

Malcolm B. Pitts, Director, Administrative Operations, Washington

December 19, 1947

Floyd P. Trent, Chief, Division of Service and Supply, Oak Ridge

CENTRALIZATION OF RECORDS COVERING EMPLOYMENT AND MEDICAL HISTORY OF CONTRACTOR EMPLOYEES

SYMBOL: AECV-5

BEST COPY AVAILABLE

Attention: T. T. Beach, Records Manager.

Reference is made to your letter, dated October 29, 1947, requesting comments as to the advisability of establishing a centralized file of records covering employment and medical history of contractor employees.

The establishment and custody by the Commission of a file containing health physics, employment, pay, clinical, insurance, accident, and medical records of contractor employees is highly desirable. Possession by AEC of medical and health physics records is considered essential to the Commission medical program. It is believed that accession of hospital records for inclusion in the file is not feasible inasmuch as hospital records are subject to State regulations requiring their retention by the hospital for a long period.

Your suggestion to locate the proposed file at the Commission Records Depository in Oak Ridge is concurred in, in view of central geographical location and availability of suitable storage facilities.

Centralization of records of contractor employees, while highly desirable, will require far-reaching efforts on the part of the Commission and its contractors. It is believed that further study of the undertaking is necessary to a full realization of the magnitude of the problems involved.

Inclosed are copies of comments by various interested members of the Oak Ridge staff. Comments of the Assistant General Counsel are being formulated and will be forwarded in the immediate future.

Floyd P. Trent

10 Incls.: Memoranda

German/wgf

CC: Medical Advisor W/copy of Incls. Security Division W/copy of Incls.

REPOSITORY Oak Ridge Oper. Records Holding Area
COLLECTION Doc. 1947-94
1 of 3
BOX No. H-248-7 Bldg. 2714H
FOLDER R&D Med. Corresp.

C O P Y

TO : Area Manager, Dayton

DATE: November 10, 1947

FROM : G. Vanden Bulak, Chief, Administrative Division, Oak Ridge

SUBJECT: ACCESSIBILITY OF RECORDS REGARDING EMPLOYMENT AND MEDICAL HISTORY
OF CONTRACTOR EMPLOYEES

SYMBOL : AECV-55

Inclosed is copy of memorandum from the Washington Office dated October 29, 1947 on the above subject requesting comments on the proposed centralization of all contractor personnel, medical, and hospital records at the Records Depository.

It is requested that the questions presented therein be considered by your office and your comments as to the advisability and practicability of placing such records in the custody of the Commission furnished this office to aid in formulating a reply to Washington.

It is desired that comments be forwarded so as to reach this office by November 24, 1947.

G. Vanden Bulak

1 Incl.:
Cy. of memo, 10-29-47

Identical letters sent to:
Chief, Insurance Branch
Medical Advisor
Legal Advisor
Chief, Security Division
Chief, Operations Division
Chief, Clinton Laboratory Division
Chief, Clinton Production Division
Chief, Research Division
Chief, Industrial Personnel Division

Darwin/Gorman/wgf

1184353

C O P Y

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TO : U. S. Atomic Energy Commission, Oak Ridge DATE: November 20, 1947

FROM : Kenneth A. Dunbar, Area Manager, Dayton Area, Miamisburg

SUBJECT: ACCESSIBILITY OF RECORDS REGARDING EMPLOYMENT AND MEDICAL HISTORY
OF CONTRACTOR EMPLOYEES

SYMBOL : AEC DA-6

Attention: Mr. G. Vanden Bulck, Chief, Administrative Division.

Reference is made to your memorandum dated November 10, 1947, subject as above, with which you transmitted copy of memorandum from the Washington Office dated October 29, 1947. Informal discussion was held with a representative of the operating contractor.

This office concurs in the opinion expressed that ultimately AEC should receive and preserve all records that would be necessary in evaluating and defending any suit that might be filed against the Government by any person once employed by the operating contractor claiming injury or impairment to his health. Information available to this office fails to reveal that there is anything in writing regarding this matter at the present time. It is believed desirable that these records should be retained and centrally located at an AEC Records Depository. These records could also be utilized in screening personnel for future employment at other AEC installations.

The representative of the contractor felt that personnel files are the property of the contractor and as such would not be available for transmission to AEC. However, copies of any data that the contractor feels would not be contrary to company policy would be made available to AEC.

It is the understanding of this office that hospital records are the property of the hospital therefore obtaining these records would be difficult or impossible. All hospitalization in this area is through civil institutions. However, in this connection all pertinent data available is incorporated into a report in each individual case and these reports would be included or become a part of the medical file.

The contractor agrees that medical records should ultimately be in the possession of AEC but they would desire to make copies or microfilm certain medical data for statistical purposes.

Kenneth A. Dunbar

Dusby:dbs

1184354

TO : C. Vanden Bulck, Chief, Administrative Division DATE: November 26, 1947
FROM : Wm. J. Satterfield, Chief, Insurance Branch
SUBJECT : ACCESSIBILITY OF RECORDS REGARDING EMPLOYMENT AND MEDICAL HISTORY
 OF CONTRACTOR EMPLOYEES
SYMBOL : AECV-4

Reference is made to your memorandum of November 10, 1947, with attached memorandum from Mr. T. T. Beach on the above captioned subject.

We concur with the view that it would be desirable for the Commission to obtain and maintain custody of the contractor's personnel employment and medical files upon termination of their contracts, in order to assure the availability of this information for the evaluation of claims from former employees of the Commission's contractors.

A case in point is the occupational disease suit of William Franklin Martin against Stone and Webster Corporation. He was terminated September 8, 1945, and filed his original action September 13, 1946. This suit represents a potential risk of \$100,000. Shortly after Mr. Martin filed suit, Stone and Webster was asked for a copy of his personnel, employment and medical records. To date the contractor has been unable to locate these records although they advise that these records are stored in one of their large warehouses.

In addition to the records mentioned in Mr. Beach's memorandum it is also suggested that "health physics" records be likewise preserved.

It is believed that the availability of these records on an individual employee basis would be of much value in the investigation and determination of the merits of claims presented by former employees making delayed compensation and occupation disease claims against contractors of the Commission.

The Commission has a substantial financial interest at stake in such claims since most of such claims are insured on a reimbursable basis.

WJS

TO : G. Vanden Bulek, Chief, Administrative Division DATE: November 14, 1947
FROM : Albert H. Holland, Jr., M.D., Acting Medical Advisor
SUBJECT: RECORDS ON EMPLOYMENT AND MEDICAL HISTORY OF CONTRACTOR EMPLOYEES
SYMBOL : AECT

Reference is made to your memorandum dated November 10, 1947 on the subject of "Accessibility of Records Regarding Employment and Medical History of Contractor Employees".

With respect to the question if there is anything in writing to insure that all records will revert to the AEC, which is proposed in the memorandum dated October 29, 1947 to you from Mr. T. T. Beach, Records Manager, Washington, D. C., there is nothing definite to my knowledge except the contractual proviso that such records be maintained for a period of five years by the contractor following contract termination. In my opinion this is quite inadequate and does not offer the AEC the direct control over medical and personnel records, the necessity of which seems clearly evident. For this reason a memorandum dated November 7, 1947 on the subject of "Maintenance of medical and Personnel Records" was forwarded to Mr. Price of the Legal Division for his consideration. A copy of this memorandum was forwarded to your office.

There is little doubt that a central records repository is desirable and further that all information on any one individual should be compiled to form a case file of the employee.

From a medical point of view, any time limit for saving these records at the present time is purely an arbitrary estimate. As further statistical, medical and biological research information is gathered, we may be able to further clarify this point. It is sufficient to say for the present that all records should be maintained for a minimum period of 20 years in order to draw statistically valid conclusions from a heterogeneous population group.

As suggested in my memorandum to Mr. Price, it appears advisable to this office to obtain and maintain the original records rather than copies. To insure uniform compliance it is recommended that a definite contractual agreement be incorporated in all future contracts and appended to all present contracts.

Albert H. Holland, Jr., M.D.

Holland/dg

C O P Y

Harold L. Price, Legal Advisor

November 7, 1947

Albert H. Holland, Jr., M.D., Acting Medical Advisor

MAINTENANCE OF MEDICAL AND PERSONNEL RECORDS

SYMBOL: AECT

One of the major responsibilities of the Medical Advisor's Office is the proper evaluation of illnesses and medico-legal claims which are alleged to be a result of employment by the Atomic Energy Commission or its contractors. The proper maintenance of adequate records is essential in order to fulfill this responsibility. Termination of a contractor's contract should in no way be permitted to jeopardize the future safety and availability of medical and personnel records which have been collected during the operation of the contract. In view of the fact that all of these records are financed with government funds, it seems proper that title thereto should revert to the government following contract termination. In this manner the Atomic Energy Commission can and should maintain the original medical and personnel records on all employees in a safe repository for at least twenty years. If an individual contractor desires copies of records obtained during his operational period, photostatic reproductions should be allowed.

It is apparent that at some indeterminable time in the future the Atomic Energy Commission may be faced with the responsibility of determining whether or not a contractor's former employee is suffering from a disability due to hazards peculiar to the Atomic Energy Commission's operations, the nature of which could not have been previously evaluated. These records may be the only ones that would contain the information necessary to make this determination. We should not allow the Commission to be placed in an embarrassing position such that the contractor's contract is no longer in effect, the contractor's insurance carrier is no longer liable, and we do not have the original records in our possession. Therefore it is strongly recommended that such records be considered as government property.

It is the desire of this office to present for your careful consideration the proposal that all future contracts be written to include a specific contractual agreement to the effect that all original medical and personnel records will revert to the Atomic Energy Commission upon termination of the contract. Further, it is suggested that all presently existing contracts be amended to include such an agreement.

Albert H. Holland, Jr., M.D.

cc: Dr. Shields Warren, Director, Div. of
Biology & Medicine, Washington, D. C.
Mr. L. F. Spalding, Chief, Insurance
Claims Section.

1184357

TO : G. Vanden Bulck, Chief, Administrative Division DATE: December 1, 1947
FROM : Albert H. Holland, Jr., M.D., Acting Medical Adviser
SUBJECT: RECORDS ON EMPLOYMENT AND MEDICAL HISTORY OF CONTRACTOR EMPLOYEES
SYMBOL : ABCY

Reference is made to your memorandum dated November 10, 1947 on the subject of "Accessibility of Records Regarding Employment and Medical History of Contractor Employees".

In my November 14th memorandum a period of twenty years was suggested as the minimum for the maintenance of all health and personnel records. Since that time, I have had the opportunity to discuss the medical and medico-legal aspects of that recommendation with Dr. Shields Warren, Director of the Division of Biology and Medicine, in great detail. Dr. Warren is in full accord with the minimum twenty-year proviso.

In view of the fact that Dr. Warren's approval may help in formulating your program, it was thought advisable to convey his feeling to you.

Albert H. Holland, Jr., M.D.

Holland/ao

TO : C. Vanden Bulek, Chief, Administrative Division DATE: November 20, 1947
FROM : H. N. Woodside, Deputy Chief, Security Division
SUBJECT : ACCESSIBILITY OF RECORDS REGARDING EMPLOYMENT AND MEDICAL HISTORY
 OF CONTRACTOR EMPLOYEES
SYMBOL : AECI-20-1

Reference is made to your memorandum dated November 10, 1947, Subject as above, requesting comment on the proposal suggested in the memorandum dated October 29, 1947 from T. T. Beach, Records Manager, Washington, D. C., for the centralization of personnel, medical and hospital records concerning AEC contractor employees.

At the present time contractor employee's personnel and contractor's medical files are in the custody of the various contractors. Hospital records concerning hospitalization at the Oak Ridge Hospital are in the custody of the hospital.

The availability of information from the various medical and personnel files to the AEC presents no problem in cases of active or terminated employees during the period that contracts are active.

Difficulty in obtaining information from contractor employee's personnel and medical files is experienced after contracts are terminated. Under various contractual arrangements, these files become the property of the contractor. Some contracts contain provisions which require contractors to preserve records for such periods as "five (5) years", or "three (3) years", or "as prescribed by law", after the termination of such contracts. Some contracts provide that the preservation of the records will be done at Government expense while other contracts make no mention of the expense involved. In most cases, contractors are reluctant to surrender their files to any agency, either permanently or under an arrangement providing for respective contractors to have access to the files. This reluctance can be appreciated since in any claims for injuries or litigation resulting therefrom, the respective contractors are the named parties in suits involving occupational diseases and other claims. Obviously it is the contractor's desire to be in a position to have as much information available as is possible concerning claimants who were former employees of the contractor, without attendant delays in requesting and obtaining files from some other location.

Rydsewski:ms

TO : C. Vanden Bulck

DATE: November 20, 1947

FROM : H. N. Woodside

SUBJECT : ACCESSIBILITY OF RECORDS REGARDING EMPLOYMENT AND MEDICAL HISTORY
OF CONTRACTOR EMPLOYEES

SYMBOL : AECI-20-1

In view of the fact that the responsibilities of the Government are involved in occupational disease and other claims made against certain contractors with the Government, it is considered desirable that central records of complete personnel and medical files be maintained in the custody of the AEC. Since no appreciable difficulty is experienced in the AEC having access to contractor's personnel and medical files during the period that the work contracted for is proceeding toward completion, it only appears necessary that the AEC be provided with subject records upon contract termination. Because contractors desire to retain personnel and medical files after contract termination, it will be necessary to obtain duplicates of the contractor's files for inclusion in the proposed centralized AEC contractor's personnel and medical records. If the centralization proposal is accepted, the current and future Government contracts should be amended to provide that either the original personnel and medical records, or copies thereof (microfilm) be furnished the AEC upon termination of such contracts. In the matter of obtaining subject records from contractors whose contracts have terminated, it may be necessary to negotiate a separate agreement to offer to duplicate or microfilm the records for the contractor's retention or submission to the AEC. This matter will have to be negotiated individually with each contractor to arrive at a most satisfactory arrangement relative to the needs of the AEC and the contractor, and the additional costs involved.

H. N. Woodside

C. Vanden Bulek, Chief, Administrative Div.

November 25, 1947

S. R. Sapirie, Chief, Division of Engineering
and Production

ACCESSIBILITY OF RECORDS REGARDING EMPLOYMENT AND MEDICAL HISTORY
OF CONTRACTOR EMPLOYEES

SYMBOL: A&CJ-4

In reply to your memorandum of November 10, 1947, it is our opinion that records regarding employment and medical history of contractors' employees should be preserved centrally by the AEC.

Due to the possibility of claims and suits being filed after a considerable lapse of time between alleged exposure and the development of symptoms, it seems important that complete records regarding employment and medical history of contractors' employees be permanently maintained by AEC. The contractors' status has been subject to frequent change and records of importance may be lost or misplaced during such changes.

The mere fact that an individual has worked in a place where exposure to harmful dust or fumes exist, has frequently been sufficient evidence to sustain claims in state courts, providing the nature of the exposure claimed is, even remotely, a possible source of such injury. It is possible that injury due to exposure to radioactive substances may not be manifest for a considerable time after exposure. Silicosis may not become disabling until some 8 or 10 years after exposure to silica dust. Mercury and lead poisoning frequently result in disability after a considerable lapse of time.

Harris/mek

/s/ S. R. S.

G. Vanden Bulek, Chief, Administrative Div.

November 25, 1947

S. R. Sapirie, Chief, Division of Engineering
and Production

**ACCESSIBILITY OF RECORDS REGARDING EMPLOYMENT AND MEDICAL HISTORY
OF CONTRACTOR EMPLOYEES**

SYMBOL: AEGJ-4

In reply to your memorandum of November 10, 1947, it is our opinion that records regarding employment and medical history of contractors' employees should be preserved centrally by the AEC.

Due to the possibility of claims and suits being filed after a considerable lapse of time between alleged exposure and the development of symptoms, it seems important that complete records regarding employment and medical history of contractors' employees be permanently maintained by AEC. The contractors' status has been subject to frequent change and records of importance may be lost or misplaced during such changes.

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Harris/mek

/s/ S. R. S.

C. Vanden Bulek, Chief, Administrative Division

November 18, 1947

J. C. Robinson, Chief, Clinton Production Division

**ACCURACY OF RECORDS REGARDING EMPLOYMENT AND MEDICAL HISTORY
OF CONTRACTOR EMPLOYEES**

SYMBOL: AFGR-102

In compliance with request contained in a communication from your office dated November 10, 1947, subject as above, the comments listed below are offered for your consideration.

1. Presently no official procedure has been effectuated requiring the maintenance of subject records, however, such records are available from the contractors organization and are furnished to the Atomic Energy Commission Insurance Branch in the event of claim or upon request to this office.
2. The Carbide and Carbon Chemicals Corporation does maintain complete case records for all employees at each operating unit, this includes the transfer of records to and from other installations when an employee is transferred. The last employing unit is responsible for the maintenance of terminated employees files, no central corporation file is maintained.
3. The personnel records include work history, clinical records, diagnostic reports when employee is seen by outside physicians, and insurance and accident records.
4. The Central File System as suggested in the Washington communication to be complete should no doubt reflect the total experience to date. This would result in an effort of considerable magnitude in the preparation of duplicate records. Approximately 45,000 personnel have been employed in the K-25 Plant alone.
5. It is suggested that the following procedure be considered in lieu of establishing a centralized file system:
 - a. All operating contractors be required to maintain complete work and clinical records for employees.

C. Vanden Bulek

November 18, 1947

J. C. Robinson

ACCESSIBILITY OF RECORDS REGARDING EMPLOYMENT AND MEDICAL HISTORY
OF CONTRACTOR EMPLOYEES

SYMBOL : AEC-102

- b. A listing of commission contractors whose records are of interest to the Commission be prepared and submitted to each installation with the provision that each contractor would then be required to survey the records of active employees and bring them up to date by requesting previous records from the contractors as may be listed.
- c. In the future, at time of employment of new employees contractors organizations would determine if the employee had been previously employed by one of the listed contractors and would then arrange to secure all previous records as may be required.
- d. Records would be maintained of terminated employees and made available upon request of other listed Commission contractors.
- e. The above mentioned procedure will provide a complete record of the employees experience at the last place of employment. Suits filed claiming injury or impairment of health would be filed against this employer who could then be requested to furnish all necessary information.
- f. Utilising the contractor organizations would provide a complete file of records since start of operations and could be supplemented with files of employees of sub-contractors where such experience is deemed necessary by the Commission.

The Carbide and Carbon Chemicals Corporation has been consulted with regard to the above and have expressed a willingness to cooperate in an exchange of records as outlined above and agree that a complete centralized record would involve duplication of records on a large scale.

Similar records established for Atomic Energy Commission personnel assigned to the Area offices are not normally included in the District personnel files, such as clinical records, work histories, etc., while assigned to the area concerned. These should also be exchanged upon transfer or forwarded to the central file upon termination.

/s/ J. C. Robinson

1184363

C. Vanden Bulck, Assistant to Manager for
Administration
Herman M. Roth, Chief, Division of Research

November 25, 1947

ACCESSIBILITY OF RECORDS REGARDING EMPLOYMENT AND MEDICAL HISTORY
OF CONTRACTOR PERSONNEL

SYMBOL: AECK

Reference is made to your memorandum dated November 10, 1947, above subject. The question of making appropriate personnel records available for consolidation in the Washington office has been discussed with Battelle Memorial Institute.

BMI saw no objection to providing the Commission with such records as they have available for personnel who had left their employment. The principal problem involved is the establishment of a uniform system of record-keeping for the various contractors. It was generally agreed that if present records were adequate, there would be no difficulty in furnishing them to the Commission. However, if additional records were necessary, BMI would like to be informed of these requirements in order to establish such a system.

A simple system would be to have, by contract or administrative agreement, the contractor:

- a. Submit a card containing pertinent information for each employee terminated, this card to be sent to central file for reference.
- b. Upon expiration of five year period, or sooner if contractor elects, have contractor transfer records on personnel to the Commission.
- c. If contractor desires to retain employee files as a permanent record, submit duplicate records to Commission at Government expense at any time within five year period, preferably toward end of period.

The above has the following advantages:

- a. Short-term layoffs would not clutter AEC files.
- b. Bulk of records would be retained by contractor. Chief interest of the Commission would arise after five year period.

Roth:cab

C. Vanden Bulek

November 25, 1947

Herman M. Roth

ACCESSIBILITY OF RECORDS REGARDING EMPLOYMENT AND MEDICAL HISTORY
OF CONTRACTOR PERSONNEL

SYMBOL: AECK

- e. Employees who remain with company need not have their complete records in central file.

If records of present employees are required, a card containing pertinent information, could be sent to AEC files upon employment.

/s/ Herman M. Roth
Herman M. Roth

TO : G. Vanden Bulek, Chief, Administrative Division **DATE:** 26 November 1947
FROM : Jack Curtis, Chief, Industrial Personnel Branch
SUBJECT: ACCESSIBILITY OF RECORDS REGARDING EMPLOYMENT AND MEDICAL HISTORY
 OF CONTRACTOR PERSONNEL.
SYMBOL : AECF

Reference is made to your memorandum dated November 10, 1947, subject: Accessibility of Records Regarding Employment and Medical History of Contractor Personnel.

If the project of microfilming all records is established, as indicated in Bulletin dated November 7, 1947, subject: Microfilming of Records, there will remain the problem of gathering material of individuals into a master file for those people who have worked for more than one contractor. There may be ways of solving this difficulty by cutting and splicing, but no suggestion is offered as being workable. In the event this microfilming project is not attempted, the following considerations are presented in making contractor records available to the AEC in case suit for injury or impairment to health arises from employment with the contractor:

- a. There is no special problem in a suit against an active contractor. The employee will prosecute the contractor as his employer, and the contractor in defense will use his own records and those of the hospital. For these (all active contracts) it would seem that the installation of a master file would be a duplication of records which are readily available.
- b. When a contract becomes inactive, the contractor will keep his records at least until the statute of limitations has expired. Some contractors will want to keep their records longer, but would very likely relinquish them or furnish copies, if the AEC requests them for permanent safe keeping after the contractor is no longer legally bound.
- c. The desire of the AEC for permanent possession of these files could be indicated to the contractor at the time of contract termination negotiations, or by addition to present contracts, or in the case of new contracts at the time of contract negotiations. The Commission should request of inactive contractors that their files or copies of them be sent to the AEC Records Depository.
- d. The hospital has records for all in-patients which, it is understood, are kept indefinitely. It also has records of the treatment of all out-patients up to the time that doctors went on a private practice basis in the fall of 1945. We are advised that the hospital has now approximately 110,000 such files, each

1184366

TO : G. Vanden Bulek

DATE: November 26, 194

FROM : Jack Curtis

SUBJECT: ACCESSIBILITY OF RECORDS REGARDING EMPLOYMENT AND MEDICAL HISTORY
OF CONTRACTOR PERSONNEL

SYMBOL : AECF

consisting of from 5 to perhaps 35 separate entries. Since the files at the hospital are available, there would seem to be no need for AEC duplication unless the hospital should at some time cease operation, at which time the original records would go to the AEC.

Assembly of contractor employment and medical files for the custody of the AEC is a necessary project for those contractors, both operation and construction, who have completed their work for the Commission. It seems probable that suits might be brought against the AEC after the statute of limitations has expired. However, there does not seem to be a problem of access to records in case of a suit against an active contract, and hence it is questionable whether a centralized file for employees of these active contractors is practicable.

Jack Curtis

Bergan/gw

1184367

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