



DEC 7 2005

Larry J. Elliott
Director, Office of Compensation Analysis and Support
National Institute for Occupational Safety and Health
Centers for Disease Control and Prevention
Mail Stop C-46
4676 Columbia Parkway
Cincinnati, Ohio 45226

Re: Handling of Mallinckrodt Cases for New SEC Class for 1949 - 1957

Dear Larry:

On October 14, 2005, the Secretary of the Department of Health and Human Services (HHS), Michael Leavitt, designated the following class for addition to the SEC in a report to Congress:

Department of Energy (DOE) employees or DOE contractor or subcontractor employees who worked in the Uranium Division of the Destrehan Street Facility of Mallinckrodt Chemical Works from 1949 to 1957 and who were employed for a number of work days aggregating at least 250 work days, either solely under this employment or in combination with work days within the parameters (excluding aggregate work day requirements) established for other classes of employees included in the SEC.

This designation became effective on November 13, 2005, as provided for under 42 U.S.C. 7384l(14)(C).

A report attached to Secretary Leavitt's letter, entitled "HHS Designation of Additional Members of the Special Exposure Cohort," provided the supporting rationale for designating a class of employees from the Uranium Division of the Mallinckrodt Chemical Works, Destrehan Street Facility, St. Louis, Missouri, for the years 1949 through 1957.

Section IV, "Designation Findings," summarized NIOSH's finding that "... there is insufficient information either to estimate the maximum radiation dose for every type of cancer for which radiation doses are reconstructed that could have been incurred under plausible circumstances by any member of the class, or to estimate the radiation doses of members of the class more precisely than a maximum dose estimate with sufficient accuracy."

The discussion noted, "There is not individual bioassay monitoring or other monitoring information that can be used to quantify internal exposures to thorium-230, protactinium-231, and actinium-227 for raffinate workers specifically at the Destrehan Street facility of Mallinckrodt Chemical Works."

In addition, "The specific air sample data that exists for the Destrehan Street facility of Mallinckrodt Chemical Works is insufficient to establish the internal doses from inhalation of thorium-230, protactinium-231, and actinium-227 at the site with sufficient accuracy. This is because 1) the air sample data found at the Destrehan Street facility of Mallinckrodt Chemical Works do not provide radionuclide-specific information for the site; and 2) very little data are available to characterize the degree of disequilibrium in the raffinate source term at the Destrehan Street facility of Mallinckrodt Chemical Works."

The discussion further noted, "Records from the Destrehan Street facility of Mallinckrodt Chemical Works indicate that during the time frame of 1949 through 1957, employees may have rotated through a number of different jobs. The changes in work assignments make it difficult to distinguish the raffinate-exposed workers from the workers who never worked with raffinate."

Finally, "It should be noted that the Board believes, and NIOSH concurs, that the available external dose monitoring information is adequate for the reconstruction of individual external exposures; where appropriate, individual external doses can be reconstructed for specific types of cancer (e.g., skin)."

In summary, the Secretary of Health and Human Services has determined that it is not feasible to undertake dose reconstructions for the class of employees employed at the Destrehan Street facility of Mallinckrodt Chemical Works from 1949 through 1957. However, NIOSH has determined that it is possible to reconstruct individual occupational external doses for certain cancers.

Thus, NIOSH should provide two lists of employees at the Destrehan Street facility of Mallinckrodt Chemical Works for the SEC class period. One list should cover employees with specified cancers and the other list should address employees with non-specified cancers. NIOSH should return all cases with specified cancers (with the administrative record on a CD) to the Department of Labor Denver District Office for the Office of Workers' Compensation Programs to complete adjudication as appropriate. Since NIOSH has determined that it is possible to estimate external exposure, it will continue to perform dose reconstructions for cases with non-specified cancers for the SEC class time period based solely on external occupational dose. DOL will review employment and

medical information for both lists of employees. If the district office identifies a case with a specified cancer during its review of cases with non-specific cancers, DOL will request the return of that case from NIOSH on an individual basis.

Sincerely,

A handwritten signature in cursive script that reads "Peter M. Turcic".

Peter M. Turcic
Director, Division of Energy Employees
Occupational Illness Compensation