

REQUEST FOR RECORDS DISPOSITION AUTHORITY (See Instructions on reverse)		LEAVE BLANK (NARA use only)	
TO NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR) WASHINGTON, DC 20408		JOB NUMBER <i>71-442-04-1</i>	
1 FROM (Agency or establishment) <i>Department of Health and Human Services</i>		DATE RECEIVED <i>2-13-2004</i>	
2 MAJOR SUBDIVISION Centers for Disease Control and Prevention		NOTIFICATION TO AGENCY	
3 MINOR SUBDIVISION National Institute for Occupational Safety and Health		In accordance with the provisions of 44 USC 3303a the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10	
4 NAME OF PERSON WITH WHOM TO CONFER Rodger Tatken	5 TELEPHONE (513) 533-8370	DATE <i>10-1-04</i>	ARCHIVIST OF THE UNITED STATES <i>John W. Carl</i>

6 AGENCY CERTIFICATION
I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached 2 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies,

is not required; is attached; or has been requested

DATE FEB 6 2004	SIGNATURE OF AGENCY REPRESENTATIVE <i>A Prentice Barnes, Sr.</i>	TITLE DHHS Records Management Officer
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7 ITEM NO	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
1	<p>These records are created under The Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) which established a compensation program for individuals who, over the past 50 years, have performed duties uniquely related to the nuclear weapons production and testing programs of the Department of Energy (DOE) and its predecessor agencies. Under the Act, the National Institute for Occupational Safety and Health (NIOSH) is responsible for conducting occupational radiation dose reconstructions for certain workers with cancer who files claims for compensation under EEOICPA. See attached records schedule description.</p> <p><i>Rosario Cirrincione</i> 2/6/04 Rosario Cirrincione, Dir., FOIA/Privacy Act</p> <p><i>cc Agency, NR, NWMW</i></p>		

1. Energy Worker Compensation Case Files

These case files are created under The Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) which established a compensation program for individuals who, over the past 50 years, have performed duties uniquely related to the nuclear weapons production and testing programs of the Department of Energy (DOE) and its predecessor agencies. Under the Act, the National Institute for Occupational Safety and Health (NIOSH) is responsible for conducting occupational radiation dose reconstructions for certain workers with cancer who filed claims for compensation under EEOICPA.

Each employee case file record contains (in either hard copy and/or electronic medium) the following: the initial claim information received from DOL, the information received from DOE, information from the claimant or survivors, the dose reconstruction, and any subsequent correspondence/records.

Authorized Disposition Cutoff files in the year when all action on the claim has ended. Maintain at NIOSH for 15 years after cutoff, transfer to the FRC and destroy/delete 75 years after cutoff.

Additional Background Information

The office within NIOSH that operates this program and maintains these files is called OCAS, the Office of Compensation Analysis and Support. A complete description of the OCAS program can be found on the NIOSH public web site at <http://www.cdc.gov/niosh/ocas/default.html>

The claims process is somewhat complex. Once an individual files a claim with the Department of Labor (DOL), DOL verifies the eligibility of the claimant and sends the information to NIOSH. NIOSH then obtains additional information from DOE relative to the claimant and the site where he worked (e.g., radiation monitoring data). NIOSH also conducts telephone interviews with the claimant to obtain any additional information regarding radiation exposure and work history that could help in completing the dose reconstruction. Once NIOSH completes the radiation dose reconstruction, the results are sent to DOL. DOL then makes the determination of probability of causation (whether an individual's cancer is at least as likely as not to have been caused by occupational exposure to ionizing radiation), and whether to award compensation under the Act.

The records begin in October 2001. NIOSH currently has about 700 linear feet of files (for 13,500 individuals). It is difficult to estimate what the final volume might be. The trend in the number of claims being filed appears to be dropping, but DOL and DOE are actively publicizing the program to encourage all eligible individuals to participate. NIOSH is aware of eligible individuals who have elected not to file a claim. It is estimated that there are about 600,000 DOE employees/contractors with potential exposures, and about 1/4 to 1/3 of those may develop cancer. This corresponds to 150,000 to 200,000 potential claimants (about 11 to 15 times what we have received to date), which would translate to between 7,700 and 10,500 linear feet. It is important to remember that this is a hypothetical calculation. NIOSH does not anticipate that many claims will be filed. Also, the above numbers are based on the current wording of the statute. If in the future Congress amends the language of the statute to change the compensation criteria, then the number of claims could change.

The files are arranged by claimant (with SSN as the identifying key). Each file is assigned a unique tracking number based on its date of receipt.

The 75 year retention is based on the estimated outside edge of a person's lifespan. The basis for an individual's claim can change with each new cancer, so NIOSH wants to ensure that the records are retained for the individual's lifetime. The records are not intended for future epidemiological research.

NIOSH Program Approval

Title Director, OCAS

Signature/ *Spelliott* Date 12/17/03

CDC Legal Representative Signature

Title Radiation Compensation Legal Team Leader

Signature/ *David A. Naiman* Date 1/13/04

Title CDC Records Officer

Signature/ *Gring A. Hawn* Date 1/06/04