From:	D"LANIE BLAZE
To:	DOL Energy Advisory Board Information
Subject:	Written Comments 11/15/2023 Santa Fe, NM
Date:	Thursday, November 16, 2023 12:16:45 PM
Attachments:	DEEOIC_2005_Decision.pdf EEOICPA_Bulletin_No_10_10.pdf

Hello ~

Below, please find a copy of my stated comments during the Public Commenting Period at ABTSWH Meetings held in Santa Fe, NM on 11/15/2023.

I have attached the 2005 Eligibility Decision for Area IV of the Santa Susana Field Laboratory (SSFL) and its related worksites (Canoga and DeSoto), which was authored by DEEOIC / Peter Turcic. It is referenced in my comments. For additional information, I have also attached a copy of EEOICPA Bulletin 10-10, which addresses the problem of routine worker rotation into Area IV.

If the Board wishes to review documents responsive to FOIA Requests discussed in my comments, I can provide them.

Thank you for the opportunity to provide comment.

D'Lanie Blaze

COREAdvocacy.org
Advocacy for Nuclear & Aerospace Workers
Cell: 818.450.7988
Msg: 818.835.1431
Fax: 818.337.0346

I am D'Lanie Blaze of CORE Advocacy for Nuclear and Aerospace Workers. I mainly represent claimants who are affiliated with SSFL and its related worksites, Canoga and DeSoto Facility, near Los Angeles, California. It is a privilege, as always, to address the Board and I thank you all for traveling to be here and offering the opportunity to provide public comment.

I want to talk about the removal of information from the SEM for Area IV of SSFL.

In 2017, Propulsion Workers and activities were removed. In response to a FOIA where I requested information about the directive and the rationale to remove the information, Paragon indicated that it had removed Propulsion workers and activities because these employees are not considered to be eligible for the program under Part E. But this is incorrect.

Not only is this incorrect, no other information was provided regarding where the directive to remove the information had originated, or what documentation was used to support the removal.

Mr. Turcic authored the established eligibility decision for Area IV of SSFL during his time as program director, in 2005. In that decision, propulsion workers certainly were not excluded. In fact, the decision provides that any DOE contractor employee who can establish employment for the company at a location where DOE conducted operations may be considered to be eligible for EEOICPA — that means any DOE contractor or subcontractor who performed job duties inside Area IV.

So, based on multiple DOE-funded propulsion programs that occurred in Area IV, there was no basis to remove propulsion workers and their activities from SEM. These DOE-funded operations began in the 1950's; locations where the work occurred in Area IV are still included in the SEM (i.e. Area IV SNAP, Sodium, and Coal Gasification Buildings); and Paragon is in possession of worker DARs showing verified Area IV employment among propulsion workers who performed associated activities. Therefore, it was shocking that this information was removed, and to date Paragon has not disclosed at whose direction this occurred or provided any information as to what information was used to support the move.

We have had issues with Santa Susana since the program's outset. Mr. Turcic indicated in the 2005 eligibility decision that it had been DOE and Boeing's goal in 2002 to limit the number of SSFL workers who would be covered under EEOICPA, resulting in a three-year argument with Department of Labor during which all claims associated with SSFL, Canoga and DeSoto were placed into pending status. During this period, workers died without ever understanding why their claims had stalled.

Since then, we have had multiple incidents — verified by DOE and the National Office — where Boeing has been found to routinely submit incomplete and misleading information during the Employment Verification process, resulting in the summary disqualification of workers who clearly qualify for compensation and medical benefits under both Part B and Part E. There is no shortage of well documented examples, and I could keep you here for a week going over them in detail — suffice to say, from establishing covered employment, to providing incomplete information during the creation of the NIOSH Site Profile that resulted in the omission of nearly 50 radiological facilities that operated at Area IV in excess of 50 years — all verified by the federal EPA during their 2011 Historical Site Assessment of Area IV — we have documented efforts by the contractor to obstruct the program.

It came as no surprise then, to discover that propulsion workers make up the largest number of employees who DOE and Boeing had initially hoped to exclude from EEOICPA. This raises some concerns about Paragon's failure to disclose where the information came from to support the removal of the SEM data.

I would respectfully encourage all involved to ensure that no information is ever removed from SEM based on a contractor's assertion — or those of any agency — but rather through the careful and objective evaluation of documentation that effectively contradicts that which was initially used to justify inclusion of the data. Ideally, it is my humble opinion, that such an objective and qualified evaluation would best be conducted by the Board. *Addendum: I also believe that the process should be transparent and the public should have access to all information that has been removed / added to the SEM, and the basis used for the removal or addition of information.

Those were my prepared comments but, since I am the only commenter present, I wonder if I might touch on a few other topics briefly. I think that it is valuable to have leadership here, but my observation is that they are very adept at informing the board about how things SHOULD be happening — and that is not how things are actually happening at the claims examiner and authorized representative or claimant level.

For example, the DARs are still not being reviewed thoroughly — and since we have witnessed the death of institutional knowledge with the decision to divert claims away from seasoned, experienced claims reviewers and created a situation where CE's are, for the most post, totally confused because they lack

familiarity with site specifics and unique complexities, CE's routinely express overwhelm. They are making inappropriate decisions that require a hearing — oftentimes resulting in the need to redo dose reconstructions or IH evaluations because of information they missed — either by not reviewing the DAR or by not understanding how to identify covered employment.

In review of my current case load of Santa Susana cases, it appears the majority of them have been routed to Jacksonville District Office, which does not have the benefit of established institutional knowledge over the course of the program. Every claim — even SEC claims — are now routinely heading for hearings, and even then we are having to educate the Hearing Reps about site complexities and published guidance from the National Office, about which they are unaware. I reiterate that the decision to divert claims away from regional district offices was the single most damaging decision that could have been made, with respect to claimants' ability to count on qualified, thorough review.

Lastly, speaking of Jacksonville District Office, I currently have a claim there where the claimant was coded TERMINAL back in March. When I spoke to the CE to encourage his swift correction of several errors, he responded by saying that since the claimant was coded terminal so long ago — but still hadn't died — it was the district office's position that he wasn't ever actually terminal and he [the CE] had no impetus to move quickly on the claimant's behalf. He requested a death-bed terminal statement from hospice, which indicated they were ethically prohibited from making such a specific declaration, and could only provide a letter indicating that the claimant had six months or less to live. I called the CE on Friday to discuss the urgent Remand Order issued by FAB. Today is Wednesday and as of yet, I have not received a return phone call for this claimant — who has received two remands, two dose reconstructions due to overlooked covered employment, and other errors that have occurred during the claims process.

I respectfully submit that jurisdictional purview should be restored; the claimants deserve thorough and qualified review by seasoned CE's who have some familiarity with their worksites, and five years into this, we are still seeing examples of why this was a bad idea. That's it for me, today — as always, thank you for the opportunity to address the Board, and to provide comment.

*Please note that the DEEOIC 2005 Eligibility Decision expanded eligibility to include all NAA employees (and NAA's corporate successors) in Area IV. This includes both NAA divisions of Atomics International and Rocketdyne, as employees of both divisions performed duties in DOE-related duties in Area IV.

I have also attached a copy of EEOICPA Bulletin 10-10, which discusses Atomics International / Rocketdyne employees who would have had reason to enter "the covered area" despite a Time Clock Location or administrative affiliation outside of the "covered" area. Worker rotation into Area IV was considered to be routine. EEOICPA eligibility includes propulsion workers, and any other job title, for employees of DOE-contractors or subcontractors who can establish employment by the company at SSFL AREA IV, Canoga, or DeSoto Facility during "covered" time periods.