DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institute for Occupational Safety and Health
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati, OH 45226-1998
**Phone: 513-533-6825**
**Fax: 513-533-6826**

February 3, 2006

Mr. Edwin A. Walker
8614 S. Main Street
Eden, NY 14057

References: Letter from L. J. Elliott to E. Walker dated 12/22/2005
Letter from L. J. Elliott to E. Walker dated 8/16/2005

Dear Mr. Walker:

In your letter dated January 10, 2006 you expressed a number of concerns related to the suitability of the Bethlehem Steel Site Profile for reconstructing radiation doses for workers at the Bethlehem Steel Lackawanna facility. Further, you indicated that you felt the claimants from Bethlehem Steel were not provided adequate opportunity to provide input to the site profile. As you are aware, these issues have been the subject of ongoing communications between yourself and this office for many months. Through numerous e-mails and in the letters referenced above, I have previously provided written responses to many of the issues raised in your current letter. In addition, other issues have been addressed during meetings of the Advisory Board working groups in which you participated as a representative of workers at Bethlehem Steel. The following responses are provided for those issues which I believe have not previously been addressed.

**1) Inadequate opportunity for claimant/worker input and comment**

It is our opinion that NIOSH has provided significant opportunity for public input to the Bethlehem Steel site profile. As you are aware, all site profile documents are subject to change as new information becomes available. NIOSH has made the site profile and the proceedings of all associated meetings available to the public on our website. We have consistently encouraged stakeholders to comment on the site profile and, as you are aware, have initiated changes in response to these comments. In keeping with our regulation, any changes in the site profile are evaluated to determine the impact they might have on previous dose reconstructions.

To facilitate the collection of public comment, NIOSH has provided staff support at a number of meetings in the Buffalo area. In addition to the meeting arranged by you on May 5, 2004, NIOSH has participated in: 1) a full meeting of the Advisory Board on Radiation and Worker Health (ABRWH) at the Buffalo Hyatt Regency hotel on June 2-3, 2005; 2) a worker outreach meeting on July 1, 2004 in Hamburg, NY; and 3) a town hall meeting on January 12, 2005 at the Buffalo Sheraton.

In addition to the above, there have been twelve other meetings where a discussion of the Bethlehem Steel site profile was at least a part of the agenda. This includes public discussions at six full meetings of the ABRWH, four working group meetings of the ABRWH and two technical

conference calls between NIOSH and Sanford, Cohen & Associates (SC&A). According to the transcripts and/or minutes of these meetings, you have participated in eight of these sessions as a representative of the Bethlehem Steel Action Group.

In your letter, you mentioned that NIOSH failed to follow up on a contact with a plant superintendent who spoke at the meeting on January 12. To the best of my staff's recollection, when NIOSH tried to obtain the phone number from you for this speaker, you indicated that you no longer thought that he was the most appropriate person to contact.

**2) Reimbursement for meeting hall costs**

You stated in your letter that NIOSH proposed to reimburse you for the meeting hall costs associated with the worker outreach and town hall meetings you arranged on May 4, 2004. While NIOSH was pleased to accept your invitation to meet with workers in the afternoon and participate in a town hall meeting later in the day, we do not recall offering to reimburse you for the expenses incurred as a result of this meeting. It would not have been possible for NIOSH to retroactively reimburse you for the expenses you incurred, as this would have constituted an unauthorized procurement on our part. I have checked with members of my staff, and no one recalls seeing an invoice from you for the meeting hall costs.

**3) Areas of highest uranium air concentration**

You have questioned how NIOSH could have changed its opinion that the highest air concentrations of uranium were consistently measured at the rollers. During our extensive review of the rolling processes employed at Bethlehem Steel, it became obvious that the salt bath technology employed during the later years significantly reduced air concentrations of uranium over the technology employed in the earlier period. The reduction was so significant that other operations became the bounding exposure scenario. In keeping with the claimant favorable assumptions used in the site profile, NIOSH has adopted the highest exposure scenario for assigning intakes to workers in the later years. Based on an analysis of the measured air samples during this period, grinding operations provide the highest potential for worker exposure. NIOSH will assume that all workers, regardless of job category, were exposed to these air concentrations 10 hours per day for each day of rolling.

**4) Dose reconstruction workshop**

Although we are sorry that your reservations for the dose reconstruction workshop appear to have been improperly handled, we are certainly glad that you were able to attend. After the meeting, it was our impression that you were appreciative of the effort and expense that NIOSH put forth to communicate the complex issues associated with dose reconstruction. Based on the comments we received after these meetings, we believe that they were highly successful in accomplishing their intent, and we plan on conducting additional meetings this summer. As a representative of a large group of claimants, we would appreciate your participation in one of the future sessions. As the plans become more definite, we will send more details as to the time and place of the workshops.

**5) Residual Contamination**

The Bethlehem Steel site profile does not assume that the facility was decontaminated in one day. In fact, the revised site profile employs a model that was extensively reviewed during the comment resolution process. This new model accounts for the fact that the production of uranium was a very small part of the production activities at Bethlehem Steel. As such, the amount of uranium available for resuspension would be reduced over time by the dust that was generated during the normal steel manufacturing process. Although you are concerned about the accumulation of uranium on the plant rafters, there is no scientific basis for the selective concentration of uranium dust over the steel dust at these locations.

**6) Torch cutting of cobbles**

Torch cutting was an object of significant discussion by the Advisory Board, SC&A, and NIOSH. In many of these discussions you were an active participant. NIOSH has contacted several experienced uranium specialists, some with over 40 years of experience in the shaping, cutting and handling of this material. Neither they nor anyone they know has ever seen uranium cut with a torch. However, as discussed in great detail at the working group meeting, NIOSH evaluated the number of cobbles from Bethlehem Steel and the time associated with reducing them to a shippable state. Our conclusion was that the application of the proposed air concentration were sufficiently high to ensure a claimant favorable evaluation of this process.

Prior to finalizing this change to the site profile, however, NIOSH has committed to discussing the basis for our assumptions with workers at Bethlehem Steel. To this end, Sam Glover of my staff sent you an e-mail requesting your assistance in identifying workers who might be able to help us evaluate the reasonableness of our assumptions. Thus far, we have not heard back from you on this request. As we would like to complete our revision to the site profile as soon as possible, we would appreciate any assistance you could provide in addressing this issue.

In closing, I would again like to thank you for the assistance you provided to NIOSH and SC&A during the Bethlehem Steel site profile review process and reiterate our commitment to making this process as open and transparent as possible.

Sincerely,

Larry J. Elliott, MSPH, CIH
Director
Office of Compensation Analysis and Support

cc: ABRWH

bcc: J.W. Neton
S. Glover
D. Allen
C. Ellison
D. Sundin