ADVISORY BOARD ON RADIATION AND WORKER HEALTH
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May 24, 2006

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

Dear Mr. Secretary:

The Advisory Board on Radiation and Worker Health (The Board) has evaluated SEC Petition -00055 concerning workers at the Nevada Test Site (NTS) under the statutory requirements established by EEOICPA and incorporated into 42 CFR Sec. 83.14. The Board respectfully recommends a Special Exposure Cohort be accorded to all Department of Energy (DOE) employees or its contractor or subcontractor employees who worked at the Nevada Test Site from January 27, 1951 through December 3, 1962 who were monitored or should have been monitored for exposure to ionizing radiation as a result of nuclear weapons testing at the NTS and who were employed for a number of work days aggregating at least 250 work days, occurring under this employment or in combination with work days of employment occurring within the parameters (excluding aggregate work day requirements) established for other classes of employees included in the SEC. This recommendation is based on the following factors:

- These workers were employed during the above ground testing of atomic weapons.
- There are significant limitations to the available monitoring data collected at the Nevada Test Site during this time period, particularly data needed for the accurate reconstruction of internal doses associated with the inhalation of radionuclides at the site. NIOSH concluded that the available monitoring and source term information is not sufficient to document or estimate the potential maximum internal exposures to workers at the Nevada Test Site under plausible circumstances during the time period from January 27, 1951 to December 3, 1962. The Board concurs with this conclusion.
- The Board has reviewed information which confirms that radiation exposures at the Nevada Test Site during the time period in question could have endangered the health of members of this class.

The Board notes that some of the people who were employed at the Nevada Test Site during the time period in question lived on site during their work periods. This should be considered during the evaluation of their work duration.

The Board is still evaluating issues related to people who may have been exposed to radiation during discrete incidents that could have involved exceptionally high exposures to radiation while working at the Nevada Test Site (e.g., those who were present during the actual atomic bomb testing) and who may not meet the 250 work day requirement described above. The Board will continue to review this matter and may make additional future recommendations regarding this group.

I would like to point out that the NIOSH evaluation of the SEC petition from the Nevada Test Site recommended that Special Exposure Cohort status be accorded to all Department of Energy (DOE) employees or its contractor or subcontractor employees "who worked at the Nevada Test Site from January 27, 1951 through December 31, 1962 who were monitored or should have been monitored for exposure to ionizing radiation as a result of nuclear weapons testing at the NTS…" You will note that the December 31, 1962 date differs from the December 3, 1962 date specified in the Advisory Board action. As Chairman of the Advisory Board, I must emphasize that I believe that this difference is inadvertent. There was no discussion by the Board relating to changing the date, and I believe that the transcripts of the meeting show clearly that the Board supported the recommendation of NIOSH. It appears that in transcribing the Board's motion to written form during the meeting, the December 31 date was incorrectly recorded as December 3. Since our official vote was on a motion containing the December 3 date, I am reporting it to you that way in order to accurately report the Board's action. However, I have no doubt that the intent was to support the recommendation covering the January 27, 1951 through December 31, 1962 dates.

Enclosed is supporting documentation from the recent Advisory Board Meeting held in Denver, Colorado where this special exposure cohort petition was discussed. This documentation includes transcripts of public comments on the petition, copies of the petition and the NIOSH review thereof, and related documents distributed by NIOSH and the petitioners. If any of these items are unavailable at this time, they will follow shortly.

Sincerely,

Paul L. Ziemer

Paul L. Ziemer, Ph.D.
Chairman

Encl.