



## ADVISORY BOARD ON RADIATION AND WORKER HEALTH

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February 24, 2010

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The Honorable Harry Reid  
Majority Leader  
United States Senate  
522 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Reid:

This letter is in response to your inquiry dated February 3, 2010, to the Chairman of the Advisory Board on Radiation and Worker Health (ABRWH) regarding Special Exposure Cohort (SEC) status for people who worked at the Nevada Test Site (NTS) during the period from January 1, 1962 to December 31, 1992. I was recently designated the new Chairman of the ABRWH by President Obama, replacing Dr. Paul Ziemer.

At the Board's recent meeting in Manhattan Beach, California, the Board voted unanimously to support the recently updated National Institute of Occupational Safety and Health (NIOSH) evaluation report on the NTS SEC petition and to recommend the addition of an SEC class for employees who worked at NTS during the period from January 1, 1962 to December 31, 1992. The Board's letter to the Department of Health and Human Services Secretary, Kathleen Sebelius, recommending this SEC petition be granted will be sent as soon as the necessary supporting information has been compiled.

In your letter you also mentioned three other issues related to the overall Energy Employees Illness Compensation Program Act (EEOICPA): the 250-day rule, chronic lymphocytic leukemia, and additions to the list of SEC-covered cancers such as, but not limited to, basal cell carcinoma of the skin.

The Board is currently examining the issue of how to address claimants who worked at sites included in the SEC but who have worked less than 250 days. The Board's ongoing evaluation of this issue includes those working at NTS. A work group of the Board is preparing a recommendation to the full Board on this issue. Their recommendation should be completed in time for the next full Board meeting scheduled for May 2010.

NIOSH is in the process of submitting a regulatory proposal to HHS to remove the exclusion of Chronic Lymphocytic Leukemia (CLL) from the types of cancer for which NIOSH conducts radiation dose reconstructions and for which EEOICPA claimants may be compensated. NIOSH has developed a methodology to conduct radiation dose reconstructions for CLL, which would allow nuclear weapons workers with this cancer to potentially be compensated. Implementing such a change falls within the regulatory discretion of HHS.

Should HHS proceed with making regulatory changes regarding CLL, the Board would advise HHS on the rulemaking.

NIOSH reported to Congress in December, 2009 on its evaluation of the relationship between radiation exposure and cancers that are not currently included on the "specified cancers" list.

As you know, this list specifies the types of cancers that can be compensated under the SEC provisions of EEOICPA. The NIOSH report identified basal cell carcinoma as a skin cancer that is similarly "radiogenic" in nature as other cancers on the specified cancer list. There is no further action required on the part of NIOSH or the Department of Health and Human Services (HHS) with respect to this report. The specified cancer list is established in EEOICPA and can be amended only by legislation.

We appreciate your interest in these matters. If you or your staff has any further questions, please let us know.

Thank you for your continued interest in the Energy Employees Illness Compensation Program and the activities of this Board.

Sincerely,

[Signature on file]

James M. Melius, M.D., Dr. Ph.  
Chairman, ABRWH