

**EXHIBIT 10**

## **AFFIDAVIT of THOMAS M. FASY, M.D., Ph.D.**

Thomas M. Fasy, under penalties of perjury, states the following:

- 1.) I received an M.D. degree from the University of Pennsylvania School of Medicine in 1968.
- 2.) From 1968-1972, I received residency training in pathology at the Columbia-Presbyterian Medical Center in New York City.
- 3.) I received a Ph.D. degree from Columbia University in 1976. My thesis dealt with histone modification and was carried out in a Cell Biology Lab at The Rockefeller University.
- 4.) Since 1983, I have been a Diplomate of the American Board of Pathology with certification in Anatomic Pathology.
- 5.) In 1979, I joined the faculty of the Mount Sinai School of Medicine. My current academic rank is Clinical Associate Professor of Pathology.
- 6.) For twelve years, I was the Course Director of the General Pathology Course for medical students at the Mount Sinai School of Medicine. During those years, I gave approximately half of the lectures in the course, including the lectures on carcinogenesis, radiation biology and injury from free radicals.
- 7.) For many years, I have been a member of Physicians for Social Responsibility (PSR). I am currently a member of the executive committee of the New York City Chapter of PSR. A longstanding core objective of PSR has been educating the public about the dangers of nuclear weapons.
- 8.) Based on my education, training and experience, it is my opinion to a reasonable degree of medical and scientific certainty that the inhalation or ingestion of radionuclides may lead to the development of serious diseases, including various forms of cancer, congenital malformations (birth defects), DNA damage, genetic mutations and sterility.
- 9.) I am aware of the Radiation Exposure Compensation Program of the United States Government, and based on epidemiological studies, it is my opinion that the inhalation and/or ingestion of radionuclides is associated with an increased risk of developing lung cancers, leukemias, lymphomas, multiple myelomas and many other malignant diseases.
- 10.) Based on my education, training and experience, it is my opinion to a reasonable degree of medical and scientific certainty that there is no recognized safe threshold dose of internalized alpha-emitting radionuclides below which, the population receiving that dose will not assume an increased

risk of developing cancers, leukemias or other stochastic effects of internally deposited radionuclides.

11.) Based on my education, training and experience, it is my opinion to a reasonable degree of medical and scientific certainty that carcinogenic substances, including radionuclides, may sometimes interact in a synergistic fashion such that prior or concurrent exposure to carcinogen A leads to a substantially increased sensitivity to the cancer inducing actions of carcinogen B. This ability of certain carcinogens to enhance or potentiate the activities of certain other carcinogens is a very important principle which must borne in mind when decisions about dispersing known carcinogens into the environment are being considered.

12.) Based on my education, training and experience, and in light of the considerations cited above, it is my opinion to a reasonable degree of medical and scientific certainty that the proposed "Divine Strake" explosion, if allowed to proceed as planned at the Nevada Test Site, would disperse large amounts of radioactive particles into the atmosphere. Many of these radioactive particles are respirable; that is to say, they are sufficiently small to be inhaled into and retained by human lungs. In fact, millions of citizens living downwind of the Nevada Test Site are at risk of inhaling radioactive particles that would be dispersed into the atmosphere by the proposed "Divine Strake" explosion. It is virtually certain that this inhalation of radioactive particles would result in an increased frequency of a variety of cancers in the exposed populations. Moreover, the increased risk of developing cancers would be borne disproportionately by the children living downwind.

Dated this 19<sup>th</sup> day of May, 2006

Thomas M. Fasy  
Thomas M. Fasy, M.D., Ph.D.

Subscribed and Sworn to before me, This 19<sup>th</sup> day of May 2006.

[Signature]  
NOTARY PUBLIC

County of New York

State of New York

TATIANA ROSARIO  
Notary Public, State of New York  
No. 01RO5065484  
Qualified in New York County  
Commission Expires Sept. 9, 06