From: James Salsman <james@bovik.org>
To: <SECY@nrc.gov>

Date: Sat, Aug 27, 2005 8:13 AM
Subject: comments on PRM-20-26: withdraw of FOIAR response inclusion request; response to Wyoming Mining Assoc. and Dr. Standler comments

Secretary
U.S. Nuclear Regulatory Commission
ATTN: Rulemakings and Adjudications Staff

RESPONSE TO WYOMING MINING ASSOCIATION'S AND
DR. NANCY STANDLER'S COMMENTS ON PRM-20-26

Dear Secretary:

Thank you for this opportunity to respond to the comments of the Wyoming Mining Association (WMA) dated August 22, 2005, and Dr. Nancy Standler, M.D., dated August 15, 2005, both on my rulemaking petition PRM-20-26 requesting that the reproductive and developmental toxicity of uranium be considered in the derivation of the allowed intake limits, derived air concentrations, and effluent concentrations allowed for NRC-regulated radionuclides.

Firstly, I withdraw my earlier requests to include the responses to the three Freedom of Information Act requests (copies of which were included) in the public comments of this petition. All three FOIA requests are proceeding slowly, and the comment period for this rulemaking petition closes in just a few days, and I do not wish to further delay the consideration of this petition.

Because Dr. Standler's comments are included in the WMA comments of August 22, I will reply to both in the order that they appear in the 48 page WMA comments, including appendices, beginning with the five reasons enumerated by the WMA beginning on the first page of their letter:

1. The WMA correctly notes that Footnote 3 of Appendix B of 10 CFR 20 limits the intake of soluble uranium to 10 mg/week (about half of what the limit would be in the absence of the footnote) in recognition of uranium's chemical toxicity. However, as the WMA also correctly notes, the limits in the footnote were imposed to prevent only acute kidney damage, and were never intended to address the reproductive or developmental toxicity of uranium, which is cumulative in contrast to uranium's nephrotoxicity (because 90% of uranium deposited in the human kidney clears within 60 days, while uranyl ions deposited in testes accumulate without clearance.) Moreover, Footnote 3 of Appendix B makes no provision for the known reproductive and developmental toxicity of plutonium, or any other radionuclides regulated by the NRC.

2. The WMA sites studies of uranium mill workers, but those studies have no bearing on the petition because

naturally occurring uranium ores, and the dusts produced while mining and processing them, contain essentially no soluble forms of uranium or hexavalent uranium(VI) uranyl ions. The Pinkerton, et al. paper provided as Appendix 1 in the WMA comments makes it clear that the primary risk to uranium mill workers is inhalation of the much more abundant uranium ore dusts instead of the refined yellowcake products. Inhalation of uranium ore dusts results in absorption and clearance of "insoluble" uranium(IV) compounds, which are dissolved slowly and eliminated without accumulation.

The evidence that the chemical toxicity of uranium is six orders of magnitude worse than its radiological hazard in vitro is taken from the information included in the abstract of A.C. Miller, et al., "Depleted uranium-catalyzed oxidative DNA damage: absence of significant alpha particle decay," Journal of Inorganic Biochemistry, vol. 91 (2002), pp. 246–252: http://www.bovik.org/du/Miller-DNA-damage.pdf

3. The WMA claims that the fact that uranyl nitrate was shown to be a reproductive toxicant in large doses exceeding current regulatory limits, "in no way challenges the current uranium dose limits." On the contrary, the fact that uranium is a proven reproductive toxicant implies that regulators should establish uranium exposure limits to avoid unacceptable levels of reproductive harm. Complicating matters is that the minimum dose of uranium causing reproductive or developmental harm in humans is apparently not known at present. When J.L. Domingo, et al. attempted to determine the minimum dose causing developmental harm in mice ("The Developmental Toxicity of Uranium in Mice," Toxicology, vol. 55 (1989), pp. 143-152: http://www.bovik.org/du/devtox-mice.pdf) even after testing four different dose levels, they were unable to determine a dose level which did not cause developmental toxicity. That the minimum acceptable dose in humans is not known does not excuse regulators charged with protecting the public from the hazard from doing so; steps such as the chromosome abberation studies cited in the text of the PRM-20-26 petition are necessary in this case and should be used to establish acceptable intake, air concentration, and effluent limits.

4. The WMA's citation of a single autopsy of a uranium utility plant and metal worker has no bearing on the question of the long-established developmental and reproductive toxicity of uranium. Simply because there is relatively more uranium accumulation in lung and bone tissue than in the testes is irrelevant to the question of whether the amount of uranium present in the testes will cause sufficient damage to gonocyte chromosomes to induce birth defects in offspring. The autopsy report included in the WMA's appendices does not indicate any measurement of chromosomal abnormalities.

Recently, certain news reports have been published -- two of which are included below -- which indicate that uranium metallurgy workers, who unlike uranium mill workers are involved with direct contact with uranium metal and its products from high-temperature reactions, have been experiencing symptoms identical to those reported by 1991 Operation Desert Storm gulf war combat veterans who were exposed to depleted uranium combustion products. These reports of gulf war illness among uranium metalworkers suggest that the uranium mill workers are significantly less effected by their inhalation of relatively unconcentrated uranium ores.

Furthermore, it must be noted that the WMA presented no reasons why any health professional should not consider the reproductive and developmental toxicity of radionuclides regulated by the NRC when evaluating their acceptable doses, exposure limits, or effluent concentrations.

5. Dr. Nancy Standler's comments are included in Appendix 4 of the WMA comments beginning on page 40. In the second and third pages of her comments, Dr. Standler repeatedly claims that the Pinkerton, et al. NIOSH study looked at uranium miners and mill workers who had, "much higher chronic exposures, possibly by one or two orders of magnitude, than what we presently allow," or, "significantly increased uranium doses." However, the NIOSH study -- which is included as Appendix 1 of the WMA comments -- only indicates that its subjects had "presumably higher" exposures, and complains of "the inability to estimate individual exposures," and that, "exposures are thought to have varied considerably by mill area and over time." The text of the report ends with the statement that, "firm conclusions about the relation of the observed excesses and mill exposures are not possible." So, Dr. Standler is relying on a single study which asserts no firm conclusions pertaining to her claims of "one or two orders of magnitude" in an attempt to make the uranium mining industry's case here.

Dr. Standler makes a number of comments about my apparent lack of medical training and credentials. I am fortunate to have had the opportunity to discuss my petition and internet messages with several experts, including two physicians, one of whom has written a book on uranium toxicity. Both of them have corrected me when necessary and encouraged my inquiries. Some of my correspondents have shared certain facts which appear in both of my petitions pending before the NRC and have asked for anonymity because their connection to the military and uranium munitions industry, and because their potential exposure to public criticism could leave them vulnerable if they were to step forward. I am happy to act as a surrogate in this matter. I trust that the Commission will independently evaluate all

contentious statements in the petition and its associated comments on solely the merits of those statements, without prejudice from the credentials of their authors.

Again, in regard to any given concentration of uranium in testes from an autopsy, which is discussed on pages four through six of Dr. Standler's comments, the quantity or relative concentration of uranium in the testes is meaningless for evaluation of reproductive toxicity without the corresponding knowledge of the concentration over time and how much the uranium involved had damaged chromosomes in the gonocytes which would in turn increase the probability of congenital malformations in offspring.

The following passage in Dr. Standler's comments strongly supports the petition: "Another study the Arfsten paper mentions looked at male uranium miners from Namibia, Africa (who probably had very different occupational exposures and general medical backgrounds than American uranium miners) and found increased levels of sister chromosome exchanges in white blood cells (a marker for potential genetic abnormalities in sperm) and decreased testosterone levels as compared to control subjects who did not work in the uranium industry. A third paper cited by the Arfsten paper reported a statistical association between maternal exposure to mine tailings and unfavorable birth outcomes in Navajo Indians living near Shiprock, New Mexico. While the exposure was cited as maternal exposure to mine tailings, I wondered when thinking about this topic whether a more likely source of exposure might be from private well water containing high concentrations of naturally occurring uranium in this uranium rich area, which might have ground water with uranium concentrations up to two orders of magnitude greater than what is allowed in public water supplies. (The permissible concentration of uranium in private wells is at the moment unregulated due to a loophole in current federal drinking water standards.)"

On the eighth page of her letter, Dr. Standler comments on the review of "several studies that followed Persian Gulf War veterans that had been in tanks and fighting vehicles hit with (presumably enemy) munitions containing depleted uranium penetrators." Dr. Standler is apparently unaware that the only such uranium munitions injuries were "friendly fire" hits from U.S. tanks and A-10 aircraft. There have been many more studies of those veterans than the studies discussed in the Arfsten review, such as these three:

"Overall, the risk of any malformation among pregnancies reported by men was 50% higher in Gulf War Veterans (GWV) compared with Non-GWVs"
-- Doyle et al. Int. J. Epidemiol., vol. 33 (2004), pp. 74-86

http://ije.oupjournals.org/cgi/content/full/33/1/74

"Infants conceived postwar to male GWVs had significantly higher prevalence of tricuspid valve insufficicieny (relative risk [RR], 2.7; 95% confidence interval [CI], 1.1-6.6; p = 0.039) and aortic valve stenosis (RR, 6.0; 95% CI, 1.2-31.0; p = 0.026) compared to infants conceived postwar to nondeployed veteran males. Among infants of male GWVs, aortic valve stenosis (RR, 163; 95% CI, 0.09-294; p = 0.011) and renal agenesis or hypoplasia (RR, 16.3; 95% CI, 0.09-294; p = 0.011) were significantly higher among infants conceived postwar than prewar."
-- Birth Defects Res A Clin Mol Teratol. vol. 67, no. 4 (2003), pp. 246-60:
http://www.bovik.org/du/mscusn/BD_Infants_GWV_AR_AZ_CA_GA_HI_IA_1989-1993.pdf

I. Al-Sadoon, et al, "Depleted Uranium and Health of People in Basrah: Epidemiological Evidence," Medical Journal of Basrah University, vol. 17, nos. 1&2 (1999) -- please see Table 1 at:
http://www.irak.be/ned/archief/Depleted%20Uranium_bestanden/DEPLETED%20URANIUM-2-%20INCIDENCE.htm

Finally, Dr. Standler writes, "even if your committee were to decide that you wanted to worry about the reproductive toxicity effects, it is not at all clear that you would be able to figure out what an appropriate acceptable exposure would be." The United States Code, Title 42, Section 2114, states that, "The Commission shall ... protect the public health and safety and the environment from radiological and non-radiological hazards...." I maintain that this law requires that you must determine acceptable exposure limits addressing the known reproductive and developmental toxicity of all the radionuclides regulated by the Commission. If that requires performing additional research on uranium exposure in various mammals and measuring the resulting chromosomal abnormalities in their sperm, then that will be necessary in this case to uphold the law.

Thank you for your kind assistance with this petition.

Sincerely,
James Salsman

--- ATTACHED NEWS REPORT 1 OF 2 FOLLOWS ---

[http://buffalonews.com/editorial/20041216/1025306.asp]

Former Marine suffered from secret uranium work at Bethlehem, fought battle

By JOHN F. BONFATTI
Buffalo News
12/16/2004

Like so many others of his generation, Gene O'Brien went off to fight the last great war and returned to a job at the bustling Bethlehem Steel plant.

As a Marine, O'Brien faced his share of danger.

But nothing, he believes, compared to the danger he unknowingly encountered at the sprawling steel plant on the Lake Erie shore.

The invisible threat was radiation from uranium that steelworkers were rolling into rods during secret government experiments in the early 1950s.

O'Brien wasn't alone. Thousands of men worked in the mills, exposed to the danger.

Of those workers, 2,985 claims for compensation had been filed on behalf of former employees at 13 area plants under the 2000 Energy Employees Occupational Illness Compensation program, as of early November.

What makes O'Brien different is that he got money from the government for his sufferings.

Not many others - just a few hundred - have seen any cash.

"I came out of the Marine Corps and World War II and never knew I went into World War III," O'Brien said. "I didn't get the protective equipment in World War III that I had in World War II."

O'Brien, 78, believes radiation at the plant damaged the front temporal lobe in his brain and led to the removal of his bladder and prostate.

The U.S. government apparently also believes radiation led to his health problems. In November, it issued him a check for $150,000.

"It took him three years to get this," said O'Brien's wife of 54 years, Jane, glancing at the piles of paperwork that clutter the kitchen table in their Elma home. "Three years of stuff all over the table."

The federal law was designed to compensate workers who were unknowingly exposed to radiation when they worked on secret atomic weapons programs and later contracted certain cancers linked to that exposure.

Successful claimants - like O'Brien - get $150,000 and money toward medical bills.

But nearly half of the claims involving area plants have been denied. O'Brien's is one of just 357 claims that have been paid so far. And he's one of the few successful claimants willing to talk about his experiences with the compensation program.

"It's good news," O'Brien said of his award, "but I'd rather have my health. And I feel sorry for the guys who are left. I don't think they're going to get anywhere."

That's because he feels those still pursuing claims are being victimized by the government bureaucracy administering the program.

Three agencies

Three federal agencies - the departments of Labor, Health and Human Services and Energy - are involved in the program, which started with a

promise by the government that it would lean toward approving claims.

"That has not been the case," said Edwin Walker, leader of a group of former Bethlehem Steel workers who are critical of the program's administration. "They fight. They argue. They just don't respond."

In the case of Bethlehem Steel claimants, Walker, O'Brien and others blame a computer model designed to determine the likelihood that a claimant's cancer was caused by radiation exposure.

Earlier this week, a government audit pointed to significant flaws in the model, prompting local congressional leaders to call for it to be revised.

But a government official whose agency, the National Institute for Occupational Safety and Health, is responsible for developing the model has defended it and the program's administration.

"I think there are some very positive things to say about Bethlehem Steel and the claims in New York," said Larry Elliott, director of NIOSH's Office of Compensation Analysis and Support. "New York is much farther ahead than the other states."

The Bethlehem Steel model, Elliott said, is "a scientifically sound . . . document. It includes very favorable claimant assumptions."

The model was needed because there is scant hard evidence detailing how much radiation workers were exposed to in the late 1940s and early 1950s, when the government conducted experiments at Bethlehem. The experiments involved rolling uranium for a federal reactor in Ohio.

O'Brien was an electrician at Bethlehem Steel. He didn't work much at the bar mill where the rollings took place, but, as a grievance chairman for the steelworkers union, he said he frequently visited the area to talk with workers about seniority issues they were having.

It was around this time, O'Brien said, that he inexplicably started having blackouts. Some occurred while he was driving his car, leading to at least three accidents.

"It was only after those soldiers came back from the first Gulf War with health problems caused by irradiated bombs that I made the connection," he said. "Exactly the same thing happened to me. I was hit with uranium dust."

First cancer in 1977

Ultimately, the blackouts led to his leaving Bethlehem Steel on disability in 1975.

The cancers followed.

In 1977, doctors diagnosed cancer in his bladder. That disappeared following chemotherapy, but in 1982, doctors found cancer in his prostate and, as a precaution, decided to remove both. In 1999, he was diagnosed with rectal cancer.

With two major surgeries, O'Brien thought the chances of a successful claim were good. He was stunned when his claim was initially rejected.

"When I first got rejected, I was hot," he said. "If I didn't get it, who the hell is going to get it?"

That's a question Walker said he has heard over and over.

"When we have our meetings, and there's usually 200 people or so, you hear them all (complain), not just one or two or ten. It's all the way down the line, the frustration," he said.

Walker is a one-time Bethlehem bricklayer who subsequently got bladder cancer. His claim has been rejected, and his appeal of that rejection has been denied.

O'Brien said the rejection of his claim prompted him to refile, this time adding what he thought were relatively minor skin cancers he'd had in the past.

As it turned out, "with the skin cancer alone, I would have had enough" to receive the compensation.

"I almost kicked the bucket with all this other stuff," Walker said of the bladder, prostrate and rectal cancers. Yet it was the inclusion of the skin cancers that resulted in his award.

"I don't get it," said O'Brien, echoing a sentiment shared by many frustrated claimants.

--- ATTACHED NEWS REPORT 2 OF 2 FOLLOWS ---

[http://villagevoice.com/news/0525,lombardi,65154,5.html]

Stirring Up the Toxic Dust

They turned Uncle Sam's uranium into atom bombs, and the work made them sick. Now they've got a new champion -- Hillary Clinton

by Kristen Lombardi
The Village Voice
June 21st, 2005

Eugene Ruchalski probably never dreamed he'd say anything nice about Hillary Clinton. A lifelong Republican, he served five proud terms as the highway superintendent in his hometown of Boston Hills, a Buffalo suburb. At 68, and set in his ways, he admits to entertaining conservative ideas about what he calls "women in politics."

Yet lately, his opinion of New York's junior senator has been changing. He counts himself among a select group of Buffalo-area residents for whom Clinton has become a crusader. Ruchalski's father was one of thousands of

employees exposed to radiation at 36 mills in western New York. In his case, it was at the local Bethlehem Steel plant, now defunct, in the late 1940s and early '50s. Many of those workers got sick.

Now, when Ruchalski meets with the others, he hears about all the work the senator is doing to bring his family justice. "If she can deliver for us," he says, somewhat sheepishly, "she can guarantee herself a vote." His.

Anyone wondering why Senator Clinton has gotten so popular upstate, with positive numbers pushing 70 percent, need look no further than the Bethlehem Steel families. Their lives changed for good in 2000, when the federal government admitted that workers in 350 mills nationwide had "rolled" uranium to make nuclear bombs—but never knew it. On lunch breaks at Bethlehem, they blithely sat around on piles of the radioactive stuff, eating their sandwiches and inhaling a deadly dust.

Under the Energy Employees Occupational Illness Compensation Program Act, created by Congress, retired workers who got sick, or their survivors, could apply for a $150,000 payment from the government. To date, 1,218 Bethlehem families have filed claims with the Labor Department and the National Institute of Occupational Health and Safety, the two agencies that administer the program. The old Bethlehem Steel plants—located in South Buffalo, Lackawanna, and Hamburg—have drawn the most applications not only from New York, but nationwide.

The response has not been great. Of the current claims, only half, or 632, have made it through the first screening for eligibility. Of those, up to 383 claims—more than 60 percent—have been denied.

"Obviously, the program is just not working for these people," says Dan Utech, Clinton's main staffer on the issue. This month, his boss plans to file a bill that would make it easier for the families to collect. "The senator believes it took too long for the government to accept responsibility in the first place. Now, it's getting to be ridiculous."

Clinton's role as champion for nuclear-weapons workers may come as a surprise to those who remember her old ties to the dreaded Wal-Mart. As Arkansas first lady, she served six years on the board of the union-busting behemoth, notorious during her directorship for alleged child labor abuses. Wal-Mart has since become corporate enemy number one, causing some Democrats to fear that Clinton's onetime affiliation will scare away the labor vote if she makes a bid for the White House in 2008.

But if her advocacy on Bethlehem Steel is any indication, Clinton is now trying to build up a solid record of

defending worker rights—particularly when it comes to health and safety. Jim Melius, of the Laborers Union, in Albany, has followed the plight of these families for years now, and he finds her work on their behalf telling. "It says that she's willing to stand up and fight and try to fix the problem." And because of her new bill, Melius adds, "The story with Bethlehem isn't over."

That story began in 1949, at the start of the Cold War, when the military was racing to make the atomic bomb. Mills and foundries dominated the Buffalo landscape, yet one company reigned supreme: Bethlehem Steel. Its facilities spanned three miles along Lake Erie, with state-of-the-art equipment and a workforce of 22,000.

"Everybody worked at the steel mill," says Frank Panasuk, a retired detective from Hamburg. A large man with huge, square-framed glasses, he drove to the old Bethlehem complex on a recent Wednesday and along the way listed relatives who worked there—his father, his father's five brothers, his mother's five brothers.

Most of the 1,700-acre site sits vacant and weeded-over today, abandoned when the company went belly-up in the '80s. But the bar mill where workers rolled steel and, for four years during the Cold War, uranium, still stands. Now a galvanizing outfit, the building looks tired, its rusted siding barely hanging on. Driving on a utility road, Panasuk spots some workers toiling over a fire.

"Boy," he says, taking in the scene of power lines and railroad tracks, "this brings back memories."

Not all of those memories are good. Panasuk's dad died in 1987, just weeks after developing stomach cancer. Before that, he suffered from colon cancer. He spent his entire career at the mill, serving as a metal inspector for 35 years. The tenure did Panasuk's dad proud; it has haunted his family.

Ever since 2000, when the government came clean about its atomic-weapons program, people have had to come to grips with the weight of a decades-old secret at Bethlehem. From 1949 to 1952, the mill did contract work for the country's fledgling nuclear arsenal, rolling billets of uranium into rods for reactors. But few knew the true nature of the project—and those who did had to keep quiet. All the while, workers handled toxic material. They pressed it, shaped it, ground it, and squeezed it, unwittingly.

Former employees and their families have had to face the reality that the government exposed them to some of the most dangerous matter on earth—"basically poisoned these folks," as one Clinton aide puts it.

At Bethlehem, as opposed to other facilities, the uranium

was especially deadly. According to former workers and government officials, the company did nothing to control radiation levels. Employees had no body suits to protect them, no badges to monitor exposure. They didn't even have masks. Worse still, they had to endure the constant presence of uranium dust.

"For years I inhaled that dust," relays Russ Early, 81, a Vernon Downs resident with a shock of white hair and a feisty disposition. A cancer survivor, he operated a crane in the bar mill, laboring there for 43 years, soaking up the dust. It blurred his vision and scratched his throat. It settled on his food and in his coffee. It got so hot it could burn a blister on the skin the size of a silver dollar.

Now that the Bethlehem secret has been revealed, the dust and its sting finally make sense to folks. And so do other things. Like all the talk in the late '40s and early '50s of a "government project" at the mill. Or the unexplained sightings of guards watching over the rods. Or the army trucks coming and going on weekends.

And then there are all those cancer deaths. Edwin Walker, a genial 71-year-old from Lackawanna, held a Bethlehem post as a bricklayer from 1951 to 1954, during the uranium project. He was one of 15 men in the so-called "hot gang," the group that patched holes in furnaces. Today, only he and one other are still living. Everyone else was killed by cancer. Nor have Walker and his colleague avoided the disease—he has bladder cancer, his friend colon.

"I consider that more than a coincidence," he says. "We are victims of the government's secrecy."

Walker and dozens more say the government is victimizing them again—this time, by refusing to compensate them for their illnesses. When the agencies set up the compensation program, they presented the claims process as simple. Bethlehem workers, or their survivors, could apply if they worked at the mill during the uranium rollings and if they got certain cancers—22 in all, including of the lungs, skin, colon, and pancreas. In return, they'd get $150,000.

But it turns out the company didn't keep records of which employees worked at the bar mill during the uranium procedures, and the records it did keep are incomplete. As a result, says Larry Elliott of the National Institute for Occupational Safety and Health, the agency has had to develop a formula, called "dose reconstruction," to evaluate claims.

It's a complicated model, but here's the gist: NIOSH uses software to predict a person's risk for developing cancer, based on exposure. It takes into account such factors as the radiation type, where the person worked, how long shifts lasted, and so on. NIOSH relies on the few existing records

about the uranium work at Bethlehem, Elliott says, and the formula skews toward the inhalation of uranium dust, thus putting a premium on lung and kidney cancer, and leukemia.

Critics argue the formula is flawed. They say NIOSH doesn't have enough information to accurately determine individual dosages. When first creating the formula, officials failed to interview retired employees or to visit the bar mill. Instead, they substituted data from a neighboring mill, in Lockport, New York.

"The model assumes that you can be precise about an individual's exposure," says Melius, of the Laborers Union, who sits on an advisory board overseeing the process. But because of the minimal records, he explains, "It's an almost impossible task to piece together."

The result? A lot of people have had their claims unfairly denied—at least, that's what Early thinks. He handled the uranium, and has suffered from rectal cancer for 17 years. In 1987, he underwent surgery in which three tumors, his appendix, and his gall bladder were removed. Yet he's been denied compensation—twice.

"They said it wasn't bad enough," he says, referring to his estimated dosage. Lifting his Hawaiian shirt and poking at his colostomy bag, he asks, "See this? You call that not bad enough?"

The denials have left people angry and bitter. Workers see colleagues with lung cancer getting paid, while they, diagnosed with other types, are not. They tell tales of employees stationed in buildings far from the bar mill receiving checks, all because they have lung or kidney cancer.

"It's wrong," says Walker, who has filed three claims, all denied. "It's unjust, and the government should own up to it."

To that end, the families have formed two groups—the Bethlehem Steel Radiation Victims and Survivors, and the Bethlehem Steel Claimants Action Group— numbering some 300 members in total. They've taken their fight public, protesting outside government offices, writing letters, and making themselves a general pain for bureaucrats. Last year they scored big when a 199-page audit found serious flaws in NIOSH's system for evaluating their claims.

NIOSH's Elliott admits the audit has forced the agency to review its ways. But he also insists the process is working. "We've built a solid method," he argues, adding that none of the 300-plus claims denied have been overturned on appeal. "We're confident that we are not missing any claimant who really deserves to be compensated."

Clinton's office has heard that line before, repeatedly, since the senator first took up this crusade in 2003. She

got involved after her Buffalo staff began fielding calls from constituents and she sent an aide to the Bethlehem claimants' meetings. In December of that year she met them herself at a special gathering in Hamburg.

There, she listened to 50 or so people recounting their experiences. People like Theresa Sweeney, of Lackawanna, whose husband died of pancreatic cancer, and who explained the trouble she'd endured when administrators challenged the legitimacy of her 30-year marriage. Or Cindy Mellody, of South Buffalo, whose dad died of "probable lung carcinoma," and who told of the "huge injustice" of having her claim denied. Her father served in World War II, got captured, escaped, and hid in the jungle for two years; he returned to New York only to get a job at a plant where the government exposed him to uranium.

"These stories hit you up front," says the senator's western New York regional director. The staffer says the senator was so outraged she charged the Buffalo office with documenting as many cases as possible. It now has a stack of about 200.

Early on, Clinton tried pressuring agency heads to fix problems. In May 2003, for example, she pushed for a provision calling for NIOSH and the Labor Department to file a report with Congress, explaining the delays in processing claims at Bethlehem, as well as other New York facilities. The measure passed; the report has yet to be drafted.

Then came the letters. In December 2003, she wrote to President Bush, calling on him to implement long-ignored legal requirements that would help Bethlehem claimants. "The longer the Administration delays," she wrote, the "more workers will die without having their claim resolved." Twelve months later, she issued a statement demanding NIOSH review its methods. The NIOSH audit, she said, "clearly indicates that claims that have been denied need to be re-evaluated."

Last January, she wrote to the Labor Department, along with Senator Chuck Schumer and western New York representatives, demanding that Labor officials search harder for uranium records at Bethlehem.

"She has been dogged in her oversight," says Richard Miller of the Government Accountability Project in Washington, D.C., which tracks the program. "It's not simply say one thing and do another with her."

These days, Clinton has come to believe that the program is broken, her staff says, and that legislation is the only way to fix it. She's set to introduce a bill that would make it easier for Bethlehem claimants to get paid. The measure would set minimum standards for records needed to evaluate claims. Under the bill, employees who did nuclear-weapons work at plants without such records—as is the case at

Bethlehem—would join a "special exposure cohort."

That's a term in the original law, reserved for workers from facilities where the government lacks basic information and thus cannot reconstruct dosages. In effect, the bill would order the government to presume that workers in this status got cancer from radiation exposure and to pay them.

Because the measure mandates spending, Clinton's staff says, it won't be attractive during a time of huge deficits and tax cuts.

U.S. Congresswoman Louise Slaughter, of Niagara Falls, will co-sponsor a House companion bill to Clinton's legislation, and she predicts resistance. Yet Slaughter, who has worked on this issue since the mid '90s, sees two advantages. For one, its proposals amount to what she calls "basic decency." For another, Hillary Clinton is on it. As she explains, "I don't know what we'd do without her, because she performs."

For now, all the Bethlehem families can do is wait. Many, like Dorothy Jaworski of West Seneca, see the senator's bill as the only source of hope, the only way they'll be able to collect what they deserve. Jaworski got a December 2003 letter from the Labor Department announcing she qualified for the $150,000 because her late husband "had sustained leukemia and pancreatic cancer in the performance of his duty," only to have the offer rescinded, an apparent "mistake," five months later.

If it weren't for Senator Clinton, Jaworski says, "this whole issue would be dead." No matter what happens to the bill, she appreciates the senator standing up for her. She believes she'd have a check in hand if Hillary Clinton were in charge. "With Hillary on our side," Jaworski says, "I have faith."

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