

U.S. Department of Labor

Employment Standards Administration
Office of Workers' Compensation Programs
Division of Energy Employees Occupational
Illness Compensation
Washington, D.C. 20210



JUN 17 2005

Mr. 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: Return of All Mallinckrodt Cases for New SEC Class for 1942 - 1948

Dear Larry:

On April 11, 2005, Secretary of Health and Human Services (HHS) Michael Leavitt designated the following class for addition to the Special Exposure Cohort (SEC) in a report to Congress:

Employees of the Department of Energy (DOE) or DOE contractors or subcontractors employed by the Uranium Division of Mallinckrodt Chemical Works, Destrehan Street Facility, during the period from 1942 through 1948 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.

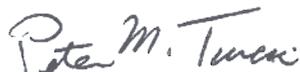
This designation became effective on May 12, 2005, as provided for under 42 U.S.C. 7384l(14)(C). Hence, beginning on May 12, 2005, members of this class of employees, defined as reported in this notice, became members of the SEC.

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 this specific group of workers as part of the SEC. The report found that the National Institute for Occupational Safety and Health (NIOSH) did not have sufficient information "to either 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 such radiation doses of members of the class more precisely than a maximum dose estimate."

Based on that report, NIOSH has indicated that it is not feasible to undertake dose reconstructions for the class of employees employed at Mallinckrodt Chemical Works from 1942 through 1948 for any cases. Thus, the Department of Labor will be required to accept all Part B claims by members of the class determined to have specified cancers and to deny all Part B claims by members of the class determined to have non-specified cancers unless those claims can be approved based upon employment outside of the 1942-1948 time period at Mallinckrodt.

In order to complete the adjudication process and pay the required claims as soon as possible, we request that NIOSH return all cases involved in this SEC class to the DOL Denver District Office

Sincerely,



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