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FACSIMILE TRANSMITTAL SHEET

TO: Larry Elliot/Nicole FROM: Denise Brock  
 COMPANY: \_\_\_\_\_ DATE: 05/17/05  
 FAX NUMBER: 513-533-6826 TOTAL NO. OF PAGES INCLUDING COVER: 2

RE: 250 day requirement/appeal

- URGENT
- FOR REVIEW
- PLEASE COMMENT
- PLEASE REPLY

NOTES/COMMENTS: Hi Larry - Hi Nicole -

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May 17, 2005

U.S. Department of Health and Human Services  
200 Independence Ave., SW.  
Washington, DC  
20201

05-17-05P04:53 RCVD

Att : Honorable Secretary Michael Levitt  
Secretary of Health and Human Services

Re: Mallinckrodt SEC

Dear Sir:

I would like to respectfully contest and appeal the decision regarding the 250 day requirement under section 83.16 B of the EEOICPA, health endangerment issue. The proposed decision of the 250 day requirement for this group of workers relies upon or is based upon a record of factual error

The episodic releases or short discrete incidences were not taken into account and therefore discriminates against certain employees or classes of employees who may have been exposed to radiation during discrete incidents likely to have involved exceptionally high level exposures.

This section states that presence with potential exposure during the discrete incident, rather than a quantified duration of potential exposure, will satisfy the health endangerment criterion.

I hope that you will be able to advise me in this matter.

Sincerely,

Denise Brock  
Mallinckrodt SEC petitioner  
636-366-4428  
636-485-5450  
db\_dcch@hotmail.com

cc: Mr. John Howard            NIOSH  
      Mr. Larry Elliot        NIOSH