



EEOICPA CIRCULAR NO. 25-01

DATE: October 9, 2024

SUBJECT: Metals and Controls Corporation Special Exposure Cohort (SEC) Class between January 1, 1968, and September 21, 1995.

The purpose of this Circular is to notify all Division of Energy Employees Occupational Illness Compensation (DEEOIC) staff of a new SEC class designation for the Metals and Controls Corporation, located in Attleboro, 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 Metals and Controls Corporation, in Attleboro, 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 presented its findings to the Advisory Board on Radiation and Worker Health (“the Board”) at five of the Board’s meetings held between August 24, 2017, and April 17, 2024. On August 14, 2024, 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 Metals and Controls Corporation.

On September 9, 2024, 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 Metals and Controls Corporation in Attleboro, MA, from January 1, 1968, through September 21, 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 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 October 9, 2024, 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 Metals and Controls Corporation. The first class was the subject of EEOICPA Bulletin No. 10-05, which covered Metals and Controls Corporation employees who worked at the Metals and Controls Corporation, in Attleboro, Massachusetts, between January 1, 1952, and December 31, 1967.

To qualify under this new class, the employee must have worked at the Metals and Controls Corp. in Attleboro, Massachusetts, for 250 days during January 1, 1968, through September 21, 1995, and meet the additional criteria specified in the above class definition. If the employee does not have 250 workdays at the Metals and Controls Corporation 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 who worked at the Metals and Controls Corporation, NIOSH intends to use any available internal and external monitoring data that are 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 Federal (EEOICPA) Procedure Manual (PM) Chapter 14.8 (Version 8.0). A screening worksheet is included as [Attachment 3](#).

As outlined in the Federal (EEOICPA) PM, 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. 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 25-01 Metals and Controls Corporation (1/1/1968-9/21/1995).” If the District Office and FAB staff determine that the case is going to be awarded based on an SEC, a positive SEC causation path must be created in the Causation tab found under Development Components in ECS. In the SEC causation path, select the SER and SEF blocks, and enter the dates and the SER Reason and SEF Reason “Rvwd per Circular 25-01 Metals and Controls Corporation (1/1/1968-9/21/1995).”

RACHEL D. POND
Director, Division of Energy Employees
Occupational Illness Compensation

Attachments



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

SEP 09 2024

The Honorable Kamala D. Harris
Vice President of the United States
President
United States Senate
Washington, DC 20510

Dear Madam Vice President:

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) and 42 C.F.R. pt. 83, a petition was filed on behalf of workers at the Metals and Controls Corp. in Attleboro, 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) completed the evaluation of the petition [SEC-00236] for the time period from January 1, 1968, through March 21, 1997, and presented its analysis and findings to the Advisory Board on Radiation and Worker Health (the Board) during five of the Board's meetings held on August 24, 2017, August 22, 2018, December 13, 2018, December 7, 2023, and April 17, 2024.

The Board considered the petition, and on August 14, 2024, I received the Board's recommendation concerning this petition. I also received the Board's deliberations, findings, and recommendations from the Director of NIOSH and the Director of CDC. Based on this information, I have determined that the following employees meet the statutory criteria for addition to the SEC, as authorized under EEOICPA, 42 U.S.C. § 7384q.

“All Atomic Weapons Employees who worked at Metals and Controls Corp. in Attleboro, MA, from January 1, 1968, through September 21, 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 included in the SEC.”

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]

Xavier Becerra

Enclosures

October 2024

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Attachment 1



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
1090 Tusculum Ave
Cincinnati, OH 45226-1938
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 Metals & Controls Corp., Attleboro, 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 September 9, 2024, in a report to Congress, the Secretary of the Department of Health and Human Services, Xavier Becerra, recommended the following class of employees be added to the SEC:

"All Atomic Weapons Employees who worked at Metals and Controls Corp. in Attleboro, MA, from January 1, 1968, through September 21, 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 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 9, 2024.

Our records indicate that you, or the energy employee on the claim, worked at Metals & Controls Corp. during the period from January 1, 1968, through September 21, 1995, 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 Metals and Controls Corp. 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,

Grady Calhoun, Director
Division of Compensation Analysis and Support
National Institute for Occupational Safety and Health

Representatives

**Metals and Controls 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 January 1, 1968, through September 21, 1995 ? Y / N If yes, identify employment period at Metals and Control 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 “Likely” (#3 and #4 and #5 all Yes)
- Select “Unlikely” (any of #3 or #4 or #5 are No)
- Select “Development Needed” (#5 is a Yes)

Date

Signature