have been involved in those operations" and that "Line 1 includes all AEC operational areas."

Upon review of the materials presented in the SEC designation and other documentation, the DEEOIC has determined that the portion of the IAAP considered a DOE facility includes the following:

- The buildings and property/grounds of the IAAP that is identified as "Line 1."
- Yard C
- Yard G
- Yard L
- Firing Site Area
- Burning Field "B"

● Storage Sites for Pits and Weapons – including Buildings 73 & 77

To provide clarification, Line 1 of the IAAP encompasses a cluster of several buildings that were utilized for AEC activities. Line 1 was a specifically identified and bounded area within the IAAP. The entire premise within this bounded area is considered a DOE facility. The buildings located at Line 1 are identified with a prefix of 1 to denote Line 1 (AEC related operations) followed by a building number. For example, building 1-01 represents building 01 of Line 1.

As noted previously, in addition to the collection of buildings located on Line 1, the AEC utilized other areas of the plant in connection with Line 1 activities. Excess material was disposed of at the Division B Burning Grounds, the Firing Sites were utilized for explosive charge test firing, hydro-shot operations, and cleanup, and the Burn Pads were used for explosives disposal and landfill activities. Additional areas of operation included Yard C, Yard G, Yard L, and the Storage Sites for Pits and Weapons including Buildings 73 and 77.

Attached to this Circular is a chart that provides a specific listing of buildings and other areas that were used for nuclear weapons development in connection with AEC operations. Work processes related to Line 1 activities conducted within each of these buildings have also been identified. A map of the Iowa Ordnance Plant and a map that illustrates the buildings in operation on Line 1 are also included.

Peter M. Turcic

Director, Division of Energy Employees

Occupational Illness Compensation

[Attachment 1](#)

[Attachment 2](#)

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07-04 This Circular expands the covered time period for the Trinity Nuclear Explosion Site for the remediation conducted in 1952 and 1967.

EEOICPA CIRCULAR NO. 07-04 July 12, 2007

SUBJECT: This Circular expands the covered time period for the Trinity Nuclear Explosion Site for the remediation conducted in 1952 and 1967.

The Trinity Nuclear Explosion Site is currently designated as a Department of Energy (DOE) facility for 1945. A number of documents obtained from DOE, DOE Albuquerque Operations Office (AOO), Formerly Utilized Sites Remedial Action Program (FUSRAP), and the White Sands Missile Range establish that there are two periods of environmental remediation in 1952 and 1967. In 1952, the DOE Albuquerque Operations Office (AOO) awarded a contract for environmental remediation to D.D. Skousen of Albuquerque, New Mexico. The 1952 clean up project involved scraping up and burying the Trinitite (fused sand resulting from the 1945 explosion) with regular topsoil.

The 1967 work included the location, excavation, and removal of ten containers of crater scrapings that had been buried 20 years prior. The decontamination conducted in 1967 was completed by staff from Los Alamos.

The totality of the evidence establishes that the covered time period for the Trinity Nuclear Explosion Site should expand to the years 1952 and 1967.

Peter M. Turcic

Director, Division of Energy Employees

Occupational Illness Compensation

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07-05 De-listing of three AWEs

EEOICPA CIRCULAR NO. 07-05 July 20, 2007

SUBJECT: De-listing of three AWEs

The purpose of this circular is to provide notification that three entities previously identified as Atomic Weapons Employers (AWEs) have been officially delisted. Procedures for handling this situation were previously provided in Bulletin Number 07-03.

The Department of Energy published a Federal Register Notice on Thursday, June 28, 2007 (Attachment 1) which made it clear that the designations of the following AWEs were erroneous and thus were officially removed from the list of covered facilities:

- Naval Research Laboratory, previously designated as an AWE in the District of Columbia
- Philadelphia Navy Yard, previously designated as an AWE in Philadelphia, Pennsylvania
- Watertown Arsenal (Building 421), previously designated as an AWE in Watertown, MA.

Per this circular, claims arising from employment based upon these three formerly designated AWEs are to be treated the same way as the National Bureau of Standards, the Seneca Army Depot, the Picatinny Arsenal and the Frankford Arsenal, as described in Bulletin No. 07-03.

PETER M. TURCIC

Director, Division of Energy Employees

Occupational Illness Compensation

[Attachment 1](#)

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07-06 This Circular expands the covered time period for the Coors Porcelain Company in Golden, Colorado.

EEOICPA CIRCULAR NO. 07-06 August 22, 2007

SUBJECT: This Circular expands the covered time period for the Coors Porcelain Company in Golden, Colorado.

Recent research in connection with the adjudication of a Part B claim has led to a modification to the

covered time frame for the Coors Porcelain Company in Golden, Colorado, an EEOICPA-designated beryllium vendor.

One year (1985) has been added to the covered time frame for Coors Porcelain Company as a beryllium vendor. This additional year covers the period during which Coors remediated residual beryllium contamination at its facility. The covered time frame now includes the production/processing period of 1947 through 1975, and 1985, for remediation.

The entry for the Coors Porcelain Company on DOE's web-based facility database will be changed to incorporate this expansion.

PETER M. TURCIC

Director, Division of Energy Employees

Occupational Illness Compensation

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07-07 Linde Ceramics Plant

EEOICPA CIRCULAR NO. 07-07 September 5, 2007

SUBJECT: Linde Ceramics Plant

The purpose of this Circular is to provide information on a change in EEOICPA coverage at the Linde Ceramics Plant in Tonawanda, NY.

The determination has been made that Buildings 30, 31, 37 and 38 of the Linde Ceramics Plant meet the definition of a DOE facility for purposes of the EEOICPA from 1942 through 1953. It is also determined that the Tonawanda Laboratory (Building 14) of Linde does not meet the definition of a DOE facility, but should continue to be treated as an AWE facility.

Employees with confirmed employment at Linde who worked in Buildings 30, 31, 37 and 38 are considered DOE contractor employees per the EEOICPA. They are therefore potentially eligible for both Part B and Part E benefits. This is true in all instances *except* if the documentation in the file clearly places the employee exclusively in the Tonawanda Laboratory (Building 14). If the documentation clearly places the employee exclusively in the laboratory the employee is to be treated as an AWE employee and therefore ineligible for Part E.

Recategorizing a portion of Linde from an AWE facility to a DOE facility has no effect on the designation of Linde as an SEC. This circular does not change any aspect of Bulletin No. 06-06 which outlines how to handle the Linde SEC class.

With regard to the NIOSH-designated residual radiation period, the EEOICPA only provides for residual radiation coverage for AWE facilities and not for DOE facilities. Therefore, as a consequence of the finding that Buildings 30, 31, 37 and 38 meet the definition of a DOE facility, the period of residual radiation is eliminated for those buildings. The Tonawanda Laboratory (Building 14) however, continues to have the noted residual periods. In the absence of evidence to the contrary, the assumption that employees were working in the DOE portion of the plant continues during the residual period. Therefore, for an employee to be covered during the residual period, there must be affirmative evidence in the file that their work location was the Tonawanda Laboratory (Building 14).

With regard to the period of time during which Linde Ceramics is designated as a DOE facility for

remediation only, the change in its status to its early years does not alter how the remediation period should be handled.

In summary, the following is the revised coverage for the Linde Ceramics Plant in Tonawanda, NY, per this Circular.

Buildings 30, 31, 37 and 38 of Linde Ceramics are a DOE facility from 1942 through 1953. The significance of this is that it extends Part E coverage to Linde employees who worked therein.

The Tonawanda Laboratory (Building 14) at Linde Ceramics is to continue being treated as an AWE facility from 1942 through 1953.

Linde Ceramics continues unchanged in its status as a Special Exposure Cohort (SEC) site from October 1, 1942 through October 31, 1947 (per Bulletin No. 06-06).

Only the Tonawanda Laboratory (Building 14) has a period of residual radiation. That period, as defined by National Institute for Occupational Safety and Health (NIOSH) is 1954-1987; 1993-1995; 1997-July 2006.[1]

Linde Ceramics is a Department of Energy (DOE) facility (for remediation workers only) for 1988-1992 and 1996.

PETER M. TURCIC

Director, Division of Energy Employees

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[1] Note, however that Building 14 (the Laboratory) was demolished in 2004-2005. So even though the NIOSH-designated residual period continues until July 2006, no employees could have worked there past 2005.

07-08 This Circular alters the covered time period for the Tocco Induction Heating Division in Cleveland, OH.

EEOICPA CIRCULAR NO. 07-08 September 6, 2007

SUBJECT: This Circular alters the covered time period for the Tocco Induction Heating Division in Cleveland, OH.

Recent research resulting from efforts by the National Institute for Occupational Safety and Health (NIOSH) to complete a dose reconstruction for a claimant who worked at Tocco has led to a modification to the covered time frame for the Tocco Induction Heating Division in Cleveland, OH an EEOICPA-designated atomic weapons employer (AWE).

The years of coverage now start a year earlier and end a year earlier. The revised years of coverage are 1967-1968 (Previous to this circular, the covered years for Tocco were 1968-1969). The start year of 1967 represents the date on which 16,000 pounds of uranium metal from National Lead of Ohio(NLO) was determined to be at Tocco. The 1968 end year is based upon a letter dated November 21, 1968 from Tocco to the Atomic Energy Commission (AEC) stating that all radioactive material had been removed from the site and returned to NLO.

The entry for the Tocco Induction Heating Division in Cleveland, OH on DOE's web-based facility

database will be changed to incorporate this alteration.

PETER M. TURCIC

Director, Division of Energy Employees

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2003 EEOICP Final Circulars

03-01 Updates to the time frames for certain covered facilities

October 1, 2002

EEOICPA CIRCULAR NO. 03-01

SUBJECT: Updates to the time frames for certain covered facilities

Recent research on covered facilities has led to a modification to the covered time frames for two employers.

The covered time frame for Brush Wellman as a statutory beryllium vendor has been expanded. The covered time frame is now August 18, 1943 and continuing.

The covered time frame for atomic weapons employer, Nuclear Metals Incorporated in West Concord, MA has been expanded. The covered time frame is now 1954 to 1990.

PETER M. TURCIC

Director, Division of Energy Employees

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