

Dragon, Karen E. (CDC/NIOSH/EID)

From: Dragon, Karen E. (CDC/NIOSH/EID)
Sent: Tuesday, December 13, 2016 12:02 PM
To: Dragon, Karen E. (CDC/NIOSH/EID)
Subject: FW: Rocky Flats page
Attachments: RF petitioners comments Nov. 2016 Final.docx

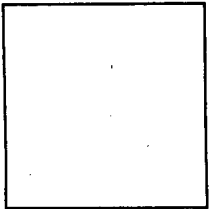
From: Terrie Barrie [mailto:terrie.barrie@cdc.gov]]
Sent: Friday, December 09, 2016 2:10 PM
To: NIOSH Docket Office (CDC) <niocindocket@cdc.gov>
Subject: Rocky Flats page

To Whom It May Concern:

Please post the attached public comment to the Division of Compensation and Analysis Support's Rocky Flats page.

Thank you,

Terrie Barrie
Rocky Flats SEC co-petitioner
ANWAG



Good Evening Dr. Melius and members of the Board. My name is Terrie Barrie. I'm a Founding Member of the Alliance of Nuclear Workers Advocacy Groups and co-petitioner for the Rocky Flats SEC petition #00192. Thank you for allowing me to offer these comments tonight.

About three months ago, the United Steel Workers Local 8031 generously donated hard copy documents, including Safety Concerns, from the Rocky Flats site to ANWAG. I realize that NIOSH and SC&A reviewed the safety concerns data base back in 2007, but this donation was the first opportunity the petitioner, , and I, along with other site experts, had to review these records. Of the almost 5,000 safety concerns in DOE's possession, NIOSH and SC&A determined that only 40 or so could possibly affect NIOSH's ability to reconstruct dose for Rocky Flats. It is unclear if DOE has complied with the 75-year retention rule for radiation documents. The 2007 NIOSH report documented that no Safety Concerns prior to 1970 were available. This report seems to indicate that only 40 or so Safety Concern files were available that may have stunted a complete Safety Concern review. This is not claimant-favorable. According to SC&A's Main Report of April 5, 2007,

*"A number of safety concerns (74-61, 85-109, 86-13, 86-161, 86-169, 89-037, 89-203, 90-169, 91-496, 92-003, 92-048, and 97-176) relate to the lack of QC in the internal and external monitoring programs. These concerns collectively reinforce issues raised in the petition regarding data quality."*¹

Our review found a lot more. The specific safety concern numbers and their related issues can be found in the attached spreadsheet and a copy of the file is publicly available at

<http://rockyflatsambushedgrandjury.com/category/saftey-concerns/> .

¹ <file:///C:/Users/SG-C/Downloads/sca-rfpsec30-r0-v1.pdf>

We reviewed safety concerns which are not included in the NIOSH/SC&A list. Briefly, we identified

- Falsification of plutonium weights on the run sheet; falsification of medical records and; falsification of RCRA inspections.
- Multiple problems with the Health and Safety Labs from 1985 to 1999 including this comment from a supervisor in a 1986 safety concern, and I quote, "The HS & E Laboratory has a major problem with contamination and efforts are underway to correct this situation..." .In 1999 an off-site lab was contracted to analyze the samples instead of using the RF lab.
- There was a possible criticality in Building 774 in 1986. It was serious enough to have Rocky Flats "obtain a Nuclear Criticality Specialist from Albuquerque." I crossed checked this 1986 possible criticality concern with the DOE Rocky Flats Assessment of Criticality Safety document. It is not listed in the 1989 document.²
- A strong indication that radioactive materials and contaminated equipment were present in Building 460, at least through 1996. The vast majority of these workers were not monitored for radiation since 460 was considered a "cold" building

Numerous concerns were filed for faulty alarms, lack of qualified RCT coverage, or even no coverage by an RCT, and instruments incorrectly calibrated. There were so many of this type of safety concerns that I stopped recording them on the spreadsheet. But these concerns are directly related to NIOSH's ability to reconstruct dose. If an alarm doesn't alarm, then the worker or the RCT will not know there is a release. If the area doesn't have an RCT, the worker won't know if he has been exposed. If the RCT's instrument is not calibrated correctly, then it is unlikely that an accurate assessment of contamination would be recorded. In any of these situations it is quite possible that contaminated workers would not

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http://www.eecap.org/PDF_Files/Colorado/Rocky_Flats/Rocky_Flats_DOE_documents/AN_ASSESSMENT_Criticality_Safety.pdf

be decontaminated or given the opportunity to provide samples to see if he has an internal or external exposure. These ARE issues that will affect NIOSH's ability to reconstruct dose with sufficient accuracy.

As I mentioned, NIOSH and SC&A did identify a limited number of safety concerns that could have an impact on the ability to reconstruct dose. Some were resolved in 2007. However, the SC&A report states, "NIOSH continues its investigation of two safety concerns involving lost or invalid bioassay results (90-169) and the inadequacy of the internal and external dosimetry programs (92-048)."

I have not been able to find if the investigation into these two safety concerns was completed. If they have not been resolved, NIOSH needs to complete this investigation and include the additional safety concerns the petitioners have now identified.

I would like to mention that not everyone ever employed at Rocky Flats filed a safety concern when they found things wrong with policy or procedures. Some may not have realized they could file a concern when they did not receive bioassay results in a timely manner. Some may simply have feared for their jobs or be subjected to retribution.

I would also like to remind the board of two outstanding issues both which fall under the Ten Year Review's recommendation that petitions should be decided on a consistent basis.

Metal Tritides – this issue was raised during the Rocky Flats March 17, 2015 Work Group meeting.

NIOSH promised they would look into this but, again, I have not seen where they have. I found safety concern # 94-158 which alludes to the presence of tritides. Earlier this year, I also supplied NIOSH with a couple of documents which I feel strongly indicates that tritides were present at Rocky Flats. I would like to remind the Board that you approved SEC status for General Atomics in 2014, in part, because NIOSH determined that "metal tritides were present during the operational period with no indication of

any analysis performed to determine the type of tritide.” And that without that knowledge NIOSH admitted that they cannot reconstruct dose with sufficient accuracy.³

The other instance where consistent decisions on SEC petitions affects Rocky Flats involves dose reconstruction for neptunium exposure. One LANL SEC petition was approved because the petitioner provided a DOE document which stated that plutonium bioassay cannot be used to reconstruct dose for neptunium exposure. Yet that is exactly what NIOSH is using to reconstruct dose for Rocky Flats workers! How can this methodology be ok for Rocky Flats but not for LANL?

Lastly, I am concerned that the legacy of the weapons production is being ignored. According to the website, NIOSH has only qualified this petition through 1989. The workers employed from 1990 through the date of closure must not be forgotten. I believe enough evidence has been supplied to support our position that NIOSH cannot reconstruct dose for this time period.

Thank you for allowing me to present these comments. I would also like to express my appreciation to the United Steel Workers and especially of Local 8031 for donating these documents and to Cold War Patriots who generously provided the funds for this project.

Submitted by:

Terrie Barrie

November 30, 2016

³ <http://www.cdc.gov/niosh/ocas/pdfs/abrwh/pres/2014/dc-gasec218072914.pdf>