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December 18, 2008

The Honorable Michael O. Leavitt
Secretary of Health and Human Services
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Mr. Secretary:

The Advisory Board on Radiation and Worker Health (The Board) has evaluated Special Exposure Cohort (SEC) Petition 0133 concerning workers at the Mallinckrodt Chemical Co., Destrehan St. Plant, St. Louis, MO, under the statutory requirements established by the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) and incorporated into 42 CFR Sec. 83.14. The Board respectfully recommends Special Exposure Cohort (SEC) status be accorded to all employees of the Department of Energy (DOE), its predecessor agencies, and DOE contractors or subcontractors who worked in the Uranium Division at the Mallinckrodt Chemical Co., Destrehan St. Plant in St. Louis, MO, from January 1, 1958 through December 31, 1958, 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 in the SEC.

The Board notes that although National Institute for Occupational Safety and Health (NIOSH) found that they were unable to completely reconstruct radiation doses for these employees, they believe that they are able to reconstruct the external and occupational medical doses and portions of the internal radiation dose.

This recommendation is based on the following factors:

- The Mallinckrodt Chemical Co. Destrehan Plant was involved in early uranium processing work for the manufacture of atomic weapons.

- The Board had already recommended that special exposure status be granted to employees in the Uranium Division who worked there between 1949 and 1957. NIOSH reported that there were no substantial differences in site operations or workplace monitoring practices at this facility for 1958 as compared to the earlier time period.

- NIOSH reported that they were unable to locate sufficient monitoring data or information on radiological operations at this facility in order to be able to complete accurate individual dose reconstructions for the potential internal exposures to uranium progeny to which these workers may have been subjected. The Board concurs with this conclusion.

- NIOSH determined that health may have been endangered for the workers exposed to radiation at this facility during the time period in question. The Board concurs with this determination.

Based on these considerations, and on the discussions and deliberations at our December 17, 2008 Board meeting, the Board recommends that this Special Exposure Cohort petition be granted.

Enclosed is supporting documentation from the recent Advisory Board Meeting held in Augusta, Georgia, where this Special Exposure Cohort class was discussed. The documentation includes transcripts of the deliberations, copies of the petition, and the NIOSH review thereof, and related documents distributed by NIOSH. If any of these items are unavailable at this time, they will follow shortly.

Sincerely,

Paul L. Ziemer

Paul L. Ziemer, Ph.D.
Chair

Enclosure