

Miller, Diane M.

From: Robert.Bistline@rf.doe.gov
Sent: Monday, October 22, 2001 10:23 AM
To: NIOCINDOCKET@CDC.GOV
Cc: James.Jeffries@rf.doe.gov
Subject: Comments to NIOSH interim final rule 42CFR82 "Methods for Radiation Dose Reconstruction Program Act of 2000"



Comments to
42CFR82.doc

Attached are my comments to the NIOSH interim final rule 42CFR82 "Methods for Radiation Dose Reconstruction Under the Energy Employees Occupational Illness Compensation Program Act of 2000; Interim Final Rule With Request for Comments", published in the Federal Register/Vol. 66, No. 194/ Friday, Oct. 5, 2001.

**My name is Dr. Robert W. Bistline, U.S. Department of Energy, Rocky Flats Field Office
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(See attached file: Comments to 42CFR82.doc)

United States Government

Department of Energy

Rocky Flats Field Office

memorandum

DATE: 10/22/2001
REPLY TO:
ATTN OF: Robert W. Bistline, Ph.D.
SUBJECT: Comments on Proposed Rule 42CFR82
TO: NIOSH Docket Officer

I wish to submit the following comments to the Proposed Rule 42CFR82.

The Oct. 5, 2001, Vol.66, No.194 edition of the Federal Register contains the Proposed Rule 42 CFR Part 82 Methods for Radiation Dose Reconstruction Under the Energy Employees Occupational Illness Compensation Program Act of 2000; Interim Final Rule With Request for Comments". This Proposed Rule states in the Supplementary Information: Section V, p. 50982: "**NIOSH will use current ICRP models for calculating internal dose**". All of DOE has used the internal dose model in ICRP 26 and 30 for internal dose calculation as required under 10 CFR 835. If NIOSH uses the ICRP 60s and 70s series for internal dose models it will lower the calculated lifetime internal dose for those individuals applying for compensation under the DOL EEOICPA significantly (could be as much as a factor of 3 to 5 times less). This could have a devastating public relations impact when workers apply for compensation using their lifetime doses of record at the sites and then reduced by NIOSH and no longer qualifying for compensation. The perception of most workers will be that - "here the government goes screwing us again. I qualified for compensation with the dose I received at Rocky Flats, Hanford, Oak Ridge, Los Alamos, Savannah River, etc. and now you played games with my dose and lowered it so I no longer qualify and the government no longer has to pay me." In an Inter-Agency agreement it was agreed to some years ago that we would use ICRP 26 and 30. Changing to the ICRP 60 and 70 series has serious impacts and the potential to provide support to accusations for lack of credibility in the government.