



ADVISORY BOARD ON RADIATION AND WORKER HEALTH

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March 5, 2010

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

Dear Madam Secretary:

The Advisory Board on Radiation and Worker Health (The Board) has evaluated SEC Petition-00160 concerning workers at the Lawrence Berkeley National Laboratory (LBNL) in Berkeley, California under the statutory requirements established by 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, its predecessor agencies, and their contractors or subcontractors who worked at the Lawrence Berkeley National Laboratory in Berkeley, California, from August 13, 1942 through December 31, 1961, 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 included in the Special Exposure Cohort.

This recommendation is based on the following factors:

- Individuals working at LBNL during the time period in question worked on research and production activities related to nuclear weapons production.
- The NIOSH review of available monitoring data as well as available process and source term information for various nuclear research activities at LBNL found that NIOSH lacked adequate information necessary to complete accurate individual dose reconstructions for internal and external radiation doses during the time period in question. The Board concurs with this determination.
- NIOSH determined that health may have been endangered for these LBNL facility workers. The Board concurs with this determination.

Based on these considerations and the discussions held at our February 9-11, 2010 Advisory Board meeting in Manhattan Beach, California, the Board recommends that this SEC petition be granted.

Enclosed is the documentation from the Board meeting(s) where this SEC class was discussed. The documentation includes transcripts of the deliberations, copies of the petition, the NIOSH review thereof, and related materials. If any of these items are unavailable at this time, they will follow shortly.

Sincerely,

[Signature on file]

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

Enclosure