

MeetingDOW081106NON.txt

VIDEOTAPED
DOW AFFIDAVIT TESTIMONY

August 11, 2006

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—, Court Reporter

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2 PARTICIPANTS

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12 Dow/Conalco/Spectrulite Employees:

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1 IT IS STIPULATED AND AGREED by and between
2 SimmonsCooper, LLC and Pohlman Reporting Company that
3 the August 11, 2006 Dow Affidavit Testimony will be
4 transcribed to the best of their ability by a Court
5 Reporter.

6 O-O-O

7 —: Good morning, everybody. I'm
8 —. — who's sitting over by the
9 table there is helping me coordinate this meeting this
10 morning which is the second session we've had for the
11 Dow/Spectrulite people to provide some testimony which
12 we will use in our special exposure cohort
13 application.

14 I certainly want to thank before we begin
15 in particular — and — who've
16 contacted a lot of you fellows. And —, I
17 really appreciate your coming down for us and
18 everybody whose come this morning. We -- we've gotten
19 some really great information about the Dow site on
20 the 21st of July. And what we hope to do this morning
21 is to complete that story for -- particularly
22 concentrating on the later period after Spectrulite
23 bought the place in 1986.
24 So with that as a preamble, I -- I've
25 looked through the affidavit topics. So we've

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1 identified a bunch of topics that we need to get on
2 the record and for General Steel which we're going to
3 have a little extra testimony about them this
4 afternoon. But for Dow it seemed to me that actually
5 most of the topics that we have some information on
6 the older period. We also need some information from
7 this later period and -- that you all can provide.

8 So I'm going to go through the affidavit
9 topics. And what I'm asking everybody to do is if you
10 see a topic and you think you have some comment to
11 make, just speak up because that's -- that's what
12 we're kind of doing.

13 So the new statement that I want to put on
14 the record is that in March of 2005 the Pangea Group,
15 P-A-N-G-E-A, here in St. Louis issued a comprehensive
16 radiological survey report on the Spectrulite Madison,
17 Illinois site. This report built on an earlier 2003
18 scoping report. And the purpose of that report was
19 Spectrulite was seeking to terminate its thorium
20 license and as part of that you have to go through a
21 decommissioning process.

22 The radiological survey found elevated
23 thorium 230 and thorium 232 activity above background
24 and above Illinois state guidelines for
25 decommissioning radioactivity materials licenses

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1 throughout the plant buildings, on the floors, in the

2 drains, on the walls, and on the rafters, and in soil
3 outside the buildings. This study confirms testimony
4 from numerous Dow workers that the plant was heavily
5 contaminated with thorium. Of interest, beryllium was
6 not mentioned in the report because although it's an
7 extremely toxic metal it's not radioactive.

8 The second set of information that I want
9 to enter into the record this morning came to me via
10 an e-mail from — which was dated July the
11 16th of 2006, and it concerned beryllium. And so —
12 says that beryllium also was used in the pot room
13 where magnesium was melted. All the magnesium had
14 from 200 to 600 pounds used in it per eight-hour
15 shift. Where they ran thorium or special metals an
16 instrument man had to be by the instruments to check
17 the temperature. At times it got so smokey that one
18 could not see over in the rolling mill on the other
19 side of the plant. They used 11, four-foot fans, but
20 when the humidity was higher the fans did not help.
21 At times the smoke was so bad they had to shut the pot
22 room down. And it's signed —.

23 And I just need to comment that the
24 documentation this morning -- any information you all

25 have of thorium use or the beryllium use is

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1 particularly important because the Federal
2 Compensation Act specifically compensates people for
3 exposure to beryllium in the form of beryllium
4 sensitivity or the chronic lung disease called
5 berylliosis.

6 So the first topic that I wanted to open
7 up the floor for general discussion this morning was
8 as you all know that in uranium work at Dow according
9 to the Army Corps of Engineers, the Department of
10 Energy, and the FUSRAP Program was confined to 1957 to
11 1960 and possibly as late as 1961 in Building 6. And
12 the job that Dow was contracted to do was to do
13 experimental research and development type extrusion
14 work and rod straightening under a contract with
15 Mallinckrodt Chemical Works. And -- and they were
16 indemnified for that purpose by the Atomic Energy
17 Commission.

18 So does anybody here have any -- so I

19 think that's accepted. What I'm interested in can
20 anybody verify that Mallinckrodt uranium was used?
21 And -- and I'm particularly interested in kind of
22 expanding our testimony because -- from people who
23 actually knew that it was Mallinckrodt uranium and
24 particularly was it used in 1961 or later, or is that
25 really accurate, that '57 to '60 is the period?

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1 So is there anybody here that would know
2 more about the Mallinckrodt uranium work? We think,
3 —, right, that it was done on Press 7?
4 —: Yes. It was.
5 —: Okay.
6 —: That's what its -- all
7 indications from the Freedom of Information -- all the
8 records from the Freedom of Information Act said that
9 they was extruded near the 4 Building which would lead
10 to believe 7 Press was the press. It was the closest
11 to 4 Building.
12 —: All right. One thing I

13 forgot. I -- I don't want to -- I'm sorry to
14 interrupt the flow, but I need to do this first. Why
15 don't we go around the room before we start and would
16 each of you all start and give your name so the court
17 reporter can get it. And please spell your name and
18 say just a word or two about when you worked at -- at
19 Spectrulite or Dow or Conalco and what -- what your
20 job was and -- and the period that you worked there,
21 you know, start and end. So can we start around the
22 room and can you do that for us please.

23 —: Yeah. My name's —,
24 and I worked in -- at Spectrulite from 1988 until the
25 plant closing. I'd worked in all departments,

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1 probably in the pot room of casting for five or six
2 years. Then I went to the rolling mill for one year,
3 back to the pot room for one year and then to
4 extrusion for five or six years. We had melted
5 thorium chips in the pot room. And they had put up a
6 flag line between the two different units. And the

7 people on one unit who was melting chips were given
8 these radiological badges, and the people on the other
9 unit did not receive these. And they -- all these
10 chips being melted would produce a lot of smoke and it
11 would go over that flag line. The smoke didn't know
12 it was not supposed to go over that flag line, and we
13 all breathed that in there. And --

14 —: We -- we will come back to
15 these topics.

16 —: Okay.

17 —: Primarily I want everybody to
18 please make sure that your name is on the record and
19 spelled correctly and the dates and -- and the basic
20 job that you did at the plant. So --

21 —: My name is —. I
22 worked at Spectrulite from 1990 until the plant
23 closed. I primarily worked in the pot room as a metal
24 caster and crew leader just about my whole time of
25 employment there.

1 —: And I'm sorry. When did you

2 leave?

3 —: When the plant closed. I

4 believe it was 2003 --

5 —: 2003. Okay. Thank you.

6 —: -- 2002.

7 —: Thanks. Okay.

8 —: My name is —, and I

9 started at -- actually it was Dow Chemical at the time

10 in 1965. And I spent -- from 1965 to 1972 I worked in

11 the extrusion department a cutter, a press helper,

12 that kind of stuff. And then I went to casting where

13 I worked from until '72 until close as a mag melter

14 part of the time that I was there and then as a

15 service crew leader that worked in and around the mag

16 floor consistently.

17 COURT REPORTER: Service crew leader?

18 —: Service crew leader, yes.

19 —: —, thank you for coming

20 this morning. That's -- that's good. We need to have

21 some more information about the extrusion press and so

22 forth. Good.

23 —: My name is —. I
24 went to work at Dow Chemical in 1961. I retired in
25 —. I went to work in 1961 as a production worker.

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1 I worked there until 1972. At that time I went into
2 maintenance as a mechanical technician, and I worked
3 throughout the plant for — years.
4 —: My name is -- is —
5 —. I started in 1984 under Conalco as a spec
6 lab operator. I did that for a year, and then I took
7 over as basically — of the chem lab and
8 the spec lab. I monitored all the lubricants in the
9 plant. I'm the one that did the radiation monitoring,
10 and I left there in —.

11 —: My name is —, and
12 I was hired in in — '89. And I worked to
13 — 2003 when it closed. My first positions were in
14 casting where I was a sweeper attendant and cleaned
15 the floors. I worked a little bit in leaching and
16 back at casting. Then I worked a year over in the

17 rolling mills. Then the last 12 years I worked on the

18 7 Press in extrusion.

19 COURT REPORTER: Did you say bleaching or

20 leaching?

21 —: Leaching.

22 —: —. I worked from

23 1993 to —, and I was a supervisor in the extrusion

24 department.

25 —: My name's —. I

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1 worked there from 1990 to —. I started in casting

2 and worked in the leaching department for about a year

3 and a half. And then in about '94 I went to the

4 extrusion department and worked on the 7 Press.

5 —: My name is —, and

6 I worked at various departments since 1965. And I

7 retired in 2001 as a press operator -- that's it -- in

8 extrusion.

9 —: —, may I -- may I ask you

10 did you work on a particular press?

11 —: 7 and 9 mostly --
12 —: 7 and 9. Okay.
13 —: -- and the heavy. I was on
14 the heavy too.
15 —: Okay. All right. Thank you.
16 —: My name is —. I
17 started with Dow Chemical the —, 1953,
18 and I worked there until —, 1989. I
19 started in the casting department. At that time
20 extrusion wasn't completely ready to -- for us to go
21 to work. We -- we stacked ingots and unloaded World
22 War II bomb bodies from railroad cars for about two
23 months, and then we went in to extrusion. Went in to
24 extrusion if you -- if your plant seniority allowed
25 it, you bid on jobs. I bid on press helper, and I was

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1 assigned to Number 9 Press. And later on -- I don't
2 know -- these years you get all mixed up after a
3 while. But anyway, when my opportunity came to bid on
4 the press as an operator I did so. And I worked for

5 years on that. And then as some of the first guys in
6 there began to go I got the opportunity to become the
7 crew leader. So the rest of all -- all the years I
8 was either an operator or a crew leader depending on
9 the workload that we had in the department.

10 —: I think at this point,

11 —, —, can you come up. — has some --

12 we're -- we're -- thank you all very much. Obviously

13 the folks that are here have expertise that was not

14 represented in the earlier meeting and that's

15 terrific. — has some additional information

16 about the period of time that uranium was worked on at

17 -- at Dow so I want him to get that please on the

18 record.

19 —: It is a -- I wasn't there, but

20 from '57 to '60 they said that they ran uranium on --

21 you know, in the extrusion. Well, according to the

22 contract book that we got it proves that they ran

23 uranium up until 1963, and it also was sent over to

24 the rolling mill to the flattening ovens to be

25 flattened, the rods over there to be flattened on the

1 flattening ovens. So that proves that uranium was in
2 at least two different departments. Now, I don't know
3 about the casting. I'm -- I'm not for sure on any of
4 that. But it -- we do know it ran up until '63 on
5 account of the contract book. And when we went on
6 strike in '63 then that's when they kind of dropped
7 it. So that's where that's at.

8 —: Okay. That's very helpful.

9 Thank you. Anybody else got any more comments about
10 uranium? I am interested of the group that's here do
11 you all -- do any of you all have any direct knowledge
12 about the Mallinckrodt uranium work, or was that all
13 done before you all? Now, — how about you?

14 Did -- were you aware of that?

15 —: The only thing I can say on
16 that I was aware of it but through the grapevine.

17 —: Okay.

18 —: Dow Chemical didn't tell us
19 anything about it.

20 —: Uh-huh.

21 —: But they weren't really --

22 they weren't kidding us. We recognized that uranium

23 was dangerous.

24 —: Uh-huh.

25 —: But what are you going to do?

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1 —: But you never saw the ingots

2 yourself that you're aware of?

3 —: I have seen one ingot that I

4 was told later was uranium but not by a company man.

5 —: And -- and not at the time

6 that you actually handled it?

7 —: Not at the time I actually

8 seen it.

9 —: Okay.

10 —: So that's about all I can give

11 you on that.

12 —: All right. That's

13 interesting. And -- and —, did I understand

14 you to say that you were working on the presses about

15 this era in '57 to '60 or --

16 —: No. I didn't -- I didn't come
17 to the plant -- I did not come to the plant until
18 1965.
19 —: I'm sorry.
20 —: Yeah.
21 —: Okay. So that would be
22 beyond the --
23 —: Yeah.
24 —: -- period with the uranium?
25 —: Yeah.

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1 —: Okay. Very good. All right.
2 Now well, let's -- let's move on. By the way, if you
3 all think of something later, we can intervene at any
4 time. So you don't have to strictly stick to this
5 order.
6 The second topic is we got some
7 information that thorium was used widely throughout
8 the plant. And so this morning I just wondered -- so
9 I -- I think we have testimony that thorium in some

10 form was used in castings, in extrusion, and in the
11 rolling mill. But if anybody can amplify where the
12 thorium was stored and worked on later on in the
13 Spectrulite or in the Conalco eras, that would be very
14 helpful. —.

15 —: Yeah. We mentioned the
16 thorium. In the rolling mill we salvaged the thorium
17 over there. We used to have to sand this. And at the
18 time we sanded this that -- then they didn't have no
19 kind of protection for us and we breathed these -- off
20 this thorium HM and HK metal. And I think that's what
21 really probably caused my cancer. I worked there for
22 years on that before I went into maintenance.

23 —: So tell us a little bit more.
24 And you mentioned the sanding. Tell me what that
25 actually involved.

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1 —: Okay. What it amounted to
2 you -- they'd bring down a sheet of thorium HM or HK.
3 We would take and sand this to get the dirt out of it.

4 Then they'd take it to the pickle line and pickle it.
5 Then they'd take it back to the sheet mill and maybe
6 make 20, 30 passes. Then they'd take the same sheets
7 back again, we had to salvage it again. They'd pickle
8 it. We'd grind out the dirt with the sanders and
9 gouge this metal out of there. And this was quite a
10 process, but it was the only way they could do it was
11 by using a sheet mill to roll this type of metal. But
12 like I say, we had no kind of protection at that time.
13 We were never told what we was even working on really.
14 And we breathed this dust eight to 12 hours a day.
15 —: Yeah. Okay. That's very
16 important. —.
17 —: —, yes. Now, we
18 was told there was any thorium stored in extrusion or
19 ever processed in extrusion. So that would lead to
20 believe that it would be clean of any thorium
21 by-products that would be in that building, that
22 particular building since as he stated they was
23 handling the thorium in the rolling mill. Now, it
24 would be sure -- it would be common sense to see that
25 they would find the thorium in the rolling mill. Now,

1 they also processed the thorium in the pot room in

2 casting.

3 —: Right.

4 —: So it would make sense they

5 would find it there also in casting.

6 —: Right.

7 —: But extrusion -- to find it

8 in extrusion to a place where they never handled it or

9 processed it seems very, very strange. And --

10 —: Just -- just let's put on the

11 record now that --

12 —: -- we was never told.

13 —: -- that extrusion was in the

14 Number 7 Building; is that right?

15 —: The Number 6 Building.

16 —: The Number 6 Building?

17 —: Uh-huh.

18 —: All right.

19 —: Well, the radiological

20 cleanup.

21 —: Yeah.

22 —: But --

23 —: Well, definitely in this

24 March, 2005 that building was involved with the

25 thorium. So --

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1 —: But we was never told of it.

2 —: I understand that.

3 —: All the years I was there we

4 never handled it or processed it, yes, it was still

5 found in the beams of the building.

6 —: Right. Correct.

7 —: So now I'd like to turn it

8 over to the people in the pot room.

9 —: Okay.

10 —: Okay. I can add a little bit

11 to that.

12 —: All right, —.

13 —: I ran a bushel of -- of

14 pellets in extrusion personally, and the other guy ran
15 as many or more than I did. The only thing is every
16 time I'd run it I would ask, you know, what is this,
17 what are they going to use this for.

18 —L: Uh-huh.

19 —: Well, it's just a experiment,
20 you know, there's nothing in here that will hurt you.
21 That -- that's from company.

22 —: Can you remember did anyone
23 at any time mention the word thorium to you?

24 —: No. No.

25 —: Okay. We certainly heard --

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1 —: But why -- why would they make
2 magnesium into little pellets, just magnesium alone?

3 —: Right. Well, we -- we've had
4 previous testimony that the pellets were not just
5 magnesium alone, that they were magnesium and -- mixed
6 with thorium. Is that -- is that -- is that possible
7 or --

8 —: Well, sure, it's possible.

9 —: Yeah.

10 —: That --

11 —: I mean, I --

12 —: That's what we're up against.

13 —: Right. I understand that.

14 —: They didn't -- they didn't

15 want us to know one thing about what was going on

16 except production.

17 —: Uh-huh. Well, I think what

18 you're saying is also important. It wasn't just that

19 nobody told you or volunteered that information; that

20 when you asked they specifically said there was no

21 problem --

22 —: That's right.

23 —: -- and it would not hurt you.

24 —: That's what the answers I got.

25 —: And so that -- that's a

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1 different order of magnitude to me at least. Any --

2 any other similar thoughts or -- all right.

3 —: One -- one second.

4 —: —.

5 —: —. I worked in

6 casting. We did have thorium products stored in

7 casting for years, and it was in the northwest corner

8 of the leaching area at the time. And they'd been

9 there so long that they just become deteriorated. But

10 -- and then they moved them I think from there down

11 across the track well some place and eventually out of

12 the plant. But we did have thorium products in the

13 form of HM, HK stored there for -- for years.

14 —: Do you remember, was it like

15 plates or billets or what?

16 —: They were like slabs, a small

17 slab I believe.

18 —: Can you give us an

19 approximate size of the slabs?

20 —: Oh, they were small slabs so

21 it would probably be 15 inches -- no, 12 to 15 inches

22 thick and the width was -- what -- what would the

23 width have --

24 —: It would have been eight

25 inches long and probably 39 inches wide I think.

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1 —: Something of that nature.

2 Yeah.

3 —: I don't know exactly what the

4 mold was.

5 —: Approximate. But it was a

6 smaller slab than a normal size slab that -- that we

7 normally cast in the cast house.

8 —: Okay. And could you estimate

9 just like in feet or something like that the total

10 area where that material -- how much space did it

11 actually occupy would you say? I'm talking now about

12 the long-term stored product.

13 —: It was -- it was a small area.

14 It was probably about oh, I guess 12 feet in width to

15 about 20 -- 20 feet or so in -- in depth.

16 —: Okay.

17 —: And it was just fenced off.

18 It wasn't -- you know, it wasn't enclosed any more

19 than just a fence. But we knew what it was because
20 every once when inventory come around that material
21 had to be reinventoried so that we would know what was
22 in the -- in the plant as well as each building.

23 —: Were there any -- were there
24 any signs on there that said radioactive material
25 or --

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1 —: No.

2 —: Okay.

3 —: No.

4 —: All right. And again, this

5 is just for the record. But did anybody explicitly
6 from the plant come up to you and say the material in
7 there is thorium and it's dangerous?

8 —: Well, we were told it was

9 thorium. I mean, you know --

10 —: Okay.

11 —: -- we didn't really have to be

12 told that because we worked around it on the mag floor

13 --

14 —: All the time.

15 —: -- and we knew it was.

16 —: Okay.

17 —: But we knew that it was

18 thorium.

19 —: Okay. Got you. All right.

20 Thank you very much. All right. Let's see if I've

21 got my machine to wake up here. There you go. All

22 right. Okay. Let me make sure -- all right. There

23 we go.

24 —: You jumped ahead I believe.

25 —: All right. So this affidavit

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1 says what forms of thorium and beryllium were used at

2 the plant. And people have mentioned we just heard

3 thorium slabs, but billets, ingots, pellets. And

4 we've heard -- I didn't put this on this slide but

5 plates of -- of thorium. And I understand from

6 — that maybe there are people here who know

7 more about beryllium that was used at the plant. And
8 so we'd be very interested in any kind of additional
9 testimony you all might give about either of those.
10 —.

11 —: Yeah. Yes, sir. My name's
12 —. One of the sources -- or several of the
13 sources I've talked to, people who worked in the pot
14 room have told me of a situation where they used to
15 alloy a can with small ingots inside. These were
16 about ten-inch tall cans, four or five inches in
17 diameter, gray-silver in color. Now, I remember
18 seeing these cans when I worked in the casting the
19 first year. They would be sitting up against the
20 wall. They would be rusty, slightly deteriorated,
21 dust on them, some cobwebs maybe. So you know, I
22 never paid attention to them. Now, some of the people
23 I've talked who was -- one was— who
24 worked there for 31 years.

25 —: Can you spell that name

1 please.

2 —: —, and he lives

3 up in —, Illinois. And he told me in '67 and

4 in '60 -- all the way through '69 one of their jobs

5 were to bust open these cans and remove these three to

6 four ingots that were inside. They were about the

7 size of a stick of butter is how he explained it.

8 Now, another employee told me that later on in the

9 '90s when they would add -- add these ingots they

10 wouldn't separate them from the cans, they would alloy

11 can and all. And he told me that he believed that it

12 was thorium in these cans, and that it was thorium

13 ingots they were removing. So if anybody else has any

14 information about these cans they would alloy in the

15 pot room or see them against the wall. They had

16 Russian writing on them on the sides. And that's the

17 reason that he -- it reminded him -- he remembered it

18 so well was because back in the '60s it had Russian

19 writing on them and they were -- well, we was

20 literally at Cold War with Russia. So this was

21 something that stuck in his memory. And —

22 who should be here later to give testimony also stated

23 that he remembers alloying these cans at one time too,

24 the whole can.

25 —: Okay. Anyone else here have

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1 any information about thorium or beryllium, the forms?

2 And this -- I -- I found that story very interesting

3 why thorium would be packaged that way and the

4 connection and in Russian. Some people have mentioned

5 that there was a connection with materials from

6 Chernobyl in Russia. Now, I don't know if this had

7 anything to do with that or not, but it was just, you

8 know --

9 —: No, sir. This was from later

10 on in about 2001 and I'll bring it up later on.

11 —: Okay. Good. All right. All

12 right. So -- so —, maybe I should ask you. I

13 know you mentioned to me that somebody might be here

14 who knew more about beryllium being used. That --

15 that's one topic --

16 —: Yes.

17 —: -- we really need to expand.
18 Can -- can you just fill us in where we are on -- on
19 that story?
20 —: Well, — will be here
21 at 3:30.
22 —: Okay.
23 —: And he worked in the pot room
24 for a while. And he did do thorium runs and beryllium
25 runs as --

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1 —: Okay.
2 —: -- several other pot room
3 employees here today. And they would have more
4 knowledge on the thorium runs in the pot room. I was
5 only there for a year.
6 —: How about you fellows that
7 worked in the pot room? Do -- do you remember being
8 -- having beryllium in that -- in that room? Oh,
9 yeah. Good.
10 —: I'm —, and I'd wrote a

11 little bit about what I remembered about the
12 beryllium. The beryllium we used for alloying was a
13 50/50 mix of aluminum and beryllium so I was told. It
14 came in five-gallon, black sealed cans and it was used
15 in the AZ 20 alloy of magnesium. There were different
16 ways that we could alloy it into the metal. We'd use
17 it -- we'd sometimes put it in a sludger and lowered
18 it up and down in the molten metal until it was
19 melted, or we'd place it on hand skimmers and wash it
20 in by hand, or we'd place it in handheld ladles and
21 wash it into the molten metal. Then the metal casters
22 would -- if it was -- needed more beryllium, they
23 would put this beryllium into handheld ladles and pump
24 the molten metal over onto it as it was being pumped
25 into the settling or the casting pots. And to get

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1 smaller pieces for smaller amounts of alloys it would
2 be taken down to the subbasement and broken up with
3 like a little hydraulic press.

4 —: Yes. I heard that story.

5 And in the basement when it was broken up now would

6 that material fragment and form particulates or -- or

7 dust or anything, or did it just break cleanly?

8 —: My name is —. I was a

9 crew leader in the pot room, but it was part of my job

10 to go downstairs and break the beryllium up. It was

11 just actually a small press that we used to break it

12 up into smaller pieces --

13 —: Uh-huh.

14 —: -- so it would fit into the

15 ladles. There wasn't a lot of dust or a lot of small

16 fragments came off it. You really didn't wear any

17 protection. You just went down there and broke it up.

18 I didn't know too much about beryllium. One thing I

19 would like to comment on is I've done some research,

20 and it seems that beryllium is used in a lot of car

21 manufacturing parts.

22 —: Uh-huh.

23 —: And later on back in the early

24 '90s to late '90s we primarily ran ingots down there.

25 And everything we melted in was either steering wheels

1 or dashboards. And I don't know what percentage of
2 beryllium was in that type of stuff that we remelted
3 in, but it was really dirty, nasty work doing those
4 ingots at that time.

5 —: Would you say then -- I'm
6 trying to put a time line on this -- that -- that
7 beryllium then was used throughout the '90s?

8 —: Oh, yeah. We used beryllium
9 very frequently the --

10 —: Okay.

11 —: -- whole time that I was
12 there. I hired in from 1990 until the plant closed.
13 We used beryllium twice a month probably on our runs.

14 —: Okay. Well, I'd just like to
15 put into the record again that we recently in July
16 visited the Illinois EPA and learned that every two
17 years they sent inspectors into the plant from 1973 to
18 2004 for the state air pollution permit. And those
19 permits all said that the work at Dow was to be a
20 secondary smelter and a refiner of aluminum and
21 magnesium. But there was no mention in any report for

22 any of that period of time about either beryllium or
23 thorium. And so this kind of testimony to me at least
24 indicates that that agency really should have known
25 about that.

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1 —: Well --

2 —: I mean, it was common, it was

3 used, and -- and they really didn't even recognize

4 that that was a -- a major thing that was done at the

5 plant.

6 —: I don't know -- I don't know

7 personally about the thorium runs. We were never told

8 we were running thorium if we were. The only time I

9 knew anything about any thorium is when, as —

10 said, we melted chipped -- thorium chips in.

11 —: Uh-huh.

12 —: And they ran a rope down the

13 middle of the pot room and said don't cross the rope,

14 it won't hurt you. And that's all we were ever told.

15 They were given -- people who were melting chips were

16 given badges, but no one else in the pot room was. So
17 if you were working on the opposite unit, you didn't
18 have anything.

19 —: So that's a truly amazing
20 story to me. So they -- they said -- they didn't tell
21 you there was a problem but they did rope it off.

22 —: Right.

23 —: And so -- well, so I've --
24 I've seen diagrams of the plant and how the pots were
25 arranged. But I guess what I don't understand is so

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1 -- so the idea was that there was one part of the pot
2 room that should be -- did they tell you to be careful
3 over there or --

4 —: I believe they melted the
5 chips on the billet unit.

6 —: It was the slab unit.

7 —: Okay.

8 —: Was it on the slab unit?

9 —: Yeah.

10 —: And the other shift was
11 running the billet unit which there was probably I'm
12 going to say 25, 30 feet between the units.
13 —: That's what I was getting at.
14 —: And they just roped it off and
15 said don't cross this line.
16 —: Okay.
17 —: The smoke won't hurt you.
18 So --
19 —: Okay. That's great. —.
20 —: I just want to add my job
21 was I was — the chem lab and
22 spectroscopy lab. And I think you need to know when
23 these guys in the cast house -- when they were
24 alloying any new alloy has to be established in the
25 spec lab. And we ran a meter and a half light

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1 emission spectrometer. And what we'd do is your base
2 metal was magnesium and then we add the subelements.
3 And as the cast house melted the metal they'd pull

4 what they called a pin. They'd send it to the spec
5 lab. We'd arc it on the spectrometer, and it would
6 give you percentages of all the elements. This is how
7 the people in the cast house would know to add
8 beryllium, add iron, whatever to get it up to the
9 specs so that they could cast it. So in the tech
10 department, yes, we knew the thorium and beryllium was
11 in the alloys because I had to set the program up in
12 the computer.

13 —: So let me -- I mean, this --
14 this is of extreme interest and why we're so happy
15 that you could come today. So I think it's a good
16 time to touch on this. So I assume for each time you
17 made a spectroscopy measurement there was some record
18 of that?

19 —: Yeah.

20 —: A report --

21 —: Yeah. When --

22 —: -- to document the alloy?

23 —: Right. When they start
24 running the thorium magnesium alloy they'd pull pins
25 until we got it right in the pot. And it was all

1 connected to computers. The guy on the cast house
2 floor would get a computer printout of what was in
3 that alloy. He'd add some if he -- if something had
4 to be cut, they'd dilute the metal. Okay. And then
5 they had to pull three patch pins from each run.
6 Those patch pins had to be kept. And in the spec lab
7 we printed out on a computer printout what the
8 analysis was all the way through the buildup of the
9 alloy through the three casting. And all of that had
10 to be kept. You can't throw those pins and that
11 record away. So it's got to be there.

12 —: Well, that's excellent. So
13 maybe also describe for people like me who really
14 don't know what a pin -- what does it look like
15 physically?

16 —: Okay. What they had was
17 they had like a suction devise. They would take a
18 glass tube about six inches long and I think it was --
19 if I remember it had like a quarter inch or

20 three-eighths of an inch, about like a pencil. Okay.
21 They'd draw this up and they'd cool it. Then they
22 would shatter the glass off the pin and send it up to
23 the lab. The lab would then machine the pin down to a
24 certain diameter. That was then put into the
25 spectrometer, sparked against a graphite rod.

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1 COURT REPORTER: What against a graphite
2 rod? What against a graphite rod?
3 —: The magnesium --
4 COURT REPORTER: Spoke against it?
5 —: Spark. Sparked against it.
6 It was a high voltage --
7 —: Spark.
8 —: Okay.
9 —: Spoke. She's trying to get
10 that word.
11 —: Oh, a spark like in a
12 match, you know, S-P-A-R-K.
13 —: Spark. Yeah. Okay.

14 —: And the arc from that
15 sparking would go through filters, and each element
16 had a different wavelength. So that light would
17 travel that wavelength through a slit, give us a
18 reading --
19 —: Right.
20 —: -- of what the percentage
21 of that alloy was. And that -- that's how we did it.
22 —: Can I ask just one other
23 question. Did -- did you ever -- now, I guess we
24 don't have any reason to think that uranium was ever
25 cast in the plant. But did you by any chance ever see

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1 any alloys or any -- any evidence that there was
2 uranium used?
3 —: No. We didn't.
4 —: Okay.
5 —: We didn't. We had certain
6 elements that we had to look for for it to meet the
7 specifications.

8 —: Uh-huh.

9 —: I mean, we didn't run

10 through every element on the periodic table --

11 —: Right.

12 —: -- just certain ones. And

13 in the mag thorium; thorium being one of the primaries

14 that we had to look for.

15 —: Okay. That's fine. That's

16 --

17 —: Can I ask a question, —

18 —? —, do you remember if they ran

19 thorium specifically on the billet unit or on the slab

20 unit?

21 —: I know I had to go out and

22 take the radiation level out in the -- and I can't

23 remember which unit was which.

24 —: Would they run thorium slabs

25 or thorium billets?

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1 —: When they run thorium we

2 had -- we took this old radiac instrument out there

3 and took background readings.

4 —: So did anybody in the pot

5 room remember if they ever alloyed any billets or any

6 slabs?

7 —: Slabs.

8 —: Okay.

9 —: Yeah, —. We used

10 to run the alloy that -- that we used thorium in was a

11 small slab, and that was ran on the slab unit. And it

12 -- then you know, I can remember it because you did

13 wear those badges which were supposed to record what

14 level that you were exposed to. But that was

15 something that we were never told what level it was or

16 didn't hear anything else about.

17 —: We're going to talk about the

18 badges in a little bit, but --

19 —: That makes perfect sense what

20 he says.

21 —: Hold onto that because we --

22 we need to come back to the badge levels. Okay.

23 —, maybe this is a good time. I -- I'm not sure

24 there's a topic that addresses this. But -- so -- so

25 when you mentioned the -- when you mentioned the

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1 radiation monitoring maybe if you could just tell us a
2 little bit about what your office did, what you did in
3 general about monitoring radiation throughout that
4 plant.

5 —: Well, okay. Prior to
6 starting at Conalco when I was in the military I
7 monitored radiation levels in the Air Force.

8 —: Okay.

9 —: And I worked at Wright-Pat
10 in Dayton, Ohio where we had an inactive nuclear
11 reactor. So I've dealt with everything from alpha,
12 beta, up to the 2,000 curie cobalt sources. And when
13 we started this run I asked the tech department
14 manager if I could contact OSHA or the EPA and get
15 guidance on this. Well, I was told not to contact
16 those agencies. So they found this -- I don't know if
17 anyone remembers the old in World War II --

18 —: Let --

19 —: -- and the Cold War --

20 —: I'm -- I don't want to

21 interrupt you, but I'm going do it --

22 —: Okay.

23 —: -- because it's important.

24 What -- what year would you say that was roughly?

25 —: That I monitored it?

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1 —: Well, no, that you asked the

2 question about should OSHA and NIOSH be contacted just

3 approximately.

4 —: Well, it was just -- I'm

5 not sure what year it really --

6 —: When you first started?

7 —: When we first started

8 setting up to run the thorium --

9 —: Okay.

10 —: -- and they started talking

11 about monitoring.

12 —: Uh-huh. So put a -- put a

13 date. I can't do it. I need you to do it.

14 —: Gees, I don't remember what

15 year it was that we made those runs.

16 —: Well, you could make a guess.

17 I mean, if --

18 —: Mid '80s.

19 —: Mid '80s. Okay. That's

20 fine.

21 —: But what they came up with

22 was an old civil defense radiac meter that they had

23 found in the basement. Okay. And thorium being --

24 your primary thing you want to watch is the alpha,

25 okay, because that's what you ingest.

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1 —: Right.

2 —: And even the -- I had three

3 ladies that worked for me in the spec lab. When they

4 got their badges I don't think anybody every told them

5 you can't wear these outside in the sunlight because

6 the sunlight will give you a reading on the badge when

7 they analyze it. You know, I think they just went
8 around and they handed out these badges. And when
9 they collected -- the last I heard they were stored in
10 a room out in extrusion. It was a -- a storage -- I
11 don't know, like an eight-by-ten room out there. And
12 they had drums in there, and that's where everything
13 ended up. But when we did radiation measurements it
14 was like okay, they wanted them outside in the
15 sunlight. Okay, fine, we did that. Then we'd walk
16 around randomly in general areas and take background
17 readings. But to me they should have been doing like
18 they're called swipe tests where you take a piece of
19 felt paper, wipe in on the equipment, send it off to
20 have that analyzed. That would give you what level
21 was on the equipment. I never did that. And I don't
22 remember ever seeing anyone come in the plant and do
23 that.

24 —: Did you ever bring that up,

25 that that would be a --

1 —: That's --

2 —: -- a way to do it?

3 —: When I talked to my -- —

4 — was the department manager in the tech

5 department. And when I approached him about

6 contacting OSHA or EPA to get guidance on this I was

7 told not to contact them because they're -- the

8 federal government's only after one thing and that's

9 to come in and start fining them. Well, no, it's not.

10 Those people are there for guidance, and I was told

11 not to contact them.

12 —: Well, you're -- you're quite

13 right, and you should know that at least recently

14 that's what we've been interested in doing is getting

15 in -- back into the plant and doing those -- those

16 swipe tests that should have been done all along. And

17 that's why we are so concerned about the current

18 cleanup operation that we understand is going on where

19 they're pouring new concrete over the pot room floor.

20 And what -- what we're worried about is that once

21 that's done that will be a major source of access to

22 the contamination probably of both beryllium and

23 thorium that we will not be able to document anymore.

24 —: Well, yeah. If you pour

25 concrete floors in there, you're not going do get any

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1 readings off the floor.

2 —: Right.

3 —: I mean, if there's real

4 strong gamma or even some beta may come through it.

5 —: Right.

6 —: But any alpha, once you

7 pour the concrete --

8 —: Right.

9 —: -- you're not going to read

10 it.

11 —: And the beta will be

12 eliminated and -- and maybe a little bit, but the

13 gamma will be sharply attenuated --

14 —: Right.

15 —: -- by the concrete. Well,

16 that's what we're worried about. So okay. Well,

17 that's -- that's -- that's very useful. And you're
18 quite right, the agency should be there and are there
19 to provide guidance and help and technical support and
20 -- and so forth. So yeah, --.

21 —: —. I just wanted to

22 add one thing.

23 —: —.

24 —: You were talking about trying

25 to get back into that plant. But you know, that pot

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1 room floor has been redone several times.

2 —: Okay.

3 —: When I was there from 1990 on

4 the new concrete was put in probably two or three

5 times in those -- that span of years.

6 —: We're going to get into a

7 topic about the various cleanups that have been done.

8 So I -- I definitely need to get that flushed out a

9 little bit more. So we'll -- we'll come back to that.

10 All right. Well, that's --

11 —: —.

12 —: Yes. Excuse me.

13 —: —. When I hired

14 in in '93 I was talking to my supervisor, —.

15 And outside the pot room -- I was working in the

16 extrusion department, and the office faced the pot

17 room. And outside the pot room was all these old

18 empty pots. There had to be 50 or 60 of them out

19 there. And I can remember asking the question, I says

20 why don't you -- if those are scrap, why don't you get

21 rid of them. And he made the statement at that time,

22 he says well, we don't want to talk about anything

23 like that at this time. So those pots had to be

24 contaminated. And then a couple years after that they

25 did start cleaning them up and shipping them out of

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1 there. I don't know where they ever went.

2 —: I'm sure you're right, they

3 had to be heavily contaminated. So okay. All right.

4 So what years was thorium worked on at Dow

5 Spectrulite? And I think what we're really trying to
6 do is to put the -- the boundary on when thorium was
7 -- was actively processed at Spectrulite. And some
8 people have said it was up through 1998. But I
9 thought this would be a great opportunity to -- can
10 you all add anything more to that from your own
11 knowledge of where thorium was actually used in any
12 part of the plant? I mean, we -- we can let the 1998
13 date -- I think that's on the record. I can't
14 remember actually who put that on the record. But
15 okay.

16 —: Excuse me.

17 —: Bobbie Jones.

18 —: Yes. And to be specific about
19 a particular date I cannot, but it had to be in the
20 late '70s to some time in the '80s that we would make
21 those runs. And I don't know when exactly they were.
22 But as I said earlier, the product of that which had
23 laid around in the cast house for years to the point
24 of deterioration. So it had to be I would say in that
25 time frame because I was -- I had -- I was on the mag

1 floor at the time when we was making those runs. But

2 to put a specific year on it, I can't do that.

3 —: But throughout the '70s and

4 1980s?

5 —: Yes.

6 —: Okay. That's great. You

7 know, the way this process works the more individual

8 testimony you can gather that -- that kind of adds to

9 the story is -- is good. So that's great. Okay.

10 So we've talked about a few -- in past

11 meeting about a few of the defense contractors that

12 had thorium work for Dow. You know, one -- one that's

13 not on here that we found out about was Rocky Flats,

14 you know, which was a Atomic Energy DOE plant, nuclear

15 weapons plant. And apparently there was an active

16 exchange program of both personnel and thorium between

17 Rocky Flats and Dow. There was an exchange of

18 personnel even between the two sites.

19 We have some testimony from — and

20 I think maybe one other person about -- well, —

21 — had -- had some about a Martin-Marietta

22 connection with Dow and thorium, had some information
23 about Boeing, and he had some information about the
24 Air Force.

25 And last night I came across a very

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1 interesting historical anecdote that relates to this
2 area right here. And that was that McDonnell-Douglas
3 had thorium magnesium sheets. And for some reason
4 that wasn't clear from the document I read, it was a
5 39-page report, McDonnell-Douglas gave that material
6 or lent that material to Washington University who as
7 you all may know had an ammunitions storage depot at
8 Tyson Valley, and that still exists. And so one of
9 the concrete bunkers at Tyson Valley, actually Number
10 35 was used as a storage site for the
11 McDonnell-Douglas thorium magnesium slabs.

12 Well, in about 1993 for some reason the
13 Nuclear Regulatory Commission was examining its old
14 licenses to make sure that they were up to par. And
15 they re-examined the -- the Washington University

16 license for source material, and they found that
17 everything was okay except that this thorium stored
18 out at their Tyson Valley facility, that they were
19 actually not licensed for that purpose.

20 And so the NRC apparently contacted
21 McDonnell-Douglas and Washington University, and
22 there's a letter there to — to this
23 effect. And they promptly removed the thorium from
24 Tyson Valley. But of great interest to me was where
25 did they send it but to Spectrulite. So this is in

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1 1993 just after Spectrulite acquired its new license
2 which they acquired on September the 9th of 1993. So
3 there is a definite connection with McDonnell-Douglas
4 to make a long story short and thorium at Dow.

5 So I just thought this would be an
6 opportunity. Maybe you all know about other specific
7 uses of thorium and people who Dow contracted with or
8 Conalco or Spectrulite for their Dow -- for their
9 thorium products. So —.

10 —: Okay. —. I
11 personally did work for Martin-Marietta on the light
12 press and as several other helpers and operators. The
13 reason I know they were Martin-Marietta because they
14 identified themselves as Martin-Marietta. And this was
15 in -- I believe in '83 -- or '93 -- 1993 when we ran
16 this metal for them. It could have been as early as
17 '92 because we had two campaigns where we ran this.
18 They were work cycles where they leased the press out
19 for an entire week and nothing else could be ran on
20 that press because it would be contaminated with their
21 alloys or their alloys would be contaminated with our
22 metal. So they leased out and owned it for a week
23 while we did the work for them.
24 And I remember personally running it
25 twice, two different campaigns and they were about a

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1 month and a half apart. And the second campaign
2 wasn't a week long, it was about a three, three and a
3 half day production. Now --

4 —: And you told me that

5 Martin-Marietta personnel were there for this?

6 —: They were actually there on

7 the site. Their employees were walking around

8 monitoring, they were taking samples, cutting samples.

9 And another job of theirs was to oversee that all

10 scrap, every saw chip was accounted for, and weight

11 was very important to them. So this seemed very

12 peculiar because no other customer was ever there on

13 the site with their own metal observing it. So this

14 was very different, and that's why it was so easily to

15 remember.

16 —: That's good.

17 —: And I believe —

18 also ran it for them back in the '80s. But back then

19 I don't think they identified themselves.

20 —: No. I didn't know. No. I

21 was fairly new on the job, and I didn't know any --

22 much about what was going on any -- anyway. And they

23 didn't tell me what we was doing. I was just doing

24 what they told me to do, and --

25 —: But do you remember

1 Martin-Marietta people being there?

2 —: Yes. I remember that.

3 —: Oh, okay.

4 —: Yeah.

5 —: So at least we can

6 corroborate not what the metal was but at least --

7 —: Yeah.

8 —: -- Martin-Marietta people

9 were there in the plant in 1983.

10 —: Yes.

11 —: Okay.

12 —: I can't recall what year it

13 was, but it was -- I can recall when it was. It was a

14 -- it was on a Wednesday before the Thanksgiving

15 shutdown, but I don't know what year. Martin-Marietta

16 people was there monitoring a special job that we was

17 pushing on the heavy press. And the guy had to leave

18 because he had to catch a flight home like at three

19 o'clock in the afternoon, and I was coming on. And I

20 was told to go out there and work with him and get the
21 specs from him on the container temperature, billet
22 temperatures. And our container wasn't heating up
23 very well that day, and he wouldn't push until we got
24 to the right temperature on the container. And he had
25 to leave to catch his plane, and I stayed with the

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1 project. And I had to call him later that night. It
2 was like 2:30 in the morning when I got home I called
3 him from my home phone at that time and let him know
4 that we got the job done. So they were definitely on
5 the site.

6 —: Did they mention to you what
7 the use of this was, or -- I mean, did they bring the
8 extrusion, what it is a die or something to -- to
9 actually determine the shape or do you remember --

10 —: I can't remember -- I can't
11 remember the shape or the die. I believe the metal
12 was shipped in for -- for them. It was brought in
13 from outside. We didn't cast the metal there. I

14 think it was used for something with the space
15 shuttle.
16 —: Okay. All right. —.
17 —: Yes. I was just talking to
18 an employee two nights ago who stated that same thing,
19 this metal that they was producing was some type of
20 mounting bracket for the booster rockets onto the
21 space shuttle and that was what they was describing
22 they were told that it was for, this same -- the same
23 extrusion.
24 —: Now, is there anybody here
25 today -- the connection with Rocky Flats is important

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1 because under the Federal Compensation Act if -- if
2 the Atomic Energy Commission or the Department of
3 Energy had any ownership relationship at Dow. And
4 that -- actually, it would mean they would have to own
5 part of the buildings there or have to have -- well,
6 basically that's it, own part of the buildings. So we
7 really don't have any firm evidence that that's true.

8 But I am interested in this connection between Dow and
9 Rocky Flats. Now, we think that Dow managed Rocky
10 Flats for the Department -- for the Atomic Energy
11 Commission between 1952 and 1975. So that
12 relationship ended in 1975. But— or anybody
13 who was there earlier than '75, do you remember
14 anything happening with respect to Rocky Flats that --
15 okay.

16 —: No. No.

17 —: All right. Good. We'll wake
18 up here in a minute. Okay. Here we go. All right.
19 We just talked about Affidavit 6 which was the
20 relationship between Dow and Rocky Flats. We've
21 talked -- Affidavit 7 topic was what was the volume of
22 thorium that was processed at Dow over the years. And
23 we certainly talked about -- — told us about
24 thorium that was stored in castings and -- and the
25 area that that occupied. This is a very tough

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1 question. Obviously, no one person knows the total

2 volume that was processed. And I think we've gotten
3 pretty good input that -- that thorium was used over a
4 long period of years, that it was processed as special
5 metals sometimes, but there were many products that
6 involved thorium. So I think we better move on beyond
7 that because I'm not sure we'll ever get a -- unless
8 we get access to plant records which is something
9 we're also seeking to do at both Dow Midland and at
10 the Spectrulite plant here. You know, there must be
11 manifests of materials. So we might be able to get at
12 it that way. We might be able to get at it through
13 the licenses and now at least we do have some of the
14 license documents for the thorium which -- which
15 should actually document how much was used. So I
16 think we can get at that another way.

17 I think we -- Dow -- the Affidavit Topic 8
18 has got to do with how often the thorium was run on
19 the extrusion presses, in castings, and the rolling
20 mill and what was the purpose of these various metal
21 forms. This would be the time. There are several --
22 a number of people here who've -- who operated
23 extrusion presses. Is there any more information that
24 anybody would like to tell us about thorium in the

25 rolling mill or in any of those areas? I think we've

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1 -- have we got that testimony pretty well?

2 —: Well, I'd like to just add

3 one thing, that we ran about six billets per day per

4 week for that five-day work week. And then the second

5 run was also about five to six billets a day for about

6 three days.

7 —: Okay.

8 —: So if you figure each billet

9 weighs around 1,200 pounds, you can get an estimate

10 weight of the ran we did for Martin-Marietta during

11 the two campaigns that I ran.

12 —: That's very useful. The

13 reason this is useful just so you all know, this level

14 of detail is because bottom line is NIOSH -- or Batel

15 is going to have to calculate an individual radiation

16 dose for people who submit claims. And so each of

17 these individual episodes is something that they would

18 have to calculate if you happen to be operating the

19 extrusion press during one of these runs that —
20 described for example. So it's very important to know
21 what the -- the form and the -- and the volume of the
22 metal actually was, what was the -- and -- and so
23 that's -- they would -- if they knew that information,
24 then it would help in calculating a dose. Okay.
25 Yeah. I'm sorry.

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1 —: —.
2 —: Yeah.
3 —: After they had -- you would run
4 a run in the pot room you'd sludge out the waste after
5 the metal was pumped forward, and it -- we'd call it
6 sludge. Well, I was just talking to —, and
7 he said after running the thorium they would sludge
8 this material into barrels. And usually it -- this
9 metal would go back to the leaching process to
10 retrieve metal out of it. Well, I just wonder what
11 they did with the -- the barrels of this. Did they go
12 ahead and leach it with the regular sludge that we

13 ran, or was it shipped out, or you know, did we handle

14 it again and not know it?

15 —: Well, we've gotten some

16 testimony that -- that several things happened to it.

17 One thing that happened to it is some of those barrels

18 were taken outside to an area that's beside the

19 castings area. Apparently there was an approximately

20 40-acre plot of land that was owned by Dow, and the

21 barrels were actually buried. And some of the

22 evidence is that they were buried down to a depth of

23 about eight feet.

24 And then also there's additional testimony

25 that some of that magnesium thorium sludge was

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1 actually piled outside the castings room. So there

2 was material below ground and above ground. We do

3 know that in 1993, 1992, '93 a company called ERG, the

4 Environmental Restoration Group came in and cleaned up

5 1,000 railroad cars full of that sludge from that area

6 and shipped it out to Utah probably to EnviroCare. So

7 that's a pretty large amount of material that
8 accumulated in the way that you mentioned. What's
9 interesting is in that ERG report they mentioned
10 dredging down to about four to five feet below the
11 surface. But the testimony is that some of those
12 barrels are -- were buried below that level. So it
13 may be that some of that material was never cleaned
14 up.

15 And we -- we believe that that plot of
16 land -- in fact, we're trying to find out this for
17 sure. But Dow held onto that land for quite a long
18 time during the Conalco era. We don't really know yet
19 whether Dow ever got rid of it, and it may still be
20 owned by Dow Chemical in Midland. And it's -- from
21 everything that I've heard it's -- it's highly
22 possible that some of that material is still buried
23 there in that same area. So -- and I -- I don't know
24 about -- I -- I -- we have also heard what you said,
25 that some of it was reclaimed and I guess it was

1 recast. And I don't -- so I don't know.

2 —: Yeah. We had remelted some of

3 that stuff in the pot room.

4 —: Okay. So that story is

5 building and sounds pretty good. Now, I put into the

6 record before that we know of at least -- we had known

7 up until recently about four thorium licenses at Dow,

8 Conalco, and Spectrulite. And then I'd just like to

9 add today that we now have firm evidence that the

10 current Spectrulite Consortium, Inc. thorium license

11 is -- the number of it is IL-01750-01, and that was

12 awarded in September 9th, 1993.

13 Now, I just -- I had mentioned about the

14 thorium -- this is Affidavit Number 11. And it says

15 who knows about thorium being buried near the castings

16 department at Dow. Is there anybody who has any

17 personal knowledge of that beyond what I've mentioned?

18 —: I do.

19 —: —, here you -- you can use

20 that.

21 —: —. Back in about '72

22 I got bumped out of the rolling mill and I got into

23 maintenance. And we had to go and bury about eight

24 slabs of thorium metal over there. And — -- I

25 can't say his last name.

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1 —: — (phonetic).

2 COURT REPORTER: Say it again for me

3 please.

4 —: —, but I don't

5 know how you spell it.

6 —: But anyways, he --

7 —: Give it a -- give it a try on

8 the spelling.

9 —: I'm not even close on that

10 one.

11 —: He dug up the hole and I

12 dumped the slabs in it. And that's the -- I guess

13 about the southeast part of the Dow ground over there.

14 I know that's in there. And we also put some other

15 barrels in there. I don't know what was in there.

16 But everything that was dumped over there was all

17 radioactive materials.

18 —: —, hold onto that. How

19 deep would you say you buried those barrels?

20 —: They were probably about

21 ten -- ten foot deep or better over there. And they

22 covered it up with I'd say at least six, seven foot of

23 dirt or -- not -- not actually dirt but it's other

24 materials that was around in that area, sludge and all

25 that. So --

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1 —: And what would be the

2 building closest to that area?

3 —: Casting, 7 Building.

4 —: All right.

5 —: They got a -- Dow built a

6 building on there right now that's sitting on there,

7 and it's just east of where the building is at.

8 —: Can I ask you a question,—

9 —?

10 —: Yes, sir.

11 —: Do you remember what year
12 they finished -- they stopped burying material out
13 there in that field? Do you have an estimate?
14 —: I don't have any idea what
15 year they quit burying --
16 —: Barrels?
17 —: -- stuff over there.
18 —: What -- what was the year
19 that you buried material?
20 —: That was in '72.
21 —: '72, okay.
22 —: Yeah. I got bumped out of the
23 rolling mill for a short time.
24 —: Okay.
25 —: —, can I say

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1 something?
2 —: Yeah.
3 —: — told me that
4 when he was there -- there in 1967 they was also

5 putting sludge in barrels, but he wasn't burying them
6 at the time. They had some men he told me that would
7 come with an old pickup truck from somewhere in East
8 St. Louis, some just offsite employees they would hire
9 and they would load up four barrels at a time and
10 disappear with them. And he asked them one day, he
11 says now, you're not taking it right over to the river
12 to the boat ramp and dumping it behind us, are you.
13 And the guys looked at him strange and asked them why.
14 He goes well, that's where we put our boat in at,
15 that's where we fish. They go oh, no, no, we got a
16 place for it. But several months later he was fishing
17 up and down that stream right there and he noticed one
18 of the barrels off to the bank not far from the boat
19 ramp.

20 —: And he thought it was one of
21 the same barrels?

22 —: And he thought it was the
23 same barrels that they loaded onto a truck maybe
24 months earlier. And he's willing to give testimony if
25 he ever make it down here. His health is

1 questionable.

2 —: And this is —?

3 —: —.

4 —: Okay. Well, we'll definitely

5 try to get him on the record. I thank you very much

6 for that.

7 —: 1967 was the date he told me.

8 —: I understand. That's great.

9 All right. Affidavit Number 12 --

10 —: Can I ask you something, —?

11 —: Of course.

12 —: On the burying of the -- of

13 the slabs and that it wasn't too far away from where

14 the houses are at right alongside the plant. So

15 they're -- they're kind of close to it also. So they

16 --

17 —: Are they within a block of

18 that area?

19 —: Oh, I'd say less than half a

20 block.

21 —: Less?

22 —: Yeah

23 —: That's where the grade school

24 was.

25 —: Yeah. We -- we will -- well,

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1 let's see if we can do it right now. We'll come back.
2 —is a master at finding great pictures of
3 things. And I'm not sure we have it on this. Yeah,
4 we don't. But on the GSI PowerPoint we do have some
5 aerial views. What you can see here is that this is
6 an -- an aerial view of the general area of the Dow
7 plant. And you can see that at the left the big plant
8 on the left center is Granite City Steel. Dow
9 Chemical is at the upper right of the picture. Right
10 below it is General Steel Industries at kind of the
11 middle picture on the right. And then the plant on --
12 at the -- at the bottom is American Steel. But you
13 can really see that at -- at General Steel for
14 instance and -- and also now we're -- know at Dow, you
15 know, that there were -- there was a lot of housing

16 and residential development. There's an elementary
17 school right near Dow. And I think — has
18 some evidence that maybe we can talk about in this
19 next topic that actually they removed the walk that
20 leads up to that elementary school. And so -- so a
21 lot of these activities and the burial that we're
22 talking about of this thorium radioactive material is
23 now we've heard, you know, is -- is less than a block,
24 maybe a half a block away from occupied homes that
25 have been there for quite a long time.

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1 Okay. So -- so the next topic is to fill
2 in the record on the various cleanups that we know
3 that have taken place for thorium. And so now we're
4 switching away from dumping the material to various
5 cleanups most of which we think were probably
6 conducted by Spectrulite itself with or without the
7 supervision of the state agencies. And I've already
8 mentioned the cleanup by Environmental Restoration
9 Group in 1992.

10 So anybody who wants to add anything about
11 later cleanups, this is the time to do it. And this
12 is particularly relevant because we think these
13 cleanups were really done by the company without
14 proper supervision. So I'll just tell you a viewpoint
15 from the beginning. Yeah.

16 —: One of the very first
17 cleanups that I ever witnessed of anything of any type
18 was with —. He was in the clothing department
19 at the time, and I was -- I think I was stationed over
20 there for a short period. And they was having cleanup
21 in that lot he was talking about. They had all those
22 guys walking around in their moonsuits and their hoods
23 on. And they was digging down around four to six feet
24 -- five feet and removing this material. And I
25 observed it, and — was observing that cleanup

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1 at the time.

2 —: Now, are we talking about the

3 lot next to the casting?

4 —: This was the lot next to the

5 castings.

6 —: Building 7?

7 —: Yes. This was a government

8 cleanup I believe because this had no company people

9 involved from our factory, no forktrucks, none of our

10 equipment was involved. And like you mentioned

11 earlier, I remember shortly after they did do that

12 cleanup they removed the whole lot, the whole alleyway

13 was ground down to -- maybe eight inches was removed

14 from the whole alley and they replaced all the gravel.

15 And the alley led right to the front of the elementary

16 school.

17 —: Now, could that have been

18 this ERG 1992 cleanup?

19 —: This was -- I think was in

20 '92. Was that right, —?

21 —: I -- it could have been.

22 —: Because he's including --

23 —: I think you all -- I think

24 everybody would have seen it. I mean, a thousand --

25 —: Oh, yes. There was a lot of

1 people out there.

2 —: In fact, they also removed 30

3 railroad cars of material that had PCBs in it.

4 —: Right. Right. Which was

5 used in all the cooling and the electrical equipment

6 throughout the factory --

7 —: Okay.

8 —: -- all the substations.

9 —: Yeah. That's exactly right.

10 In transformers is what -- where that -- yeah. Okay.

11 All right. How about -- how about Spectrulite

12 cleanups? Now, —, who is not here today,

13 but he put on the record that he was aware of at least

14 -- of several cleanups, but one of which was as early

15 as 1998 before the Army Corps came in and did their

16 cleanup. I think he's the only one that's mentioned

17 that particular cleanup. But -- and we certainly know

18 that there's a current concrete pouring. And -- and

19 you all mentioned that there had been multiple

20 concrete pourings in the pot room. So maybe this
21 would be -- can you all expand on that any more? I
22 mean, was this during the 1990s or --
23 —: —. Yeah. I worked in
24 the pot room from the time I hired in until the time I
25 ended basically. And I know they've redone the

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1 flooring at least twice where the floor was just ate
2 away. It was so bad that actually the forklifts were
3 falling through the floor.
4 —: Right.
5 —: So they had to redo it as far
6 as going in and putting all new structure.
7 —: So that's a safety thing and
8 a --
9 —: Right. Right.
10 —: -- structural integrity of
11 the building. Yeah.
12 —: It was just so bad that the
13 flux and everything just eats the concrete away in

14 there. So it was just redone I know at least twice
15 while I was there. But as far as a cleanup I was
16 discussing that with —. From 1990 I never saw
17 any type of cleanup done in casting as far as --
18 —: Okay.
19 —: -- coming in and cleaning
20 anything up.
21 —: So well, let me just -- I'll
22 just tell you and I -- my memory may be imperfect of
23 what — told us. But my understanding was
24 that the -- that there was a lot of this slag
25 generated and some of it was put outside, but some of

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1 it was in the building. Some of it was actually in
2 the castings department.
3 —: Tons of it.
4 —: Yeah. And so the idea was
5 that periodically this material would be gathered
6 together. And there's even some descriptions that a
7 -- — may know about this, I don't know --

8 that -- that actually they would -- there was a lot of
9 slag, some of which was radioactive, some was not.
10 But it would be separated with a Geiger counter, and
11 they'd go in and put the radioactive slag in one pile
12 and the nonradioactive in another pile. But — tells
13 a story that that material was picked up. Some of it
14 was taken off site definitely. There was one -- one
15 episode he recounts that it was taken to California.
16 But other -- to reclaim the thorium. But there were
17 other times when it was sent out of state. So -- and
18 —, I thought there was a story -- you had another
19 story about the slag being loaded into open bed trucks
20 and taken to a landfill.

21 —: Yes.

22 —: So maybe -- maybe you could
23 tell us a little bit more about that.

24 —: — who was supposed
25 to show up today didn't make it.

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1 —: How did you tell his name?

2 —: —. —.

3 —: Okay. Uh-huh.

4 —: And he worked there from '89

5 to — also. And he told me that in leaching when

6 they finally shut it down because it was building up

7 so much as — said in the first deposition.

8 It was building up so much that they couldn't keep up

9 with it. So they finally had to deal with it by

10 sending it out. Well, they shut down the leaching

11 department completely, and they cleaned up all the

12 dross -- or the sludge that was left over. And by

13 cleaning it up they dumped it in every container,

14 every trash container they could find, every dumpster

15 and even back -- they had trucks back in and they

16 loaded up trucks and it left uncovered.

17 And once they got it completely cleaned

18 out, it took about a week, — came out there

19 and seen that it was all gone and couldn't believe it.

20 He was the head supervisor of the whole factory. And

21 he patted him on the back and gave him a big smile and

22 told him he saved the company a lot of money. And if

23 anybody in this room knows — he does not

24 pat people on the back and tell them they did a good

25 job. So this -- this absolutely stuck in his mind and

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1 the other coworker — who I also asked about
2 this story. And they said after they loaded it up the
3 thing he remarked on was you saved this company a lot
4 of, lot of money, I can't believe the trash company
5 took that, there was some radioactive stuff in this
6 and I can't believe they took it. But he was so happy
7 that one of the employees turned to the other and said
8 well, I guess I know what we're going to die from now
9 jokingly and not knowing that it may be true. But
10 after they cleaned all this out of the leachings and
11 everything they -- he never really thought about the
12 radioactive material they threw away.

13 —: Can -- can we put a date on

14 that cleanup maybe?

15 —: When was the end of leaching

16 shut down? The people in the pot room should know an
17 answer to that.

18 —: About 1991. It was right

19 after I hired in that leaching was gone.

20 —: Maybe — also worked

21 in leaching for a short time. He was a manager.

22 —: I worked in leaching for --

23 from 1990 to 1991.

24 —: And I -- I notice in the

25 plant that dross -- they call it the dross storage

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1 room. But was there a room in particular where that

2 sludge was stored, I mean set aside for that? I -- I

3 just saw that in this new report.

4 —: Well, I think dross was the

5 term they used for aluminum sludge, wasn't it? And

6 then the -- yeah. Then sludge is what they --

7 —: Okay.

8 —: -- called it over in

9 leaching.

10 —: Dross would just be --

11 —: The aluminum.

12 —: -- specific for aluminum?

13 —: Right.

14 —: Okay.

15 —: The aluminum at the other end
16 of the factory.

17 —: All right. Good. Thank you.

18 Sorry.

19 —: I'm going to say some time in
20 2000 to 2001 we had probably 14 to 17 slabs of thorium
21 metal that came from casting. I don't know if —
22 knows when they brought them to the rolling mill, they
23 were stacked against the 2 Mill motor room.

24 —: Put your thing -- yeah.

25 That's good.

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1 —: I'm going to say they were
2 there at 2 Mill for probably five to six years along
3 with a bunch of this -- the big scrap boxes that we
4 used for scrap and some of the small boxes. And it
5 was all stored against the 2 Mill motor room. And
6 some time in 2000/2001 an outside company came in with

7 the moonsuits, the whole deal, picked everything up
8 and put all the scrap metal in barrels with the lock
9 rims on them and hauled everything off.

10 The -- the reason I remember that they
11 were thorium slabs is because we had a girl named
12 — (phonetic) who bid a job on 2 Mill as an
13 —. She was awarded the job, and not
14 long after that she reported to the company that she
15 was pregnant. As soon as they found that out they --
16 they told her she couldn't have the bid, she couldn't
17 work on 2 Mill because of this thorium metal that was
18 stored I'm going to say 75 feet directly behind me
19 against the 2 Mill locker room. And it -- it was
20 still up in the air when we -- when we went on strike.
21 She hadn't gotten the bid, she -- they -- it had been
22 cleaned up prior to that, but she -- they -- they
23 still wouldn't allow her in that area.

24 —: Uh-huh. Well, this is --
25 this is another -- you know, I find that testimony

1 very interesting because it definitely indicates that
2 the company was aware of the danger of thorium. And I
3 mean, we've heard a number of instances although, you
4 know, you all were not explicitly told about it. But
5 I mean, that -- that's pretty good evidence that that
6 was true.

7 —: Well, we were always told
8 there was not enough radiation in there to bother
9 anybody. I was in the pot room for some of the
10 castings of the metal. And --

11 —: Right.

12 —: -- I even asked one time about
13 the -- the badges. I said well, what -- what was the
14 results of the badges and they said oh, no problem,
15 don't worry about it.

16 —: Well, we're going do get into
17 the badges in just a minute. So yeah. I -- all
18 right. Well, that's -- that's extremely useful.
19 Okay. The only thing to add to Affidavit 13 about
20 which agencies granted the Dow thorium licenses was
21 what I just mentioned, that the Illinois Division of
22 Nuclear Safety -- I think then it was called the

23 Illinois Department of Nuclear Safety granted the new

24 Spectrulite thorium license in September of '93.

25 Affidavit Number 14 is some old history,

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1 but I just -- it's interesting who remembers what. So
2 I'll just bring it up that we -- we now know that in
3 1951 when Dow bought the plant from the government,
4 that for the -- the decade of the '50s, from '51 to
5 '59 specifically they were under -- the plant was
6 under what's called the National Industrial Reserve.
7 And the document -- the warranty document also
8 mentions the National Security Clause.

9 So this apparently was a program in force
10 at many plants so the government had first call on use
11 of the equipment. And I guess that really antedates
12 and as far as I know that -- that stopped at the end
13 of the '50s. So I just thought we'd pause a minute
14 and see if anybody has any information about the --
15 you know, the National Industrial Reserve and -- and
16 any time the government would come in and take over

17 the equipment or to use the equipment at Dow. And we
18 also have other evidence that large amounts of the
19 equipment at least in the Conalco era were owned by
20 the Air Force.

21 So okay. All right. We've probably got
22 that point documented as well as we can. I think
23 we've really been over the beryllium story so I'm
24 going to bypass that.

25 Affidavit Number 16 has to do with what

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1 — in particular has mentioned as the special metal
2 product -- projects. We've heard a number of you all
3 mention these. And certainly the description of the
4 special extrusions of thorium for Martin-Marietta are
5 one excellent example of special metal products. But
6 did any of you people in the pot room, the extrusion,
7 castings, or the rolling mills know of any other
8 special metal products that you'd like to put on the
9 record?

10 Now, some of these special metals I think

11 were alloys that had to do with the space shuttle and
12 with, you know, missile work and rocketry and all that
13 kind of thing and not necessarily with radioactive
14 materials. But anybody have any information about
15 other projects referred to as special metal projects?

16 Uh-huh.

17 —: —. We had ran some
18 metal down on the heavy press, and I was told it was
19 they -- that that was used as a -- it was big heavy
20 I-beams. And it was used for holding the -- the fuel
21 pods for the space shuttle.

22 —: Okay. Good.

23 COURT REPORTER: Pods?

24 —: Fuel pods.

25 —: Uh-huh. —.

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1 —: —. I don't -- I don't
2 know this to be true but maybe some of these older
3 guys if I refresh their memory. It seems to me, and I
4 don't know a date, but the Air Force came in and

5 completely rebuilt the intermittent unit at one time
6 and they ran one billet on that unit and shut it down
7 and it was never used again. And I don't know if some
8 of these older guys remember that happening.

9 —: Tell me what the intermittent
10 unit was.

11 —: It was basically a billet
12 unit. Most of our other units were continuous cast,
13 there was a saw downstairs. The intermittent unit
14 they done it in drops.

15 —: Okay.

16 —: They dropped one -- one long
17 billet, then they'd have to pull it out and start
18 another one. But that intermittent unit was only used
19 at that one time that I know of.

20 —: Wasn't that a Tomahawk
21 missile, —?

22 —: I don't know what kind of --
23 what it was, but I knew it was something that was --

24 —: They did have a Tomahawk
25 missile run.

1 —: And do we have -- could we
2 put a year on that or an approximate?
3 —: I can't. I -- I don't know.
4 That's why I brought it up.
5 —: What do you think?
6 —: Early '80s.
7 —: That's good. We're just
8 trying to get an approximate timespan.
9 —: It was in that area.
10 —: Great. Yeah.
11 —: Yeah. I ran a job down
12 there one day for Martin-Marietta. But I don't know,
13 I thought it was a late '80s. It could have been '91.
14 I don't know. It was somewhere around in there. But
15 anyway, they came in and they ran the metal. They
16 had, you know, hot billets. Like they was 1,000,
17 1,100 degrees, or something like that. They -- well
18 anyway, we all thought they was going to catch on fire
19 and come out liquid. But that's what we had to run.
20 And they came in and they had mops and big gloves.
21 They greased the containers and put the carbon blocks

22 in behind the billets, and they was doing all that.
23 And then the -- when I got ready to start the machine,
24 why, I turned around to ask them something and they
25 was all squatting down on the floor. And I said what

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1 -- what's going on here. They said well, we don't
2 know what that thing's going to do. I said well,
3 thanks for telling me. But I know it was done.
4 —: That was unusual behavior, is
5 that what you're trying to tell us?
6 —: Very.
7 —: Uh-huh. So okay. But -- but
8 once again, they -- they really didn't mention
9 specifically what the metal was or what it was going
10 to be used for?
11 —: No. They said they didn't
12 know what it was.
13 —: They said they didn't know
14 what it was?
15 —: Hell, they didn't have no

16 idea what it was going to do.

17 —: Interesting. Okay.

18 —: That's the reason they was

19 hiding down behind me in the --

20 —: I understand.

21 —: -- panel board.

22 —: Any other special metals?

23 Well, we've got a pretty rich accounting of that I

24 think. Okay. So all right. So Affidavit 17 concerns

25 destruction of records. And what we're talking about

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1 here now is not routine companies getting rid of old

2 records that they don't need to keep any more for tax

3 purposes. That's not what we're talking about. But

4 there have been allegations that at Dow and -- and at

5 General Steel which we'll get into this afternoon that

6 the company at various times ordered important records

7 to be shredded. And for instance, we had some --

8 — was telling me about the pins and the

9 records of the spectroscopy that had to be kept. So

10 I'm talking about records like that that would be
11 documentation of plant operations and processes,
12 things that would really help us a lot if we had those
13 records, you know, to tell what kind of alloys were
14 used, et cetera. So I'm just interested in anybody
15 who has personal knowledge about that. All right.
16 —: — who was a
17 custodian out in the front building was told that --
18 him and — who was at the last deposition
19 meeting was told to throw away files and documents
20 that were stored in the basement. And it took them
21 almost a week to do this, and they didn't take their
22 time at it. It took a lot of work because there was a
23 lot of documents, and a lot of it was payrolls. But
24 there was a lot of boxes that were marked do not open
25 and things of that sort that they were supposed to

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1 toss away without opening. And they did just that
2 there, do what you're told. But they said there was a
3 number of boxes that were taped shut and say do not

4 open that were full of paperwork because of their
5 weight. And he was told to destroy them, so he would
6 have more information on what they were and so would
7 —.

8 —: How did they destroy them?

9 —: Huh?

10 —: How did they destroy them? Did
11 they just --

12 —: They actually just put them
13 in a dumpster and just hauled them off with the rest
14 of the trash, paper trash and nonmetallic trash.

15 —: Okay.

16 —: So he just --

17 —: So they were hauled away as
18 trash, as paper?

19 —: Yes, sir. I took them a
20 week.

21 —: Yeah. Sure.

22 —: My name is —.

23 I was in the spec lab. Part of my job was to program
24 the computer that ran the spectrometer to get the
25 readings. Now, one thing that we were told -- I was

1 actually directed to do is -- one of the elements we'd
2 always watch for example was iron. Okay. Well, when
3 you'd run iron you would have to set a range, a high
4 and low. Well, on the computer I can spark a known
5 iron and get a reading. I can go in and tell the
6 computer that the reading that it produced is actually
7 higher. Program that into the computer, and every
8 element that you guys would send would come out in the
9 spec. Okay. Well, whenever I was directed to do this
10 it's documented on that computer printout that the
11 iron or whatever the element was that we were sparking
12 to get it to read right is documented on that computer
13 printout. And that's my question, where are those
14 computer printouts?

15 —: Right.

16 —: Because I never changed an
17 element without it being documented on that computer
18 printout. And they've got to be there somewhere.

19 —: Right. Well, like I say,

20 that -- you know, we -- we are trying hard to get
21 access to the company records. And we think that some
22 of them are here actually at Spectrulite. And
23 fortunately, when they went through bankruptcy
24 proceedings those papers were placed in the -- really
25 in the ownership of the bankruptcy court, and they

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1 still reside there. So — thinks we have
2 a -- a legal right to those papers. Now, the ones at
3 Dow Midland, you know, a private company, that's going
4 to be harder. But we have approached them and asked
5 them do they have a -- an archives and can we access
6 them. So that's a matter of we're -- we're working on
7 that hard. But we need those records. We -- we
8 really do. Okay.

9 Just one other thing I'll enter into the
10 record for — is a short -- a document about
11 the destruction of records. And it's signed by —
12 —, and that's — (sic), by —,
13 by —, and by —. And it says

14 just before — retired —, —
15 —, and myself were relamping the basement of
16 Number 1 Building when — and—
17 were throwing personal files in a scrap tub then
18 removing them and putting them in the dumpster.
19 Therefore, a lot of their records were destroyed. So
20 we certainly have several episodes where papers were
21 placed in a dumpster and gotten rid of. We don't yet
22 know specifically what those records actually were.
23 Yeah.
24 —: It's — again from the
25 spec lab. And if you're looking at records one other

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1 thing I'd like to mention is all the plant effluent,
2 that's all the liquids and that that are discharged
3 from the plant, it all goes through a main sewer. And
4 we monitored that with a -- it's little water sampling
5 pump that at given times will take a sample. Well,
6 when all this -- whether it be the radioactivity or
7 the oils that we purposely dumped in the sewer all

8 went to Granite City Water. And any time oil gets on
9 anaerobic bacteria it kills it. Well, you can't
10 regrow it. What you have to do is take all the rock
11 out and replace it. So there's got to be records of
12 all -- every time that happens the company is billed
13 for that anaerobic bacteria in the rock. So if you're
14 looking for records, there's another set of records
15 you need to be looking for --
16 —: Oh, that's a good --
17 —: Granite City Water Company.
18 —: -- is Granite City Water
19 Company.
20 —: Well, that's excellent
21 because they may have those records. And -- and when
22 you say you monitored the affluent, now did you
23 measure like gross alpha and gross beta or what?
24 —: No. On -- on water all we
25 were concerned with at that time -- the only thing we

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1 tested for was oil in the water.

2 —: Oil. Okay.

3 —: But if all this stuff is

4 buried, I mean, I used to have to go -- we had wells

5 drilled around the plant and we would measure the

6 ground water level especially over where the barium

7 pile was which is -- it was just east of the plant,

8 all these mounds you're taking about.

9 —: Uh-huh.

10 —: They were white PVC pipes

11 put in there.

12 —: Uh-huh.

13 —: And we had to measure the

14 ground water levels. Well, you'd measure them, write

15 them up, and all this was given to the tech department

16 manager. Now, why it was important what the writing

17 was --

18 —: How -- how -- how low was --

19 where was the water table? Was it -- do you remember?

20 —: I don't know. All we did

21 was measure it --

22 —: Uh-huh.

23 —: -- give the results to the

24 tech department manager. And where it went from there

25 --

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1 —: Now, those wells --

2 —: -- no one knows.

3 —: Do you think those wells were

4 monitoring wells just for the ground water level or --

5 —: I think --

6 —: -- were they actually

7 monitoring what was in the ground water?

8 —: I don't think they were

9 monitors. We didn't sample the ground water.

10 —: Okay.

11 —: All we did was measure the

12 ground water.

13 —: Just -- okay.

14 —: —, do you think

15 that they could have been checking the ground water

16 level for the subbasement since it was so far under

17 ground to keep it from flooding.

18 —: Well, from what I've heard

19 today where they buried thorium and barium if that

20 gets in to the ground water, okay --

21 —: Then it could -- the whole

22 community.

23 —: -- now you've got a problem

24 with drinking water. And like you said there's

25 residents there.

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1 —: Right.

2 —: So what I'm starting to

3 believe right now is we were checking the ground water

4 levels because you had buried stuff there in I think

5 one guy said '72.

6 —: Uh-huh.

7 —: Well, those steel drums

8 buried in the ground aren't going to last forever.

9 They're going to rust and rot away. Now you've got

10 the material laying there. And if the ground water

11 comes up, it get saturated with the material and goes

12 back down. The drinking water for this area is pulled

13 out of the Mississippi. So like right now I'm
14 beginning to wonder what they were monitoring these
15 for.

16 —: Well, I -- I definitely share
17 your concern. And I -- I think there is one story
18 about a woman who is -- is going to come and talk to
19 us hopefully on the 22nd of this month about ground
20 water being contaminated that ran over to the Fox
21 Brothers plant. But as far as I'm aware I still am
22 looking for and can't find any agency of the state or
23 the US EPA that's come in and actually monitored the
24 ground water at that site, although it's -- I mean, I
25 think there's a 99 percent chance that it's bound to

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1 have been impacted by all that material buried. A
2 thousand railroad cars full of thorium and 300 -- 30
3 cars full of PCB oil, I mean, there are a lot of
4 things that have gotten -- have --- are probably in
5 the ground water and needs to be monitored. I -- I
6 frankly am astounded that that hasn't happened in all

7 these years. But --

8 —: One other thing is --

9 —: That's one of the reasons

10 we're after the agencies.

11 —: -- our -- it wasn't plant

12 personnel that drilled these wells and put these PVC

13 pipes in. It was an outside company.

14 —: You don't know who it was?

15 —: I have no idea who it is,

16 but --

17 —: Uh-huh.

18 —: -- if you have to hire an

19 outside company that's going to do this drilling,

20 don't they have to get a permit from the city?

21 —: Oh, yeah. Absolutely.

22 Right.

23 —: See, so there's -- there's

24 a way to find out who they were.

25 —: Well, we do -- we do know

1 about this Environment Restoration Group who came in
2 and did the big cleanup, and I've written to them.
3 They haven't responded. So that will redouble our
4 efforts. We'll -- we'll have to keep after them.
5 Now, this -- they -- they do have a report about their
6 cleanup activities. They did not mention ground
7 water. So yeah. —.

8 —: A quick question,—.
9 What years would you guess that was?

10 —: Again, it had to be in the
11 late '80s.

12 —: Okay. That's great. Okay.

13 Well, we're -- we're doing well on time and we're --
14 we're getting through here. I think we're doing all
15 right. Affidavit Number 18, in the Pangea 2005 report
16 they mentioned the nondestructive testing room at
17 Spectrulite. And we have heard some evidence that
18 there is a small Betatron type x-ray machine and that
19 there were smaller, you know, conventional 195
20 kilovolt portable x-ray units in many departments of
21 the plant.

22 So —, can -- can you enlighten us?

23 There was a nondestructive testing room and -- and in
24 those days, you know, cobalt 60 sources, iridium.
25 They probably -- we've heard some evidence that there

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1 was ultrasound used at Dow. Any -- any input you

2 could have on that?

3 —: Okay. Well, I left there

4 in '94.

5 —: Uh-huh.

6 —G: Okay. But if there was an

7 NDI room at Spectrulite, it had to be a -- the

8 doorways, the entryways had to be marked. There had

9 to be a big yellow sign with the big radiation emblem

10 on it. So when I left there in '94 there was no NDI

11 room that I knew of. Because you -- you couldn't miss

12 it. This had to be a marked area because of the

13 radiation. When they're x-raying a slab, a billet, an

14 extrusion they have to aim this x-ray in a certain

15 direction. I mean, you don't want to aim it --

16 —: Right.

17 —: -- and then the secretary's
18 sitting in the next room. But I don't recall that
19 there was never to my knowledge any type of room like
20 this.
21 —: Well, it -- it --
22 —: Now, it -- it may have come
23 after I left. But you had to have been able to see
24 it.
25 —: Right. This was -- this was

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1 2005. And you know, what -- what that report has is
2 many building floor plans that -- marked out with
3 grids and they divide it into survey units. They --
4 they really surveyed the entire plant. And I remember
5 in particular that the nondestructive testing lab was
6 definitely marked on the floor plan. And they divided
7 areas into Class 1 and Class 2. Class 1 areas they
8 surveyed a 100 percent of the floor space. Class 2
9 areas they had to survey ten percent of the floor.
10 But the NDT room, the nondestructive

11 testing room was a Class 1 area, and they -- and they
12 completely surveyed the floor. And there were some --
13 there were definite elevations of activity. And I
14 think they were testing beta and gamma primarily.
15 They -- I can't remember whether they had a -- an
16 alpha sensitive probe. But anyway, there were --
17 there were levels above background. I'm not sure they
18 were above the -- the decommissioning guidelines.
19 But anyway, that room was definitely
20 there. The report didn't -- didn't say a word about
21 what was in that room, what kind of equipment was
22 there. But if you would be willing to, I mean I could
23 get you a copy of that section and show you that area.
24 And we -- I probably do need to do that because you
25 guys would know. I -- I should have brought it. I

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1 just didn't have time to do it. I just got that
2 report.
3 —: —, this is —
4 —. The room you was describing may be the

5 storage room where they would keep all the materials
6 for sonic testing the metals. This may be the same
7 room in which you speak. Now, when they used to sonic
8 ultrasound this metal it wasn't an ultrasound they was
9 using like they would for a baby or something of that
10 nature. This was a little more elaborate. And they
11 would scope the billets as they would come off of the
12 -- out of the casting --

13 —: Okay.

14 —: -- before so they would send
15 them over to extrusion. And the reason for this was
16 if there's any cracks or fissures inside, this here
17 machine would detect them going through the metal --

18 —: Sure.

19 —: It wad basically like an
20 x-ray, a handheld x-ray machine.

21 —: Yeah. We understand that.

22 —: And now, this room that they
23 always get them locked up in was very secure.

24 —: Okay.

25 —: And it was off to the side.

1 And it may be the same room which you speak of, the
2 nondestructive testing.

3 —: Yeah. Okay. Well, I --

4 —: And these people -- I was

5 only there a year, but the guys who worked in casting
6 may know which room I'm talking about where they kept
7 equipment.

8 —: Yeah.

9 —: There -- there were -- there

10 is a couple of rooms that would probably fit that

11 description. And one would be just east of the -- no,

12 west, west of the 80-inch peeler. That room was an

13 inspection room at one time.

14 COURT REPORTER: The 80-inch --

15 —: Peeler, yes, P-E-E-L-E-R.

16 Now, there was another room also there at the corner,

17 near the corner of the casting area going west towards

18 the extrusion area. But the other area that I

19 mentioned first, that was the x-ray equipment in that

20 room at one time. But I don't know anything about the

21 nomenclature of it or anything else. But I knew it --

22 it was an x-ray room.

23 —: Well, that's very helpful.

24 That's good.

25 —: Yes.

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1 —: If -- if we could get you

2 that floor plan and that little description, could I

3 get you all -- you all to look at that? Because you'd

4 probably know --

5 —: Yeah.

6 —: -- right off the bat that's

7 the room I'm talking about.

8 —: Yes.

9 —: Well, let me ask you this

10 about the -- I mean, almost every steel plant had

11 several ways of looking at billets and castings for

12 structural defects, ultrasound was one. But in most

13 places -- and -- and you know, and the small x-ray

14 units would do that for small, thinner plates and

15 things like that. But for a big heavy casting or one

16 of the big ingots for instance you -- you really
17 needed more gamma penetrating power for that. So
18 typically they used cobalt units, cobalt 60 units.
19 And you know, as you all said they -- they can go up
20 to several thousand curies. A lot of them were in the
21 range of 60 to 80 curies. But —, at the time you
22 were there were there any cobalt 60 sources at all?
23 —: No. I don't recall any
24 cobalt because it would have had to have been
25 monitored. I mean, you got to have a special license

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1 for cobalt 60.
2 —: Yes, you do. Right. So
3 that's all I'm --
4 —: And it's got to be
5 monitored.
6 —: I'm just trying to get on the
7 record that as far as you know there were --
8 —: No.
9 —: -- there were no licenses.

10 Iridium 192 is another common, not there? Okay.
11 That's fine. Now, how about the portable x-ray units
12 though? We've heard that they were there in many
13 departments. I don't know. It seems like those units
14 although -- well, now at least they're licensed by the
15 Illinois Division of Nuclear Safety. And I think they
16 said they -- the latest statistics I saw is that they
17 oversee the operation of 25,000 x-ray units in the
18 state of Illinois. How about in the days when you
19 were there, were -- were any of your machine monitored
20 or --

21 —: Calibrated?

22 —: Well, how about this, do you
23 know the machines were there?

24 —: No.

25 —: Can you confirm that?

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1 —: I have no knowledge of
2 there being any x-ray machines then.

3 —: Maybe not. I mean, if --

4 —: If they were there, they
5 came in and went to the plant and nothing was ever
6 said.
7 —: That -- that's why we're
8 trying to get various inputs.
9 —: Because --
10 —: But you would be very
11 knowledgeable. I mean, that's hard to imagine that
12 they would be there without your knowing about them,
13 right?
14 —: Would -- if they were
15 actually x-rays out in the plant --
16 —: I'm talking about x-rays.
17 —: -- to x-ray a billet or a
18 slab?
19 —: Yes, to look at metal for --
20 for --
21 —: The guys that were working
22 out there would have to have known about it because
23 they got to be -- they got to have the badges.
24 —: Correct.
25 —: You know, I mean, you can't

1 just go in to a plant and start x-raying stuff.
2 —: Well, then let me ask you
3 this. Maybe we ought to -- maybe it's time to talk a
4 little bit -- let me see if we're at that point.
5 Yeah. So Affidavits 19 and 20 are about film badges
6 before and after the Spectrulite era. So 1985 and
7 earlier and 1986 and later. And what we've heard as a
8 broad generalization is that there were very few
9 badges worn before Spectrulite. There were more
10 badges worn after the Spectrulite era. We do have
11 confirmation from both Landauer and by NIOSH that they
12 have zero -- zero radiation monitoring data for the
13 Dow plant. So there is a big -- a major disconnect
14 between what we know is true, that people wore badges.
15 But we don't have any testimony yet at -- certainly at
16 Dow that anybody ever saw any radiation reports. At
17 -- at GSI we do know that at least two people have
18 come forward and given us their own individual Atomic
19 Energy Commission dosimetry reports. That's two --

20 two workers out of 3,000. At Dow we have no evidence
21 that those badges were read, went out of the plant,
22 were returned. So -- so I -- I -- this is extremely
23 important because this has to do with our special
24 exposure cohort, with the way you all's claims can be
25 processed for dose reconstruction.

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1 So anything anybody wants to say about
2 film badges would be useful. I do understand what
3 you've said, that several people have seen them in
4 buckets which might mean that they weren't ever read
5 or analyzed, but that not necessarily so. So -- so
6 —, maybe you -- you brought up about badges. So --
7 so tell me what you know about film badges at Dow.

8 —: Well, at Spectrulite.

9 —: At Spectrulite, right.

10 —: Okay. We started --

11 —: So we're talking about the

12 later era. Yeah.

13 —: The only knowledge I've got

14 of it is the three ladies that worked for me in the
15 spec lab started out with a pocket dosimeter which at
16 the end of the day you put it in an instrument and you
17 can look through it like a little microscope and read
18 what it was. And then there were badges, but who
19 collected them and were they ever shipped off, I have
20 no idea.

21 —: Well, here would be my
22 question that I don't understand. Who would be -- I
23 mean, just what department at your plant would be
24 responsible for that? Well, let -- let's ask the
25 broader question. Was there a radiation safety

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1 officer at Spectrulite?

2 —: Not to my knowledge. No.

3 —: Well, who would be the person

4 you would most likely think would -- I mean, somebody

5 had to collect the badges and send them off to be

6 read.

7 —: I would think if -- a plant

8 that size if they were going to be collected, they
9 would have been collected either by human resources --
10 —: Okay.
11 —: -- or by the tech
12 department. But I never went around and none of my --
13 the ladies that worked for me never went around and
14 collected them. But that would be your two logical
15 places. Now, they did establish -- right before I
16 left they had a safety guy -- I think his name was
17 —, used to be a guard.
18 —: —.
19 —: —. Now, as a
20 safety guy -- and I don't know if you've contacted him
21 or not, but maybe he collected them and shipped them
22 off.
23 —: Yeah. We --
24 —: But the tech department to
25 my knowledge --

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1 —: We are in contact with —.

2 — is actually employed now I understand by the
3 company that bought the aluminum assets, Magnesium
4 Elektron. And he now works for them. So he -- —
5 — has talked to him. I think —
6 talked to him. I mean, — has talked to
7 him. So several people have talked to him. He's
8 still around and still available. Right.
9 —: If I remember right the
10 foreman came around and collected those badges, didn't
11 they, —?
12 —: That's right.
13 —: Didn't we have to bag our
14 clothes up?
15 —: Yes.
16 —: Every day when we would finish
17 our shift --
18 —: Uh-huh.
19 —: -- you'd go in the locker room
20 and you'd throw all your clothes in a -- in a plastic
21 bag and put a twist tie on it. And then I don't know
22 what they did with them from there.
23 —: What year did that start?
24 —: But -- but you think at the

25 same time the badges were collected each day?

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1 —: I think they were. We turned
2 in to the -- to the shift foreman, whoever your shift
3 foreman was at the end of the day.
4 —: Now, did -- did you all as
5 individuals though -- maybe we need to get this on the
6 record. There are one, two, three, four, five, six,
7 seven, eight, nine, ten, eleven -- there are 11 people
8 sitting around the table. Did any of you all ever see
9 any badge -- film badge reports on yourselves?
10 —: No.
11 —: I asked after one of the runs.
12 I asked —. I asked whoever my floor foreman was
13 at the time, and they says oh, they came back, they're
14 great, don't worry about it. I said well, where's the
15 paperwork. Well, I have -- I'll take it out it later
16 on, you know. I never did see any paperwork on it.
17 —: Okay. So --
18 —: Never.

19 —: So let's put this on the
20 record. Nobody ever saw any records?

21 —: No.

22 —: You did ask about the
23 records?

24 —: I did. Yes.

25 —: You were told that they

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1 existed, that they were okay?

2 —: Came back no problem.

3 —: But nobody ever saw them?

4 —: No.

5 —: Let me put this on the record.

6 All my years there I never seen a -- a badge. I
7 didn't know what a dosimeter badge was until about six
8 or eight months ago I happened to be in the hospital
9 getting some tests, and some of it was under atomic
10 medicine. Well, this gentleman had a badge on him,
11 and it wasn't a familiar badge, you know. But anyway,
12 it was a badge and I had to ask him. And I said what

13 -- what is this you're wearing? He said that's a
14 dosimeter badge. He says I turn this in at the end of
15 the month and they give me another one.

16 —: Right.

17 —: Well, I never seen anything

18 like that when Dow was there.

19 —: Okay.

20 —: And that's up until November

21 of '89.

22 —: Okay. All right. Anybody

23 else want to say anything about film badges? Well,

24 let's -- let me ask you this. Of the 11 people here

25 did -- did any of you all individually have a film

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1 badge?

2 —: Yes.

3 —: Yeah.

4 —: You did?

5 —: I did.

6 —: I did too.

7 —: Okay. And —, did you
8 ever ask about -- I mean, I assume you -- well, did
9 you ever ask what -- what they showed?
10 —: Yes. The similar question as
11 -- as —. We would want to know what was the reading
12 or was there a reading since the badge was just a
13 badge there wasn't a gauge on it --
14 —: Right.
15 —: -- where you could look at
16 anything and tell. But it was always that there was
17 no -- no reading.
18 —: Should we quit now?
19 VIDEOGRAPHER: You've got five minutes.
20 You can finish this.
21 —: I'm sorry. Go -- I'm --
22 —: But anyway, there was always
23 that there was no reading. And each time we would run
24 that particular alloy we would, you know, be told
25 everything was okay. Never seen any records or

1 anything, but just taking their word for it that

2 everything was okay.

3 —: Very good. Okay.

4 —: — who should show up

5 a little later, he's supposed -- he's working day

6 shift today also stated the same thing, that he had

7 badges and repeatedly asked what they was because he

8 was quite worried about it. Because the reason to

9 wear a badge is enough to be concerned. But not

10 having the readings is even more concerning. And he

11 also got the same response. So he'll be here to

12 testify to that later.

13 —: That's excellent. Okay. So

14 we have to stop right now and change tapes. But

15 that's really spectacular so far. So that -- that's

16 really good. We're doing very well. Why don't we

17 take about five minutes to get something to drink and

18 go to the bathroom or whatever you need to do and we

19 will reassemble and finish up here in short order.

20 (Whereupon, a short recess was taken.)

21 —: This is — again. So

22 we're reconvening after a short break. It's -- it's

23 August the 11th. This is the second Dow affidavit

24 meeting. During the break I became aware that —

25 — has a story that we want to get on the record

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1 about the use of the wrong type of Geiger counter.

2 And —, this is not really -- doesn't fit exactly

3 under a topic. So if you could just tell us your

4 story, I -- I think that would be interesting.

5 —: Well, the thing is we used

6 -- in the Air Force when I monitored radioactive

7 material for a certain element, alpha you have to have

8 an instrument that has a mylar window on it. Okay.

9 If you use a radiation instrument that is for beta and

10 gamma, its got a steel or an aluminum sleeve on it.

11 Alpha won't -- it won't go through it. Okay. So

12 you're not going to get any reading.

13 And this is old radiac instrument that we

14 used at Spectrulite, all it was good for was you could

15 take a background reading out in the sun, but it's

16 only going to give you beta gamma because you -- you

17 can't open it. Alpha instruments, you actually have

18 to hold it and get it down oh, I'd say within about a

19 quarter of an inch for it pick up the alpha radiation.

20 And that's what my question was, let's

21 contact OSHA, get guidance, and they'll tell you what

22 to do. But when your department manager tells you no,

23 you're not going to contact anybody because they'll

24 fine us, you know, you're stuck with an old civil

25 defense radiac meter. So yeah, we went around and we

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1 took readings but you might as well have had a

2 popsicle. You know, you'd get basically the same

3 results. So that's what we were talking about at the

4 break.

5 —: That's terrific. All right.

6 Thanks for -- that's very important obviously. Oh, I

7 guess I just need to add just for the record thorium,

8 of course, is a big time alpha emitter as is uranium.

9 And -- and it's really the alpha particles that get

10 ingested by being attached to particulates and dust,

11 so-called fine -- very fine particulates and the
12 smoke. And it gets inhaled into the lungs and stays
13 in the lung and exposes lung tissue, and that's
14 responsible for thorium being a potent even pulmonary
15 carcinogen. So what -- what — was just saying
16 means that the alpha -- the most harmful aspect of
17 thorium was not monitored for.

18 And then we have a story that —
19 wants to put on the record. I -- I think it's
20 important because it's a partial answer to the
21 nondestructive testing efforts at Spectrulite. So
22 —, why don't you tell me what you were telling me.

23 —: —. And back -- we
24 were talking about x-ray machines being in the plant.
25 The only x-ray machines that I know of were when we

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1 would run ZK billets which had zirconium in them they
2 would an outside contractor in to actually x-ray our
3 test slices. He would be outside the plant over on
4 the -- I want to say the east side of casting sitting

5 there in the alley. And he would actually do the
6 x-raying of our test slices and see what that was.
7 But that was the only type of actual x-ray machine I
8 ever knew of that was in the plant other than what
9 they used to scope billets with. — may be
10 able to give a little more detail as to what they did
11 actually when they did that.
12 —: Do you know what kind of
13 source they used in -- x-ray source? Was it a -- was
14 it cobalt 60 or an x-ray machine?
15 —: That I really -- I don't know.
16 —: All right.
17 —: I just know that that was an
18 outside contractor who done the x-raying of those test
19 slices.
20 —: I this that makes a lot of
21 sense. And I -- I forgot to mention that at General
22 Steel we know that they had -- St. Louis Testing would
23 come in and do that kind of work. And so okay. Very
24 good. All right.
25 —: —.

1 —: Yes. —, hi. How are you?

2 —: Hi. Can I go ahead?

3 —: Yeah. Sure. Absolutely.

4 This is —.

5 —: —. The

6 source that was used outside of the shooting room was

7 a cobalt source, and it was a very small one. I think

8 it was five curies or less. And the operator was the

9 owner of the company. It was —, —. And

10 he tested all of the ZK slices that we used.

11 —: —, while you're up at the

12 microphone do you have insight why only the zirconium

13 alloys were tested with the cobalt? I mean, it would

14 seem like at a big place like Dow there would be other

15 alloys that needed testing.

16 —: My knowledge is zirconium

17 was used for battery strips and they had to be

18 absolutely pure. And any -- any flecks of dirt in

19 there -- plus the zirconium was kind of a dirty

20 alloying material anyway. And any -- any dirt that

21 got into the zirconium, of course, went into the --

22 into the ingot. And if they found so many specks in
23 the test slice, then they scrapped seven billets
24 before that and seven billets after that until it was
25 perfectly clean.

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1 —: That makes sense. So they
2 had, okay, quality control then. All right. Let's
3 see. I think we -- we can move through the rest of
4 these quickly. The general topic in Affidavit 21 and
5 22 topics has got to do with radioactive material from
6 Mallinckrodt. This is not really directly tied to Dow
7 operations or Spectrulite or Conalco operations. But
8 we know that very near the Dow plant Mallinckrodt
9 radioactive waste in -- in barrels that we were
10 talking about were stored at the Granite City Army
11 depot and around or near Fox Brothers. And we think
12 the Illinois EPA was involved in that cleanup effort.

13 So I just wondered if any of you guys in
14 the later periods were aware of those activities at
15 Granite City Army depot or at the Fox Brothers. Any

16 additional comment about that? Okay.

17 Now, this is -- this is quite important.

18 And let me just summarize what I think we've heard.

19 And it -- the question is describe the radiation

20 safety program and protective clothing measures at --

21 at Dow, Conalco, Phelps-Dodge, Spectrulite. And I

22 think what I've heard is there probably was not an

23 organized radiation safety program and minimal if any

24 protective clothing. And I'm talking about protective

25 clothing that would protect you from radiation and --

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1 and particularly gamma radiation, beta, alpha, et

2 cetera. Any comments on -- on those two aspects? And

3 the comment could be if there was none or was there

4 any kind of radiation safety program that you know

5 about. —, what would you say about it from your

6 point of view?

7 —: As far as a radiation

8 safety program at SCI when I was there we didn't have

9 one other than we took this old radiac meter. And my

10 concern was the three girls that worked for me in the
11 spec lab.

12 —: Uh-huh.

13 —: Because when they'd arc
14 that magnesium pin it's in a little steel door. You
15 open it up and you'd see this little puff of white
16 smoke come out. Well, that's from arcing the
17 magnesium, you know, where it's right here in their
18 face, you know. And nothing was ever done about that.
19 So that's why I'm getting involved in this.

20 —: Well now, some of the
21 magnesium though, was that not alloyed with thorium?

22 —: Yeah.

23 —: Yeah. So --

24 —: Yeah. The -- the thorium
25 magnesium runs went -- it was at same kind.

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1 —: So -- so -- so they were --
2 they were also exposed probably to small amounts of
3 the thorium that were --

4 —: Sure. Because they had to
5 machine the pins.
6 —: Right.
7 —: Then they to spark the
8 pins.
9 —: Okay. All right. Fair
10 enough. All right. —.
11 —: —. I was
12 referring back earlier about the hand salvage we done
13 there on thorium.
14 —: Uh-huh.
15 —: For years we used no
16 protection at all. Later on they came out and they
17 gave us coveralls to wear. And then paper masks which
18 will not filter out the dust.
19 —: Right.
20 —: That's the only protection
21 we had.
22 —: But never any kind of the
23 hepa type?
24 —: No.
25 —: The -- the big mask --

1 —: No.

2 —: -- and the carbon filters.

3 All right. —.

4 —: As far as the thorium goes I

5 -- I'm not real sure about the protection they used

6 earlier. But it wasn't up until I would say 1995 did

7 they even start a respirator program. When I hired in

8 in 1990 we wore respirators for nothing. Then I'd say

9 around 1995, maybe '94 they started a -- a respirator

10 program, people had to be clean shaven. But other

11 than that there was never any kind of --

12 —: No. But that's good. But I

13 mean that was in the pot room in particular?

14 —: Yes. Yes.

15 —: Okay. And -- and tell me

16 about that. What -- do we know what types respirators

17 and was everybody required to wear them, et cetera?

18 —: We weren't ever really

19 required to wear them. They were there if we needed

20 them.

21 —: Uh-huh.

22 —: Everyone had to be clean

23 shaven of course --

24 —: Uh-huh.

25 —: -- in case there was some

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1 reason for staff to don one. But other than that I

2 really don't know what types they were. I can't even

3 remember. I just knew they had the canisters.

4 —: But they were the kind with

5 the -- were -- were they the kind with the dual

6 canisters --

7 —: Yes.

8 —: -- that --

9 —: They -- they had the canisters

10 on them.

11 —: All right.

12 —: But they were just put in a

13 cabinet hung on the back wall. And then that went

14 away, and we would actually -- if we needed one, we'd

15 have to go to the foreman's office and ask them for

16 one.

17 —: Uh-huh. Do you -- do you

18 remember people actually doing that?

19 —: There were certain people who

20 wanted a respirator, who wore them all the time. When

21 I hired in I was a metal caster --

22 —: Uh-huh.

23 —: -- never needed a respirator.

24 And like I said, I would say around 1995 if my memory

25 serves me right that's when they went to a respirator.

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1 —: So after 1995 they were

2 available to certain people if they requested?

3 —: Right. But you weren't

4 required to wear them.

5 —: Well, okay. Well, that --

6 that's very good. We hadn't heard that before. —.

7 —: My name is —. I have a

8 question on that. I was trained in the Air Force on
9 respiratory protection, and I want to know was
10 everyone issued this mask? Were they fit tested for
11 it? Was it leak tested?

12 —: Yes. We were fit tested.

13 They put the bag over your head and tested you with
14 the smoke to see if you could smell it or taste it.
15 We were fit tested. I believe it seemed like maybe
16 they fit tested us once a year if I'm not mistaken.

17 —: That's good. Yeah.

18 —: —. The problem with
19 these things was in that environment in there when you
20 put your mask -- or your respirator on to breath
21 through it it would fog up your safety glasses so you
22 couldn't see. So they was useless to me. It was
23 either wear the respirator and not see or see through
24 your safety glasses and not wear the respirator. So
25 it didn't do me no good.

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1 —: I -- I think you're right.

2 We used to use those -- have them available in the
3 autopsy room at —, and they were just so horrible
4 to use. And I can imagine in a smokey environment.
5 They're also hot, uncomfortable. A lot of people
6 probably didn't use them for that reason. Yeah. Oh,
7 — liked his respirator so he's going to tell us about
8 it.
9 —: —. I
10 hate to keep interrupting, but I think the main
11 problem with the respirators in the pot room was the
12 fact that communications was very important. You guys
13 remember you had to constantly talk. There was a
14 metal caster and -- two metal casters actually, and
15 they had to talk back and forth because magnesium is
16 very volatile. If anything happens, why, you'd blow
17 the roof off. And you couldn't communicate with those
18 respirators on. You just couldn't talk.
19 —: Okay. —.
20 —: Yes, —. I remember
21 that we had a safety meeting once every month in
22 extrusion, and it was separate from the other
23 buildings of course. And it was never ever once
24 mentioned the word radiation in all the years I worked

25 there. And the very first time that it came up was

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1 never in a safety meeting or from company people, but
2 it was when the company was coming to clean up in June
3 2000, July 2000 cleanup. That was the first time most
4 of anybody in extrusion ever heard of radiation ever
5 in that factory. It was never brought up, never
6 mentioned at the safety meetings every month. And
7 that if -- even the supervisors I don't think were
8 told what was wrong.

9 —: Okay. That's -- that's --
10 that's very useful. Okay. Let's see. Maybe—, I
11 can address this to you. You know, I've talked a
12 little bit about our interactions -- current
13 interactions with the Illinois Department of Nuclear
14 Safety and the EPA from Illinois. But are -- you are
15 aware of any inspections during the time you were here
16 by either the Atomic Energy Commission, the Nuclear
17 Regulatory Commission, or the Illinois Department of
18 Nuclear Safety?

19 —: This is —. No. As far
20 as I know there was never any inspections. If they
21 did, it was done through the back door.
22 —: Now -- now, the Illinois EPA
23 claims that every two years they came in and made an
24 inspection of the aluminum and magnesium refining and
25 smelting operations, which I think you all would call

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1 it castings. But did -- did Illinois EPA ever notify
2 you that they were --
3 —: No. Anything like that it
4 would have been through the foreman out on the cast
5 house, but --
6 —: Through the foreman. Okay.
7 Very good.
8 COURT REPORTER: Out on the what?
9 —: Cast house.
10 —: All right. I just -- you all
11 have mentioned this morning -- — and —
12 — have provided me -- are you all -- what I'm

13 trying to find is a list of the types of alloys that
14 were produced. And you all have told me a bunch, and
15 we've captured a bunch of that. I guess this is sort
16 of the missing records that we really need of kind of
17 a comprehensive list particularly of the alloys that
18 have, you know, thorium in them and beryllium. So I
19 think I'm not going to belabor that point. But again,
20 if anybody has any access to that sort of a list.
21 Well, let me -- let me ask you all just as a general
22 question did you all ever see a list of all the alloys
23 and metals that you all worked with, I mean, in
24 extrusions or casting or anything like that? —.
25 —: Yes. I spoke to —

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1 (phonetic) -- a — who worked also in the
2 pot room with — and —.
3 —: Okay.
4 —: And he says that he has at
5 home somewhere and he's looking for it right now for
6 me a sheet which also has all the alloys and what it

7 takes and what they are and how to mix them. And

8 apparently -- I don't know why he has it, but he said

9 it seemed important at that time and not to lose it.

10 So -- so he's looking for that and he's going to give

11 it to me. And I can turn it over to you as soon as I

12 get it.

13 —: That would be wonderful. All

14 right.

15 —: I got a comment on that.

16 —: Certainly.

17 —: Any alloy that was made at

18 SCI, well, the spec lab had a list of every one of

19 them because we had to know what the breakdown of

20 every alloy was. And I mean, it was scattered all

21 over the tech department. So somebody's got to have a

22 copy of that.

23 —: Well, like I say, we -- we

24 have got some positive feedback that we can look at

25 those records. And unless they've been gotten rid of,

1 maybe -- maybe that kind of record will be there. Who
2 knows. So that -- that will be within the next couple
3 of weeks I hope that we get in to see that. Okay.

4 Yeah.

5 I think there's just one last new
6 affidavit and that is just an opportunity before we
7 break for lunch here that if anybody has any -- any
8 kind of evidence or testimony that they'd like to put
9 into the record about Spectrulite in particular, their
10 operations, incidents, you know, in the pot room or
11 elsewhere. We've talked about private company
12 cleanups, I know that. We've talked about radiation
13 safety. But any -- anything about your health
14 concerns, about how you were or were not told about
15 the radiation dangers and so forth.

16 We haven't talked at all about the role of
17 the unions and how you all were represented to
18 management, you know, your -- the possible risk to you
19 all. So this would be the time, kind of a free time
20 to put on the record whatever you might want to about
21 your workplace conditions. Yeah, —.

22 —: —. I'd just like to

23 state that from the time I hired in we were never told
24 of any kind of safety concerns as far as any of the
25 alloys go, manganese, beryllium, zirconium. We didn't

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1 know any of it was bad for you, we were never told
2 that. We were just run it.
3 —: Okay. Thank you.
4 —: I was awarded a bid in the pot
5 room, and I worked in there for like two weeks. And I
6 would break out in this real bad rash on my hands.
7 And so they took me out of there until I healed up.
8 And then I went back in there and worked another two
9 weeks and the same thing happened to me. And they
10 told me that I was probably allergic to the flux. But
11 I worked in the leaching process for two years, and
12 the same flux is in the sludge and it never affected
13 me. It was only when I worked in the pot room when I
14 had that problem with the rash breaking out on my
15 hands.
16 —: Actually you bring up

17 something pretty interesting that I forgot to ask.
18 But now like in an incident like that did you all get
19 the feeling that there was any kind of plant doctor or
20 -- not that lived at the plant? But in other words,
21 for an incident like that could they refer you to a
22 hospital nearby or did anybody mention anything like
23 that?
24 —: No. They just -- they sent me
25 down to the emergency room and then they just treated

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1 me there with a hydrocortisone cream and I just kept
2 putting it on there for --
3 —: But -- so there was a -- a
4 treatment room in the plant?
5 —: No.
6 —: Oh, this was an emergency
7 room of a local hospital?
8 —: Right.
9 —: Okay. Well -- well, that's
10 useful. That kind of information is useful. Okay.

11 Anything else?

12 —: One thing I did want to

13 mention -- — -- that there is supposedly

14 the cleanup going on right now. And what I found out

15 it was not actually a cleanup but a restoration where

16 they were having -- they're rebuilding the back of

17 casting behind the pot room. And a customer is

18 supposed to be renting that area out. And all the

19 information I know so far is that this customer is

20 from the Paducah, Kentucky area and they requested an

21 indoor rail facility. And all this is all the

22 information I have so far, and this is also from —

23 — who is working with the -- the guy's

24 brother who's out there now filling in the concrete

25 and pouring slabs. So this is like secondhand

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1 information from an employee's brother.

2 —: I'm pretty sure today we're

3 going to hear from — who's the— of

4 IEMA.

5 —: Uh-huh.

6 —: And he has assured us that we

7 -- we will know all the details of what's going on at

8 that present operation.

9 —: Very good.

10 —: And we've asked him to fill

11 us in on any and all previous cleanup operations.

12 —: So far all I have is

13 secondhand information, but it seemed very reliable.

14 —: That's good. Oh, yeah. No.

15 No. Well, we did get confirmation yesterday that

16 there is a cleanup going on. And the fellow we talked

17 to said that was all he could say. So he asked us to

18 call the director, and that's what we did.

19 So well listen, I think we looked at

20 —beautiful map just to remind you all. So this

21 has been a terrific, really great session this

22 morning. I've learned a lot of things I didn't know

23 about at all. I really appreciate your coming. Yeah.

24 —: One quick question that

25 came up at other meetings about the plant safety.

1 Where did you guys eat your lunch, were there lunch
2 rooms?

3 —: Good point.

4 —: —.

5 —: When I hired in in 1990 as a
6 metal caster we are not allowed to leave the mold, and
7 I ate right there on the floor while I watched the
8 mold as the metal was being cast.

9 —: Did the dust ever get in your
10 food?

11 —: Well, I'm sure it did.

12 Probably lots of other things too.

13 —: In extrusion everybody also
14 got ten minute breaks and a half hour lunch break.
15 But because we was on production on the presses we
16 only got a lunch break. So that meant usually we had
17 to eat snacks and meals and everything while we was on
18 the job because we only had 20 minutes throughout the
19 whole day. Where other people also had breaks, we
20 didn't. And when we ran that metal for

21 Martin-Marietta I remember specifically they bought us

22 pizzas, and we was standing there eating pizza with
23 one hand leaning against the raw metal with the other.
24 And there was no precautions or warnings whatsoever.
25 But --

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1 —: That's a great question.
2 —: And — would know.
3 —: So -- so this would be a
4 major route for ingestion.
5 —: Absolutely.
6 —: The ingestion route for
7 radiation exposure.
8 —: Inhalation and ingestion
9 both. Yes.
10 —: Right. Both. Right. Good.
11 —: —. Also in the pot
12 room I was a melter. And lot of times we had a little
13 shanty that we could go to to eat our lunch. But if
14 you -- if you had a problem out on the floor, a lot of
15 times I would walk out of that little shanty with my

16 sandwich in my hand and go out on the floor and eat.
17 So we was eating on the floor a lot of times.
18 —: I hear you. Okay. Very
19 good. Let's just mention that if you all at any time
20 after this meeting -- we have another opportunity on
21 the 21st and 22nd when NIOSH comes and has their
22 official outreach meeting. And of course, all of you
23 all are encouraged and invited to come to that. I
24 mean, that's our opportunity to put other -- any other
25 information you have or this information on their

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1 record. Now, we're going to send NIOSH copies of this
2 transcript, the videos, everything. So everything
3 you've said today will go to NIOSH.
4 But if at any other time you all know of
5 other people who can really contribute to these kind
6 of issues, then please have them get in touch with us.
7 And you know, on this last page I've got my phone and
8 fax and e-mail and — phone and e-mail.
9 And please give us a call or — a call, and we

10 will make arrangements to have you be able to get your
11 information into the record. So let's go have some
12 lunch. I appreciate your coming, and I wish you well.
13 And we'll be working on your behalf.

14 (Whereupon, a lunch recess was taken.)

15 —: Okay. This is —

16 again. We're at SimmonsCooper. It's August the 11th,
17 2006. This is the afternoon session of our second
18 affidavit meeting that has to do with the General
19 Steel Industries group of people. And before we get
20 into their testimony — from the Dow -- from the
21 Spectrulite plant has some information that I've asked
22 him to put on the record about incidences involving
23 explosions at the Spectrulite plant. And I would like
24 to give him a chance to put that into the record, and
25 then we'll on to the GSI information. So —,

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1 could you -- could you go and tell us what you were
2 telling us at lunch time about incidents in the pot
3 room and so forth.

4 —: —. I was in I believe
5 four explosions in the pot room. And these explosions
6 are very, very powerful. And what concerns me is if
7 thorium had been melted in there before if these
8 particles had got up into the rafters of the roof.
9 And during these explosions I'm concerned about these
10 particles being brought down from the explosion and
11 being in the air and being breathed or taken in and
12 even as with me getting metal -- metal burns on me if
13 this was -- also brought it in to my -- to my body
14 being burnt in my body.
15 —: You mentioned -- maybe you
16 could describe for us a little bit about how powerful
17 the explosions were. And I think you mentioned that
18 several people were killed --
19 —: Different --
20 —: -- as a result of these
21 explosions.
22 —: -- different explosions we had
23 different people -- several people killed in. The
24 instances when I was in the explosions -- my first
25 explosion some oxidized metal apparently had went

1 under the liquid bath and created an explosion. And I
2 remember running. And when there's a blow you've got
3 some hang time of the metal being in the air. Well,
4 that thing is so powerful I'm concerned that the
5 particles that could have come from the rafters come
6 down and mixed with the molten metal that was in the
7 air and then this molten metal coming down on me and
8 burning me and therefore putting it into my system.

9 —: Uh-huh.

10 —: And that was the first
11 instance.

12 —: Tell me about when we're --
13 what's the time frame that we're talking about?

14 —: I don't understand which --
15 what time?

16 —: What year would this -- would
17 these incidents have occurred?

18 —: These instances occurred
19 between probably '89 to say maybe '93 or '94, the

20 explosions I was in.

21 —: Good. Okay.

22 —: The second explosion I was

23 in --

24 —: Let me -- I -- I want to --

25 the point I'm trying to get is that NIOSH often claims

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1 in these explosion type incidents that it -- that they

2 rapidly -- the company comes in and they rapidly clear

3 the workers out of the area and so forth. But so what

4 would be a typical -- let's say you sense the

5 explosion, the explosion occurred. Would they -- I

6 guess they would move everybody out right away and so

7 forth. And then how long would it take to -- in other

8 words, how long were you all actually in the smoke and

9 the dust and all that kind of stuff?

10 —: After the explosion?

11 —: Yeah. I mean, minutes,

12 hours?

13 —: I would say probably up to ten

14 or 15 minutes. It depended on if we needed to be in

15 there putting out fires or --

16 —: Okay.

17 —: -- trying to protect equipment.

18 —: Uh-huh. But you didn't

19 automatically clear the area completely. Is that -- I

20 mean, you were the firefighters?

21 —: Basically.

22 —: You were the first responders

23 --

24 —: Yeah.

25 —: -- as well as the victims?

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1 —: Yeah.

2 —: Yeah. Okay.

3 —: We would get out of there to

4 keep -- you know, keep ourselves safe at first.

5 —: Right.

6 —: And then we'd -- would go in to

7 take care of equipment.

8 —: Okay.

9 —: Depended on your injuries too

10 if you'd stay out.

11 —: In any of these incidents did

12 anybody from the plant suggest that you needed to be

13 looked at by a doctor or anything like that?

14 —: Well, that was pretty -- pretty

15 self-evident. If you got burned, you would stay out

16 of the pot room.

17 —: Yeah. But I mean, did -- in

18 other words, was the company -- did they try to get

19 you all -- did they take you to a hospital?

20 —: Medical -- ambulances and stuff

21 usually came to the plant --

22 —: Okay.

23 —: -- to the -- to the pot room.

24 —: Okay. So this -- and -- and

25 if -- when the men were killed were there other people

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2 —: Yes.

3 —: Okay. I mean, physically

4 like bones broken and -- or burns probably?

5 —: Burns mainly.

6 —: Uh-huh. Okay. Did anybody

7 ever have to have any skin grafting done for their

8 burns?

9 —: Yes. —, —

10 — (phonetic), — (phonetic). I'm sure

11 there was others. I can't recall right now.

12 —: So that means at least three

13 people had burned -- third degree burns or get down

14 deep enough that your skin can't regenerate and you

15 have to be grafted. So --

16 —: Yeah.

17 —: -- that's a very severe burn.

18 —: Yeah.

19 —: Okay.

20 COURT REPORTER: The one you said was

21 —, right?

22 —: —.

23 COURT REPORTER: A woman,—?

24 —: —, yes.

25 —: Okay. And to -- to your

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1 knowledge -- I mean, I -- these would be called an
2 explosion, I -- I understand that. Were there -- were
3 there other incidents that you would call fires or in
4 other words, lesser events but still the same kind of
5 thing with magnesium flare-ups and things like that?

6 I don't know. I'm just asking.

7 —: They were basically explosions.

8 —: Okay.

9 —: When you had problems with the
10 metal it would -- we had mag create fires without
11 explosions, but they were pretty contained to the unit
12 and didn't really spread out.

13 —: But there was a -- there's a
14 well-documented magnesium thorium explosion event that
15 occurred at Sylvania's plant in New York. And there
16 was -- in investigating that particular incident there
17 was a lot of discussion about whether you had -- they
18 had had a rapid fire or an explosion. And what

19 happened was it was enough of a explosion to blow a
20 hole in the floor big enough that one -- the lab, the
21 thorium lab collapsed down into the next level of the
22 building. And I gathered from kind of tongue-in-cheek
23 a lot of the people thought that was kind of splitting
24 hairs whether there was an explosion or a rapid fire,
25 a rapid burn. And it certainly sounds from what

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1 you're describing with people killed and metal being
2 warped, steel and so forth that it -- it was an
3 explosion.

4 —: Oh, yes. They were explosions.

5 —: Okay. All right. Now, I

6 wanted to get that.

7 —: —.

8 —: Yes.

9 —: —. I spoke

10 to a foreman, a supervisor who gave me permission to

11 use his name, — who was working out there

12 as a -- in the lab out in casting at -- when he

13 started. And he started out as a security guard back
14 in the early '90s, late '80s. And when he was a
15 security guard there was an explosion in the pot room,
16 and it was a very bad explosion. And in fact, it
17 caught the roof on fire. They have a tar covered
18 stone roof on it.

19 —: Oh, yeah?

20 —: And he actually had to get up
21 on the roof to extinguish the fire because the tar
22 caught on fire up there. And he was told to be real
23 careful around this because they was alloying thorium
24 when it blew. Now, how he remembered this I don't
25 know, but this is what he related to me. And

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1 apparently he -- you know, he must have knew what he
2 was doing because he went from security guard to
3 supervisor. So he was a pretty bright guy, so I'm
4 sure he remembered. But he told me specifically that
5 is was a thorium run that blew one time and he had to
6 put a fire out on a roof. So this is when he was

7 still a guard.

8 —: Do you have a time frame?

9 —: Yes. It was the early '90s.

10 —: The early '90s.

11 —: Maybe '89 even.

12 —: Okay. Very -- very good.

13 —: —.

14 —: Yes, sir.

15 —: I -- I was involved in

16 most every one of these incidents that — has

17 talked about. Luckily I wasn't in the pot room, but I

18 was either a foreman on the shift or a general foreman

19 of the department. Magnesium cannot stand any

20 moisture subsurface. We were careful about putting

21 scrap in there. And a lot of times people would have

22 a Coke, throw their scrap Coke in the -- or their can

23 in the -- in a box of scrap. And if that went into

24 that molten bath subsurface, it only takes an instant.

25 There's only two elements in water, and that's

1 hydrogen and oxygen. And that magnesium will burn
2 that oxygen, create hydrogen gas, and we have a
3 hydrogen explosion. And that's ear splitting and
4 volatile. It's almost like being struck by lightning
5 right there --

6 —: Uh-huh.

7 —: -- and it will -- it will

8 blow. The configuration of the magnesium pots were
9 oval at the bottom, open at the top. And when an
10 explosion occurred it exploded upward and outward.
11 And it blew the roof off of the building several
12 times, caught the building on fire several times, two
13 fatalities.

14 One young man was putting a pump into the
15 molten bath, and the pump had a hollow shaft in it.
16 And during the cleaning process moisture got into that
17 hollow shaft through a weep hole, and it -- it wasn't
18 drained out. And when it went into that magnesium it
19 -- it blew that pump half way across the building just
20 like a torpedo would arch through the air or a rocket
21 would arch through the air and killed that young man.

22 And another time the pot froze over and

23 formed a crust on the top of it. The magnesium
24 shrunk, and there was an area between the magnesium
25 and the -- and the top crust of about six inches.

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1 When the pot was refired the top crust did not melt,
2 and all the gas built up between the top crust and the
3 magnesium. And as soon as we broke through the top
4 crust it exploded. And that was a very bad one. That
5 was when was -- --
6 --: --.
7 --: --?
8 --: --, -- I believe
9 it was.
10 --: I -- I can't remember his
11 -- couldn't remember his last name. But unfortunately
12 I had to help both of those gentlemen out of the room,
13 and they were helicoptered over to a burn unit in St.
14 Louis somewhere. Both of them expired. And it threw
15 that magnesium all around that room. And anybody that
16 was in there got -- got burned or got hit with it.

17 —: Uh-huh. Okay. Well, I --
18 —: I'm very familiar about
19 the explosions that — was talking about.
20 —: —, let me ask you from your
21 prospective how long -- what would you say in -- in
22 those -- let's say the two fatal incidents, the
23 explosions what would be kind of maximum time that
24 workers were exposed to that environment? You know, I
25 -- in other words, was it just 15 minutes or --

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1 —: Well, in --
2 —: Well, like yourself for
3 instance when you were intervening in that were you
4 there more -- how long were you there?
5 —: Well, I went into the pot
6 room and -- and helped direct the fire department to
7 put out the various fires that was in there after the
8 explosion happened --
9 —: Okay.
10 —: -- and tried to keep them

11 from throwing water on more magnesium that would cause

12 and then create -- and create more explosions. So I

13 worked with the fire department.

14 —: Uh-huh.

15 —: People who were injured,

16 we cleared an -- an ambulance lane for them through

17 the warehouse and they -- so they could bring the

18 ambulances in and -- and take them back out to --

19 —: Uh-huh.

20 —: -- the industrial

21 medicine department at St. Elizabeth's Hospital is who

22 we dealt with.

23 —: Okay.

24 —: They had a -- they had a

25 --

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1 —: St. Elizabeth in Belleville?

2 —: In Granite City.

3 —: Granite City, Illinois.

4 Yeah. Okay.

5 —: And so maybe it was ten,
6 15 minutes before an ambulance got there. In my case
7 I spent the whole rest of the afternoon in there.
8 —: Was it dusty?
9 —: Pardon?
10 —: I mean, the air. I would
11 think that if you had an explosion --
12 —: Oh, yeah.
13 —: -- like that it was probably.
14 —: Oh, yeah. You couldn't
15 -- you couldn't see for a while.
16 —: Okay.
17 —: And -- and what was worse
18 than anything was the dust and the dirt and the smoke
19 went down in to the subbasement and to the basement
20 where inspectors were working down there. And they
21 had -- they had 200 inches, that would equate to what,
22 18 feet of stair to climb --
23 —: Okay.
24 —: -- to get out of that
25 atmosphere down there.

1 —: So it wasn't just the people

2 in the pot room?

3 —: No. There was a basement

4 level where the furnaces were and then there was a

5 subbasement where the inspectors were. And if that

6 filled up with smoke and -- and soot and ash and

7 whatever, they had a little bit of a chore to climb

8 the stairs.

9 —: And -- and it was open to

10 that area? In other words, the pot room -- I -- I

11 just can't imagine the configuration. How did the

12 smoke from the pot room get down below?

13 —: Well, the -- the pot room

14 on the -- on the ground level the furnaces were about

15 three feet above the floor level, maybe four feet.

16 And they went down into the basement, and that's where

17 the furnaces were. And the -- the Angela (phonetic)

18 burners on the pots were what was actually firing

19 those pots, and they were on the first level. And

20 then you went down another level, and that's where the

21 saws were. As the castings came down in the

22 continuous cast they went through two levels and then
23 down in to the subbasement, and that's where they were
24 -- and that's where they were cut.

25 —: Okay.

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1 —: Any smoke that
2 occurred -- I mean, the floor was basically open. The
3 furnaces were open. And -- and those explosions are
4 volatile. I mean, they'll -- they'll shake the whole
5 neighborhood and not just -- you know, not just a
6 certain area. I mean, they're -- they're terrible
7 explosions. And it's a wonder that there weren't more
8 people killed in those explosions other than just the
9 two principals who were close. I know — was
10 involved in a couple of them and he seemed to always
11 get hit.

12 —: Yeah.

13 —: If I remember right,
14 there were people on both sides of you that didn't get
15 hit and you got hit, right?

16 —: That's how it was.
17 —: And I remember one
18 explosion that I was standing close to a pot and --
19 and another rather large fellow. And the pot started
20 to sizzle and was going to blow. And we turned around
21 and ran for the door, and they said it looked like a
22 couple of elephants coming down there. But I wound up
23 hurdling a bench and -- and got outside. And there
24 was a -- there was a black fellow followed me, right
25 behind me. And he laughed and he said I never could

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1 -- I never realized that a fat white guy could outrun
2 a skinny black guy. So --

3 —: It's all got to do with
4 motivation.

5 —: Yeah.

6 —: —, do you
7 remember any thorium blows or explosions?

8 —: No. And to be honest
9 with you I don't think we made any thorium alloyed

10 metals after the time that they lost their license or
11 gave their license up which would have been in the
12 late '80s I believe. I know there was a lot of
13 thorium stored around.

14 —: Now, that was a -- no.

15 Spectrulite was licensed with STB1488 in 1986. And
16 then that was terminated and renewed as this IL
17 whatever is O1570 in 1993. So they were never without
18 a license, a thorium license. Yeah.

19 —: Well, it's -- it's very

20 possible. I -- I don't even know.

21 —: I mean, I don't know -- I

22 don't know yet right now exactly what they -- you
23 know, what work they performed under that license.
24 But they definitely had the license. And in fact, the
25 Illinois license is in effect today. They're trying

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1 to terminate it, but they -- they can't terminate it
2 until that building is cleaned up.

3 —: I see.

4 —: So that's what they're trying
5 to do right now. All right. Well, listen that's --
6 that's extremely helpful and good. That's -- that's
7 great and if I may then let's move on to the -- wake
8 up here thing. So -- so let's turn to GSI.

9

10 (Whereupon, the GSI Affidavit Meeting was held.)
11 (The following discussion was held following the GSI
12 Affidavit Meeting.)

13

14 —: Okay. This is —
15 again. It's August the 11th. This is the second of
16 the Dow affidavit meetings, and we are pleased to have
17 — who's joined us. And — and he
18 are going to have a conversation about some unique
19 information he has to share about the Dow plant.

20 —: My name's —, and I
21 worked there for 14 years. I started in '89. And
22 I've known — since high school, we went to high
23 school together. So when he hired in we knew each
24 other.

25 —: Right.

1 —: There wasn't a lot of people
2 we knew. And you first got hired in I believe it was
3 in leaching.

4 —: Yes, sir.

5 —: You was in that leaching
6 where they would --

7 —: Leaching.

8 —: -- take all the mag sludge
9 and thorium alloy sludge and dump it.

10 —: Bus barrels.

11 COURT REPORTER: Speak up both of you
12 please. What did you say?

13 —: Bus barrels.

14 COURT REPORTER: Bus barrels?

15 —: Open up barrels with

16 jackhammers. Yeah.

17 —: What was in these barrels?

18 —: Sludge.

19 —: Sludge. And is there any

20 reason there would be sludge in barrels and not dumped

21 on the floor and --

22 —: They -- they was there for

23 years and years. They was just old barrels, and they

24 --

25 —: They were old barrels.

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1 —: We was doing a cleanup, some

2 type of cleanup to get rid of the barrels.

3 —: Okay. Now, I heard one of

4 the other guys say in the older processes they didn't

5 dump the sludge in the floor because it would mix with

6 the regular sludge. And it being thorium or beryllium

7 sludge, they would never mix them. So they would

8 always put the more hazardous stuff in barrels. Did

9 you ever hear anything of that nature?

10 —: I never heard that, but I've

11 seen --

12 —: In the early days before we

13 were there?

14 —: I never heard that, but I know
15 there was barrels and barrels --
16 —: But you did see barrels?
17 —: -- and I mean tons of it. And
18 it was there way, way before I was there. It was old,
19 extremely old.
20 —: That's what I heard too.
21 —: Right.
22 —: Was it when -- when you
23 looked was it marked in any way?
24 —: No.
25 —: Okay.

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1 —: Not that I remember.
2 —: Danger or caution?
3 —: No. None of that.
4 —: Okay. Very good. And —,
5 just for record what -- what years did you work?
6 —: '89 to —.
7 —: 1989 to —?

8 —: Well, when did we leave? When

9 did we go out?

10 —: —. It was July.

11 —: Yeah, —.

12 —: Yeah. Right.

13 —: Okay.

14 —: —.

15 —: Thank you.

16 —: When we got hired in. And

17 how long was you in leaching?

18 —: For about a month.

19 —: A month. Did you ever notice

20 any rashes or anything of that -- nothing peculiar?

21 —: No. I know when we'd clean

22 the press, I mean, you'd get terrible vapors off of

23 it. And we took the stuff outside.

24 —: Ammonia vapors?

25 —: Yeah. And we took stuff

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1 outside and dumped it on the ground. It was extremely

2 filthy.

3 —: The reason I ask is another

4 person was talking about working in there for years

5 and never was allergic to anything.

6 —: Right. I did get sick back

7 there once. I don't know if it was something from

8 home or there. But it was a real -- it was a

9 different type of sickness. You know what I mean?

10 —: What was it you was around --

11 —: I made it through.

12 —: -- when it happened? What

13 type of materials or --

14 —: Well, there was a pile --

15 besides the barrels there was piles of sludge, and we

16 actually worked right in the middle of it. I mean, it

17 was there, dust. I mean, you was just in the middle

18 of it, you know.

19 —: Nose bleeds or anything of

20 that nature?

21 —: No.

22 —: Nothing like that. Good.

23 —: Just real nauseated, just a

24 terrible feeling one day, you know.

25 —: Now, when you worked in the

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1 pot room what years was that you was in the pot room?

2 —: I was in there for five years.

3 So I guess '89 to whatever, five years.

4 —: And while you was in there

5 you ever remember any thorium runs?

6 —: I remember what we took from

7 the leaching process coming to the mag floor, you

8 know. And that's what the word was, we're getting rid

9 of some bad stuff, you know. And they really --

10 nobody really told us exactly what it was. You know,

11 we just assumed it. Then I worked in there during the

12 cleanup and wore the badges that got lost.

13 —: The badges were wore during

14 that cleanup though, not during a production?

15 —: Well, one unit was running and

16 the other unit was a clean --

17 —: Oh, I understand. Okay. So

18 one unit was wearing badges and the other unit wasn't?

19 —: Right. Exactly.

20 —: Was it the billet unit that

21 was running wearing the badges?

22 —: The slab.

23 —: The slab unit. Okay.

24 —: The slab.

25 —: Do you ever remember the

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1 billet unit ever running anything like thorium or

2 beryllium?

3 —: Well, whatever came from the

4 leaching process went to either unit.

5 —: Uh-huh.

6 —: You know, whatever you was

7 running, just a little bit of this and a little bit of

8 that. They was real particular of how much. You

9 know, you could only use just a little, you know.

10 —: What I was trying to find out

11 was if they ever ran any thorium on billets form. But

12 it -- as far as you know it was only slab form on the

13 slab side?

14 —: Well, on -- during the cleanup

15 it was just a melting process.

16 —: Uh-huh.

17 —: Just melt it, you know.

18 —: Just -- okay.

19 —: And it'd get dumped out in the

20 tubs, and I guess they got shipped or whatever.

21 —: This would make sense because

22 the slabs were -- thorium slabs were produced over in

23 the rolling mill, I mean the sheets. And they would

24 have to come from slabs. And since we never produced

25 any thorium over in extrusion that we know of that

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1 would give credence that there was no thorium billets

2 produced for us to run. Because if you -- all you ran

3 was slabs with radioactive or highly contaminated

4 material and not billets, that would make sense

5 because we never ran anything like that in extrusion

6 but they did a lot over in the rolling mill. Is that

7 right?

8 —: Well, there was some slabs in
9 the -- the rolling mill up against the wall that had a
10 little warning on it.

11 —: What wall was this?

12 —: I guess it would be the west
13 wall. It'd be next to the old slitter they removed.

14 —: This may be what --

15 —: -- past the 2 Mill. Right --
16 real close to the 2 Mill.

17 —: This may be what—
18 was referring to --

19 —: Yeah. I remember them.

20 —: -- as the thorium slabs.

21 —: There wasn't a lot. I'd say
22 six, eight, five, or something, you know.

23 —: Okay. And was they pretty
24 wore out or --

25 —: They were just old. Old metal

1 just laying there, you know.

2 —: That's what he -- okay.

3 —: That's why —, when she

4 became pregnant she had to leave work for a while.

5 That's what I was told.

6 —: Uh-huh.

7 —: You know, I'm not --

8 —: Well, that's exactly the same

9 story.

10 —: Let me -- I'm -- I'm getting

11 off here. —, you're talking about a cleanup

12 operation?

13 —: Yes, sir.

14 —: So maybe I need to

15 understand. So when are we talking about now?

16 —: Well, in '89 I hired in. So I

17 guess in -- shoot. The cleanup -- well, I know -- I

18 know exactly when the cleanup was because I -- right

19 before the cleanup I bought a new -- brand new car

20 because I got laid off. In '92 we did the cleanup

21 with the badges, the suits, and the paper masks. And

22 there was like -- like something you'd -- like a

23 flagging running around parts of the unit. But it
24 didn't matter because everybody had to get around on
25 the other side of it anyway.

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1 —: In 1992. You -- you were not
2 here when we talked about this. But there was a
3 company that came in called Environmental Restoration
4 Group.

5 —: Uh-huh.

6 —: And they cleaned -- what --
7 what their report talks about is not cleaning up
8 inside the pot room, but they were cleaning up the --
9 the acreage with the buried material next to the
10 castings department to Building 7. So this is a
11 different situation. You're not talking -- they --
12 they came in and they cleaned up and they took a
13 thousand railroad cars full of material of sludge
14 away. But this is something different that you're
15 talking about, right?

16 —: Yeah. I'm talking about

17 actually a melt. We're melting the barrels --

18 —: Okay --

19 —: Of sludge.

20 —: -- yeah, of waste.

21 —: And the barrels had been

22 there for a long time. That's what you're saying?

23 —: Yeah. Just pretty --

24 —: And now they're getting rid

25 of it?

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1 —: Right.

2 —: All right. I'm sorry.

3 —: Now they're getting rid of it.

4 Yeah. Exactly.

5 —: Okay. I'm with you.

6 —: And you said you wore a badge

7 during this process?

8 —: I wore a badge, like a

9 abatement type suit, and a dust mask which not a lot

10 of people wore. You know, it was just a dust mask.

11 And we -- they picked certain people to do this. It
12 was kind of odd. You know what I mean, certain people
13 was picked out, so we did it. You can't tell them no.
14 —: Not a -- not a standard work
15 crew but individuals that worked on -- in the --
16 —: Yeah.
17 —: -- in the pot room?
18 —: Yeah. Yeah.
19 —: Okay.
20 —: And we had the spec lab people
21 out there. We had —, —, — -- that's
22 company people. And me and — (phonetic),
23 we was kind of curious about this stuff. You know, we
24 talked about it, but you couldn't say much about it
25 because you got to do your job. You know, you're

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1 going to get in trouble if you don't. And as we would
2 do the cleanup we would get more scareder (phonetic)
3 every day because some foremens was pretty brave about
4 it, and other foremens like they'd stay way away, you

5 know. And some would say it wouldn't hurt you, and we

6 didn't know. But you got this in your thing right

7 there what I told you. We had a -- a lady out of the

8 lab, —, I can't remember her last name.

9 —: I believe —

10 identified her as — (phonetic) or —

11 —. That's it.

12 —: But as we worked there longer

13 as the days went on you'd get pretty paranoid in a

14 way, you know. And I remember asking this — --

15 and if you get ahold of her, I bet she might remember

16 it too. Because I was kind of curious if this was

17 going to hurt us. You know, why are we throwing away

18 our clothes. You know, we're putting our clothes in

19 trash bags and they're getting pitched somewhere I

20 guess.

21 —: Uh-huh.

22 —: Because usually they just got

23 washed.

24 —: That's good -- that's good.

25 You'd put it in trash bags after every shift, or was

1 it just this --

2 —: Every shift.

3 —: -- one shift?

4 —: Yeah. Every shift.

5 —: Every shift?

6 —: Every person's clothes got put

7 in trash bags, clear trash bags. And she -- I asked

8 her one day in there -- I said I was -- like I said, I

9 was scared about this stuff starting to bother me.

10 And I said if -- she said don't worry about it, it

11 ain't going to hurt you, blah, blah, blah. And she goes

12 there's more radiation comes out of a microwave than

13 it does out of this. Well, we was sludging in the

14 barrels.

15 —: So you knew there was

16 something out there?

17 —: Well, we had Geiger counters

18 too. I don't know nothing about Geiger counters, but

19 we had them. So we -- there was training, period, you

20 know. But anyway, we went -- me and her went to the

21 Geiger counter right in the shack. She put it up

22 there, and the needle just like barely moved. Then we
23 went straight to the barrels with hot molten sludge in
24 it, and the needle pegged out. You know, so that was
25 pretty crazy.

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1 —: Now, you said you wore a
2 badge during this cleanup. Did you ever get your
3 readings off your badge or --
4 —: Never have.
5 —: Did you ever ask?
6 —: Yeah.
7 —: Repeatedly?
8 —: Right after the cleanup I was
9 laid off for six weeks, the whole crew was.
10 —: Uh-huh.
11 —: And as soon as I -- I can
12 remember it as plain as day because I bought a car as
13 soon as I got laid off.
14 —: Right. — you mentioned.
15 —: It was kind of crazy --

16 —: Yeah.

17 —: -- but I did it, you know.

18 But as soon as I came back my first safety meeting was

19 on a midnights. I asked about the badges first thing.

20 Well, there was a bunch of old-timers in there and

21 they said -- they said oh, don't worry about it, we

22 used to sit on this stuff and all this stuff, you

23 ain't going to turn green and stuff like that, you

24 know so --

25 —: Where was --

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1 —: -- or glow.

2 —: Where was —

3 after this when you came back?

4 —: I never seen her again.

5 —. She was never there after

6 that?

7 —: I never seen her again.

8 —: Did she report the findings

9 to the company that you know of, or did she say she

10 was going to report her findings that you and her

11 discovered?

12 —: Well, when she seen the Geiger

13 counter do that she changed. I don't think she wanted

14 to be in there no more either.

15 —: Uh-huh.

16 —: You know I mean, can you blame

17 her, you know?

18 —: No. No. That's very good.

19 Now, while you was in the pot room -- I was speaking

20 to another employee who talked about a pot -- or about

21 cans, aluminum cans larger than a soda cans, about

22 twice the size.

23 —: Yeah.

24 —: And they had little ingots

25 inside of them. Do you ever remember alloying those

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1 cans?

2 —: You know something, I do, but

3 I -- I couldn't tell you what it is, you know.

4 Because we alloyed so much stuff here and there like

5 little specialties seemed like once a month.

6 —: — mentioned steering

7 wheels and a lot of car parts.

8 —: Yeah. That was from GM or

9 something. But it was always -- there was always

10 something going on that'd be a little bit -- I mean --

11 —: I personally remember seeing

12 one of these cans sitting on the side of the wall on a

13 thing. And I asked if you ever --

14 —: It was --

15 —: -- noticed it when they had

16 Russian writing on it. Nothing of that nature. But

17 did you alloy them? Ever alloy a can or --

18 —: Yeah.

19 —: -- any of the content?

20 —: Yeah.

21 —: The whole can, or did you

22 have to break it open?

23 —: I don't think we broke it

24 open.

25 —: Okay.

1 —: No. I think we -- it just

2 melted.

3 —: Did anybody --

4 COURT REPORTER: Both of you speak up.

5 —: I really can't say on that.

6 —: Did they tell you the --

7 —: I remember it, but I can't

8 remember --

9 —: -- what the alloy was you was

10 putting in or -- in the cans?

11 —: No. I don't remember.

12 —: Okay. That's good.

13 —: I don't remember.

14 —: — can I ask you a

15 question about -- I'm trying -- I want to make sure I

16 understand. So at -- so on the -- on the cleanup

17 operation did you basically clear out those barrels of

18 the old material?

19 —: Yes, sir.

20 —: Melted them all down?
21 —: Right.
22 —: And then so that process
23 ended. And then did they say well guys, you all have
24 -- did they give a paid vacation?
25 —: No. We was actually laid off.

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1 They laid off our crew.
2 —: They really laid you off?
3 —: I mean, maybe not just the pot
4 room. There was so many people got laid off, and most
5 of the people in the pot room was newer --
6 —: Okay.
7 —: -- you know. And I -- yeah.
8 We just got laid off.
9 —: But I mean, do you think that
10 was a coincidence? I mean, that sounds like an odd --
11 —: I thought, yeah, it was -- I
12 thought maybe it was like they with lead or something,
13 maybe it's to let the stuff to get out of you for a

14 while, you know, or don't ask about the badges. I

15 didn't know. Me and my friend —we'd

16 question each other about it, you know. So --

17 —: But -- but it wasn't like a

18 firing, right? You -- but --

19 —: No. It was actually --

20 —: But you were not paid?

21 —: I -- I signed up for

22 unemployment.

23 —: Okay. But I mean, the

24 company stopped paying you?

25 —: Exactly.

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1 —: And -- and what -- and I am

2 curious. What is the reason they provided to you?

3 —: Shoot.

4 —: I mean, you've done a job,

5 you've cleaned up something. Now do they just say --

6 —: I guess it was --

7 —: -- thank you very much, we'll

8 see you in six week?

9 —: You know -- you know you got a

10 good point there. Yeah.

11 —: I think I can add to that.

12 COURT REPORTER: Your answer?

13 —: He's got a good point there.

14 I actually don't know why I was laid off truthfully.

15 —: After the 1991 Gulf War a lot

16 of the military orders --

17 —: —, I -- I'm interested

18 though --

19 —: -- dropped off.

20 —: I want to -- yeah.

21 —: That would also --

22 —: I would like to stick to —

23 -- what he remembers.

24 —: That's what I was trying to

25 add to it.

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1 —: There you go.

2 —: Well --

3 —: Military orders --

4 —: No. I want to know what --

5 —: -- completely dropped off

6 after that and so did a lot of production. We went

7 from three shifts to one to two shifts. So after '92

8 a lot of the factory throughout the rolling mill --

9 —: Right.

10 —: -- extrusion, and casting did

11 have a drop in production because of -- of orders.

12 —: But I still think that's a --

13 that's a remarkable coincidence.

14 —: You -- he's got a good point

15 because that pot room it ran. That was the heart of

16 the plant, and they ran it to make --

17 —: Right.

18 —: I mean, that's where -- that

19 was money maker right there, you know.

20 —: Was this a radiological

21 cleanup, or was this like, you know, your bedroom

22 clean -- I mean, just clean your work area up type

23 clean up?

24 —: Well, we melted radioactive

25 chips with the Geiger counter.

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1 —: So it was a radiological

2 cleanup?

3 —: Yeah.

4 —: No dust removed over the

5 beams, nothing of that nature?

6 —: Wherever -- at the end of

7 every shift you took a air lance and you blew all the

8 dirt out in the middle and swept it up with a sweeper.

9 —: Oh, you did?

10 —: And I mean, they probably

11 still do that there today. Yes. Every shift.

12 —: And -- and when you -- when

13 you did that did they check any of that with a Geiger

14 counter, or it was just swept up?

15 —: No. The Geiger counter would

16 be like just setting in here laid on the table. If

17 somebody wanted to pick it up, they would. We -- we

18 didn't even know what it was, you know. Because --

19 —: Okay. Okay. You just swept

20 it up. Okay.

21 —: -- ain't nobody was checking

22 nothing. Yeah. Right.

23 —: Sorry. Okay.

24 —: No. That's fine.

25 —: You was in maintenance.

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1 About what time was you in maintenance, '96, '97?

2 —: I worked on leaching for a

3 month, mag floor for about five years and I think the

4 aluminum unit for about four years or so, then I went

5 into maintenance.

6 —: And then you went into

7 maintenance?

8 —: Right.

9 —: Okay. Now, while you was in

10 a maintenance did you ever watch any survey teams or

11 radiological teams come in and take any readings or

12 samplings?

13 —: Yeah. It was kind of --
14 anyway, back on the pot room they took like 7 or 13
15 barrels, that's all they could have. I remember a
16 number and it was real weird. And they put it back in
17 this room back there. I remember that plain as day
18 too. But anyway, back to the other cleanup in
19 extrusion.
20 —: This was around 2000?
21 —: Yeah.
22 —: Okay.
23 —: For some reason I just
24 happened to be working that shift on days. —
25 — (phonetic) asked me if I could take two

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1 people on top of grandma crane which we called it,
2 take them above 7 Press and stop at a certain location
3 so they could collect dust for samples. Okay. So I
4 drove grandma crane with them guys on top of the
5 bridge to 7 Press, stopped the crane, turned off the
6 power, got on top with them, and watched them and

7 asked questions. Well, they had like a Tupperware
8 container type deal with a plastic lid and some almost
9 like soup spoons, you know, just big spoons. And they
10 had aluminum foil for something too. And they had
11 Geiger counters also. Well, they got on top of the
12 bridge up into the steel reaching height and took the
13 stuff off and put it in these little containers. And
14 I asked him -- I go hey, I go I work up here every
15 day -- matter of fact, I cleaned them cranes too. But
16 I work up here every day, is -- can this -- is this
17 going to harm me. And the dude told me that it's not
18 going to bother you unless you eat it or breathe a
19 whole bunch of it. And I said okay. And then I --
20 then I said well, what happens if you breathe a bunch
21 of it, what's it going to do to you. And this guy
22 told me -- it's a young dude. He said it's probably
23 -- you'll probably get blisters and tumors in your
24 lungs.

25 —: Were there only two of them?

1 —: I thought there was two.

2 There might have been three, but I thought there was
3 two.

4 —: Maybe one was on the ground?

5 —: —, I want to ask you a
6 question please.

7 —: Okay.

8 —: So -- so all of that, I
9 understand the context of it.

10 —: Right.

11 —: But what I'm very interested
12 in is did these people who you were kind of guiding up
13 to the rafters -- did they identify themselves as to
14 who they were?

15 —: No. They -- they might have,
16 but I can't remember. I didn't -- I'm sure I had to
17 know who they was. I -- EPA Cleanup or something.
18 You know --

19 —: Were they just wearing
20 coveralls?

21 —: No. Now, wait a minute. I
22 want to find out what — -- let's see. Did you know

23 why they were there?

24 —: Yeah. Yeah.

25 —: And what -- why did you think

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1 they were there?

2 —: To see if there was any

3 radioactive stuff in the --

4 —: Okay.

5 —: -- steel, up in the steel on

6 top of the crane.

7 —: Right.

8 —: Yeah.

9 —: And then -- and -- and so

10 they were up there taking these samples. But were

11 they -- and they had a survey meter with them?

12 —: It was a Geiger counter.

13 Yeah.

14 —: Uh-huh. And were they

15 telling you we're getting high readings or --

16 —: I did look at it then too

17 because --

18 —: Uh-huh.

19 —: -- I was curious.

20 —: Yeah.

21 —: You know, I -- I went -- I

22 went right up there with them, you know.

23 —: Okay. That's good for you.

24 —: You know what I mean? I mean,

25 I watched because I wanted to see what's going on.

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1 And the needle did move on it, but it didn't move like

2 it did on the mag floor.

3 —: Okay.

4 —: I mean, it moved a little bit,

5 but it wasn't like on the mag floor it was going

6 crazy.

7 —: Uh-huh. Well, just so you

8 know, that -- that was the Army Corps of Engineers --

9 —: Okay.

10 —: -- cleaning up under what's

11 called the FUSRAP Program.

12 —: Uh-huh.

13 —: And they were looking -- they

14 really only cleaned up uranium dust.

15 —: Okay.

16 —: Now, their detectors also and

17 their testing detected thorium.

18 —: Right.

19 —: But so -- you know, but

20 officially that's all they cleaned up was the uranium.

21 So -- so that's -- that's interesting.

22 —: I have a question. You said

23 they put it in Tupperware cups. Did you ever see them

24 do any swipes with like coffee filters or little round

25 filters of any type?

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1 —: I watched the whole thing.

2 They was up there maybe a half hour or 45 minutes at

3 the most.

4 —: So they never really took any

5 swipes, they just took samples?

6 —: No swipes.

7 —: Okay.

8 —: They picked up the -- actually

9 picked up the dust.

10 —: That -- that's good. So --

11 so — brings up an excellent question because in

12 that report that they filed they were supposed to have

13 taken swipe samples of the surface of the Number 7

14 Press. And of course, I would be and — would be

15 and you might be very interested in what those results

16 were. And I can't find the data. I can find in the

17 report that they say they were going to do that. But

18 did you ever see anybody? I mean, that's what—

19 talking about. Not just up on the rafters, but were

20 they taking swipe samples --

21 —: I can --

22 —: -- of anything?

23 —: -- guarantee you they didn't

24 take no type of swipes. I never even heard of a swipe

25 or I don't even know what it does.

1 —: So a swipe is like a pad and
2 -- and literally they would take it and --
3 —: No.
4 —: -- you know, wipe an area of
5 a machine and then drop it into a container to keep it
6 --
7 —: No.
8 —: -- pure.
9 —: No, sir.
10 —: Okay.
11 —: I watched them now, and I'm
12 not --
13 —: That's great.
14 —: I mean, I really watched them.
15 —: All right. Well, that's --
16 that's very important. All right. Thank you.
17 —: Now, after this radiational
18 survey they had was there any other surveys that you
19 spotted when you was maintenance or was it --
20 —: Yeah.
21 —: -- or observed?

22 —: Exactly. The very next day I
23 believe or the day after -- I thought it was the next
24 day — told me also you're going to take --
25 it was a different group of guys or guy, or maybe it

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1 must have been one guy -- and go outside of casting
2 right where the old leaching process, where we stored
3 the pots. There was a aisle way and then we used to
4 have pots there. There might have been a few pots
5 still out there.

6 —: These were old pots that were
7 used?

8 —: Yeah. Used pots. They
9 always was out -- they always put them outside before
10 they pitched them.

11 —: Could they have been -- they
12 were used once before and thrown away, or were they
13 just stored out there after they're used?

14 —: Well, when times got rough
15 they'd bring them back in and we'd stick them back in

16 the unit so they could use them, you know.

17 —: Could they been thorium pots

18 that were just -- installed just to run thorium and

19 then removed?

20 —: Hey, you never know.

21 —: Do you have no idea?

22 —: I don't know.

23 —: You wasn't in there long

24 enough?

25 —: It could be possible.

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1 —: Okay.

2 —: But anyway, I took another

3 person or two -- I want to think it was two --

4 outside. And he told me to take the Bobcat and dig

5 down to ground level because they're going to take a

6 ground sample. Well, that's what I did. I dug down,

7 and they -- I guess they took their sample and I left.

8 —: No where near extrusion?

9 This was in the casting area?

10 —: Across from extrusion.

11 —: Okay.

12 —: Nowhere near it. They took a
13 ground sample I guess. That was my job just to dig it
14 out so they could take a -- they wanted -- they showed
15 me a spot right where to dig at. And that's what I
16 did and I left.

17 —: And how far would you say
18 that spot was from the building, the -- the wall of
19 the building?

20 —: Outside of casting I would say
21 across the -- the roadway -- shoot -- 15 foot, 20
22 foot. Twenty foot. Twenty-five at the most.

23 —: Okay. Okay. Great.

24 —: Did they remove any sample or
25 did they just take -- I mean, remove any soil --

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1 —: I don't know.

2 —: -- did they just take
3 samples?

4 —: I don't know. All I know is I

5 -- that was my job --

6 —: Okay.

7 —: -- to do that so they could

8 get in there. They was going to auger down so many

9 feet or a little ways down.

10 —: You mentioned --

11 —: Yeah. How -- I'm sorry. How

12 deep do you think you went with that Bobcat?

13 —: Just enough to get into some

14 good dirt.

15 —: Okay.

16 —: I mean, an inch or two, you

17 know.

18 —: Okay. Just you scratched the

19 surface up?

20 —: I just scratched the surface.

21 Yes, sir.

22 —: Okay. Got you. Okay.

23 Excellent. Okay.

24 —: Do you have any memory what

25 they did with this area after you -- after the samples

1 and cleaned it up?

2 —: Well, I know for sure. They

3 -- they took truckloads and truckloads, and truckloads

4 and added -- I can't remember what they hauled all the

5 --

6 —: Of soil?

7 —: Yeah. They -- they completely

8 cleared that out. Now, this wasn't right -- right

9 after, but it wasn't long after. They took all this

10 dirt because I was talking to somebody because you

11 know how people talk at work. But I remember the

12 truckloads were flying in and out of there of dirt.

13 And it's like man, if that stuff's contaminated, it's

14 just blowing in the air.

15 —: And they didn't have no tarp?

16 —: I mean, that's back before you

17 had --

18 —: They didn't have them

19 covered?

20 —: -- they had the tarp.
21 —: Uh-huh. Okay. So they were
22 open trucks that they were loading the soil into --
23 —: Open trucks.
24 —: -- and hauling them off?
25 —: Eighteen wheelers, big trucks.

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1 —: Eighteen wheelers. Okay.
2 —: Yeah. And --
3 —: Wait a minute. We've got to
4 stop. Do you have any way to know -- do you -- was it
5 your feeling that the -- the -- the guys that were up
6 on the rafters, were they the same group of people
7 that were driving these trucks away?
8 —: No. No. They -- I guess the
9 guys were -- they'd be like, I don't know, chemists or
10 lab type people, you know, that were doing the
11 sampling I would assume. They wasn't the truck
12 drivers. No. Now, the truck drivers I never seen
13 personally up close, but I -- I could look out of

14 casting or extrusion because I got around the whole

15 plant.

16 —: Uh-huh.

17 —: I could see what they were

18 doing. I mean, I couldn't stand there all day and

19 watch them, but I'd notice, you know.

20 —: Do you -- do you remember

21 were the trucks marked in any way?

22 —: You know something, I almost

23 think they was like a local type trucks, you know. I

24 don't remember no specific marking like you would

25 really notice. It seemed just like regular old truck

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1 drivers you see every day. So --

2 —: But I mean, now we're talking

3 about 18 wheelers, the regular closed, covered kind

4 that we're talking about.

5 —: Open like you could dump in.

6 —: Oh, open.

7 —: Yeah. Open top. The top was

8 open.

9 —: A great big huge.

10 —: Yeah.

11 —: Okay.

12 —: Right.

13 —: All right. Now well, I --

14 —: Now like I said, I didn't

15 stand there and watch, but I noticed them.

16 —: I -- I usually like to ask

17 people and just let them talk, but I'm going to -- I

18 need to intervene --

19 —: Okay.

20 —: -- because from what we all

21 know the Army Corps of Engineers came in. They were

22 forbidden to look at anything except the rafters. And

23 so they did that. They did not remove any dirt. They

24 didn't do any kind of removal action outside. So from

25 everything that I know then that was something done by

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1 either Spectrulite or somebody they hired. But it had

2 nothing to do with the Army Corps of Engineer
3 remediation of the uranium which was only on the
4 rafters. There was no uranium detected outside the
5 building. In fact, in the official report there's no
6 -- anything detected outside. There was a little
7 radium 226 which the Army Corps said was natural for
8 this area of Illinois in the soil. But what you're
9 describing -- and I just want to get it straight,
10 that's why I'm talking -- you're talking about so --
11 so the -- what the truckloads took away. Did somebody
12 dig down into the ground then? In -- in other words,
13 you're -- I'm not -- you said you scratched the
14 surface?
15 —: Yeah. That's what I did.
16 —: What were they taking away?
17 —: I guess the soil.
18 —: But I mean did they take --
19 —: You know, I mean, it was --
20 —: -- the old soil --
21 —: -- it was --
22 —: -- or was there sludge or
23 slag outside?
24 —: Well, there was -- we put old

25 pots out there.

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1 —: Okay.

2 COURT REPORTER: Old pots?

3 —: Yeah, pots.

4 —: Pots, P-O-T-S, right?

5 —: Pots, yeah. And it was like a

6 wasteland out there.

7 —: All right.

8 —: And I mean it wasn't

9 beautiful. It was like junk piled here and pots and

10 it was just -- like in between the building you'd

11 throw a bunch of junk, man, you know.

12 —: Okay. So -- so those trucks

13 could have been taking some of that junk?

14 —: No metals, all dirt.

15 —: And it was trucks?

16 —: All dirt?

17 —: It was all dirt.

18 —: All right.

19 —: Because alongside the building
20 was the junk and out in the middle it was the dirt.
21 —: That's fine. Okay. Good.
22 —: What would be your estimate
23 of how many trucks were probably hauled off?
24 —: Like I said, I -- I didn't
25 watch it. You know, I'd oversee -- I seen it, but I

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1 didn't watch it.
2 —: More than one?
3 —: Oh, hell, yeah. A lot. A
4 lot. There has to be.
5 —: Okay. So if there was this
6 hole in this ground, did they refill it or would --
7 did you have to refill it or was it left?
8 —: No. All I know is I seen what
9 they was doing. I'm busy. You know, I can't stand
10 out there and watch them dudes do that.
11 —: Right.
12 —: But they came back and they

13 planted grass and it was beautiful. It was the best
14 looking lawn I ever seen in my life. You know, it was
15 like what the heck's going on here, that looks nice.
16 Nobody in the whole world's going to see it, but
17 that's what they did.

18 —: So someone had to fill the
19 hole back in apparently?

20 —: Well, I don't know -- even
21 know if it was a hole. I can't remember them digging
22 a hole. I mean, I remember them trucks coming in and
23 out and all the sudden this was a big, nice cleanup.
24 And I had the dudes out there so they could auger, you
25 know, for a ground sample. And all the sudden they

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1 got it cleaned up and pretty grass. You know, I'm
2 back to work, you know.

3 —: That's very interesting.

4 —: —, may I ask you a

5 question because this may be -- you know, in all my
6 notes I have a sort of a question mark because I -- I

7 never got a real good date for that cleanup that was
8 not the US Army Corps of Engineers, but this may be
9 the one we're talking about. So it was really
10 followed right on the Army Corps of Engineers being
11 there, right?

12 —: No, sir.

13 —: Now, we're talking about

14 2000.

15 —: Right. July, 2000 he's

16 talking about.

17 —: Right.

18 —: I believe a radiologic survey

19 that they took before the cleanup was done around May.

20 —: Right.

21 —: And --

22 —: But when -- when was the

23 actual --

24 —: The cleanup was July -- the

25 4th of July week of 2001. And I believe --

1 —: No. No. No. No. No.

2 That's not true. No. The -- the Army Corps of

3 Engineers cleanup was in 2000.

4 —: 2000. Excuse me.

5 —: 2000.

6 —: The 4th of July week of 2000.

7 —: Right.

8 —: I'm sorry.

9 —: Okay.

10 —: And --

11 —: I'm trying to figure out when

12 exactly this operation that — is describing took

13 place.

14 —: I believe it -- according to

15 what he was saying about the survey going over the 7

16 Press --

17 —: Right.

18 —: -- well, that had to be done

19 before the initial cleanup.

20 —: Right. Uh-huh. Correct.

21 —: And I believe that was done

22 around May if I'm not mistaken --

23 —: All right.

24 —: -- from what I remember. So

25 his time line should be a month or two behind that

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1 which is close to the cleanup by FUSRAP over the

2 presses.

3 —: Uh-huh. Uh-huh.

4 —: So the two seem to be really

5 close together in a time line.

6 —: So do you think this -- that

7 the truck -- the truckload episode could be also in

8 July?

9 —: I believe so.

10 —: Okay. Okay.

11 —: Yes, I do. Because --

12 —: So I mean, it's right at the

13 same period of time?

14 —: He said they took a survey

15 shortly afterwards. And if it was -- the first one

16 was in May, then it could have been right beginning of

17 June.

18 —: Okay.

19 —: So July was the cleanup

20 another month later. So yes, this all makes sense.

21 —: Okay.

22 —: The time line fits in.

23 —: That's great. Okay. All

24 right.

25 —: Do you remember --

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1 —: So July, 2000 was also --

2 somewhere in that time frame was this cleanup with the

3 trucks that we're talking about. Okay.

4 —: I think so.

5 —: That's great. Okay.

6 —: Was there any other -- well,

7 you were in rolling mill and you was in all the

8 departments because you was a maintenance man.

9 —: I was all over the place when

10 I was there.

11 —: You was all over the place.

12 —: Yeah.

13 —: Did you ever see any warning
14 signs anywhere for any type of metals or materials?

15 —: The rolling mill by the slabs
16 there was some type. It was like nothing hardly
17 though. I vaguely remember something, but it wasn't
18 flagged off. I think there might have been an old
19 yellow flag laying on top of it, and everybody said
20 stay away from it or something. I didn't know.

21 —: That was the only type of
22 warning there was. Okay.

23 —: That I remember.

24 —: Okay. Was you ever -- you
25 had safety meetings every month, once a month just

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1 like everyone else I'm assuming.

2 —: On and off. Sometimes you'd
3 just sign off.

4 —: Without even having a

5 meeting?

6 —: Yeah.

7 —: You'd just sign it like you

8 was there?

9 —: Yeah. Right. Then sometimes

10 they'd skip too, you know how it goes.

11 —: Okay. Was there any mention

12 ever of any radiation or beryllium or any hazards

13 associated with any of this?

14 —: Never. No training. I've

15 never had no training on nothing.

16 —: No warnings?

17 —: Not even on -- when we did the

18 cleanup nobody even trained us.

19 —: Was you ever --

20 —: No MSD sheets. I've never

21 seen one. They might have had them in the office, but

22 they wasn't out around by us.

23 —: MSD sheets are material

24 safety data.

25 —: Right.

1 —: And that's reports you read
2 to find hazards in the workplace. Whenever you
3 started a new job you had to read the MSD sheets to
4 know what hazards were around you. And none of these
5 ever mentioned radiation, radioactive materials, or
6 any processes in my department. Was there any in
7 yours, any material safety data sheets you ever read?

8 —: No.

9 —: Do you read a lot of them?

10 —: I ain't never run -- read one
11 in my whole life --

12 —: Never read one --

13 —: -- to tell you the truth.

14 —: Okay.

15 —: Yeah. I mean, I work at a
16 place right now and I don't read them. They got a
17 pile of them there.

18 —: But they are available to
19 read, right?

20 —: Oh, yeah. Yeah. You could
21 get them if you need them.

22 —: Do you think they might have

23 been available at -- at Spectrulite?

24 —: If you wanted them, you could

25 go get one. Yeah. They --

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1 —: Okay. All right. Good.

2 —: Yeah. Yes, sir.

3 —: Okay.

4 —: And I wanted to know --

5 —: I -- it might be a hassle, but

6 --

7 —: Some employees were made to

8 read this and sign and date the back of them so they

9 knew that the supervisors would be covered if any

10 accidents or illness or any injury.

11 —: Uh-huh.

12 —: Then they would say well, it

13 says here that you're supposed to be wearing gloves.

14 And then if you wasn't, then the foreman would hold

15 you responsible. So --

16 —: Oh, but that was sort of
17 selective. Is that what you're saying?
18 —: Well, yeah. It was actually
19 mostly production workers.
20 —: Okay.
21 —: You know, for material
22 handlers and such they didn't have to so much. If
23 they put them out on the floor to handle material,
24 they usually didn't make they can read material safety
25 data sheets.

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1 —: Okay.
2 —: But only in production.
3 —: Okay.
4 —: And back to the rolling mill a
5 little while later in -- after the cleanup and all
6 that I was a plant service attendant and I was
7 unloading some diesel fuel off a trunk, pumping it in
8 the pump house. And there was a water leak out there.
9 And there was some millwrights out there, and they had

10 a hole dug and they was going to repair the water

11 leak. And there were -- I guess it was EPA too. I'm

12 not for sure who it was. But there was a guy out

13 there taking a sample.

14 —: It was an outside source?

15 —: Yeah. Outside. He was taking

16 a sample, and I asked him about the sample. And he

17 said he's never got a good sample out there yet. So I

18 just -- we kind of laughed about it, you know. Kind

19 of figured it --

20 —: So was it a water sample he

21 was taking or a ground --

22 —: Ground sample.

23 —: Okay. A Ground sample.

24 Okay.

25 —: Right.

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1 —: Didn't say what he was

2 checking for, right?

3 —: No.

4 —: Okay. And of course, you
5 never asked --
6 —: No.
7 —: -- because --
8 —: It was just like he ain't
9 going to get one, he knows he ain't he probably did it
10 so many time. I don't know who he was.
11 —: Well, I know from experience
12 there that asking a question does not necessarily give
13 you the answer or a correct answer. So I can
14 understand why a lot of people didn't ask what was
15 going on. And right, that makes sense.
16 —: Let -- let me ask you a
17 general question about that though, about what —
18 just said. Now, I -- you need to be honest about
19 this. Were you afraid to ask a question?
20 —: Well, you -- that's my job and
21 you can't stir up too much waves, you know. Because
22 as I learned as I worked out there if you're a
23 troublemaker or they don't like you, they'll wait you
24 out. They can fire you for anything, you know what I
25 mean? So you really just -- you do your job and go

1 home.

2 —: I can second that.

3 —: Now, in those days --

4 —: I liked my job, you know.

5 —: Sure.

6 —: I liked working there.

7 —: No. That -- that's fine. I

8 understand. But now, so we're talking about -- so you

9 worked there in 1989.

10 —: Thirteen years.

11 —: Thirteen years. And part of

12 that time then the union was still there and active

13 and all that.

14 —: The whole time.

15 —: The whole time?

16 —: The whole time.

17 —: Okay. So the union was

18 active up until when they went in to bankruptcy?

19 —: Yeah.

20 —: 2003.

21 —: That's right.

22 —: Yeah. Okay. So while you

23 were there though the union was basically overseeing,

24 supposed to be.

25 —: Supposed to be.

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1 —: Yeah. Now, how -- and so

2 that's -- that's another really big issue. So I would

3 think, not knowing you know, that if you couldn't go

4 to the management of the company, at least you could

5 go to your union representative. Were they helpful?

6 No? Now, you be quiet.

7 —: Yeah.

8 —: Would -- were they helpful?

9 —: Well, they had a motto. We --

10 there was a motto we went by. They worked out there

11 and the union reps would pretty much stress this. In

12 the front of the contract book or in the back of the

13 contract there was a saying they would say they can do

14 that. That's -- they did what they want.

15 —: And -- and that's -- how --

16 how did you interpret that?

17 —: Do your job and work eight

18 hours and go home or 16 pretty much.

19 —: And they -- they could do

20 that would refer to management?

21 —: Oh, yeah. Yeah.

22 —: Okay. And the implication

23 was that -- now I'll ask you a question. I don't want

24 to put words in your mouth, but I want you to say no

25 if I'm wrong. I mean, did you take that to mean that

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1 management could have their way regardless of what you

2 wanted or --

3 —: They would have their way.

4 —: They would have?

5 —: They would have their way --

6 —: Okay. That's fine.

7 —: -- bottom line.

8 —: All right. I'm sorry. Go

9 ahead.

10 —: My impression of the union at

11 the time was they were a small linked group of

12 old-timers that when a new hire, say, even as 16, 14

13 years we're still considered a new person.

14 —: A new hire.

15 —: Right. A new guy. They

16 never gave much credence to as far as grievances or

17 claims.

18 —: Uh-huh.

19 —: And I was also under the

20 impression that they were -- the president of the

21 union and some of the union officers were also in the

22 same frame of mind of don't make waves, it just makes

23 trouble. And unless it was a serious claim nobody

24 would go to the union.

25 —: And did that apply equally to

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1 the older -- or the people let's say who had been

2 there much longer?

3 —: There was a few that was in

4 the clique. They were called the disciples because

5 there was a small handful of 12 of them or so.

6 —: The disciples?

7 —: Yes. And they were mostly

8 officials in the union also. They would get sweet

9 deals on grievances where other people couldn't get

10 grievances.

11 —: Okay.

12 —: And -- and when people

13 realized this and found out real soon when they

14 started working there they realized the union wasn't

15 there to save their job, you know, it was just there

16 to keep the company from taking it from them. Once

17 people realized how the union worked they worked with

18 the union, not the union working with them.

19 —: Okay.

20 —: Well, I'll tell you a good

21 example. I was on the safety committee I think for

22 two months. And my first meeting I kind of sat in and

23 didn't say nothing. The second meeting I went to I

24 think — (phonetic) was the plant manager or

25 something like that. And I made a few remarks about

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1 some stuff that might not be real safe around there.

2 And he met me out at the timecard clock and he said if

3 you don't shave -- if you don't -- if you come --

4 don't come in with a fresh shave tomorrow, I'll send

5 you home. I don't -- so I bailed out. I was done

6 with the safety committee.

7 —: I see.

8 —: Okay.

9 —: One more thing I was wanting

10 to ask you.

11 —: I think his name was —.

12 —: — with a —.

13 —: Well, I thought I was doing --

14 I thought I was doing good trying to help them out

15 with safety and the next thing you know the dude's

16 threatening me. So I said see you, I'm done with that

17 stuff.

18 —: You mentioned something about

19 welding lids on barrels. Do you have -- can you

20 explain.

21 —: — did.

22 —: —, that's —

23 (phonetic).

24 —: —, yeah.

25 —: His nickname is —. He's

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1 a welder, a maintenance welder at the factory.

2 —: He was scared, man. He was

3 scared. He always talked about it.

4 —: What was -- do you have any

5 idea what was in the barrels?

6 —: Yeah. I think he knew a

7 little bit about radiation. I don't know. You know,

8 he was -- he was just -- he was scared about it. He

9 didn't want to do it, but he did it.

10 —: I know —.

11 —R: And me -- me and my one friend

12 — -- I mean, this might sound kind of

13 weird, but when we get by them barrels it felt like
14 you could feel it in your bones. It wasn't like -- it
15 was like a real mild ache. You could like sense
16 something, you know. It was weird, you know. I've
17 never felt that feeling in your life.

18 —: Have you ever noticed anybody
19 in the past or afterwards welding barrels shut?

20 —: I've never seen that anywhere.

21 —: You've never seen anybody

22 before or since --

23 —: Nowhere in my whole life. No.

24 —: -- at the factory?

25 —: No.

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1 —: Did you ever see any barrels
2 around there that were welded that you didn't --
3 —: I took some people to the --
4 where they stored the radiation what I was told. —
5 — told me to take them there. It was my shift
6 foreman that was also on days. I grabbed a ladder.

7 He said get a ladder, I carried it. Outside the
8 casting department there was a window in a door. We
9 took it to the window, pushed the window open, and a
10 couple guys looked in there at the barrels. I left.

11 I was assuming they was going probably take and get
12 rid of them. They were probably sitting there a
13 while.

14 —: So you never seen them leave
15 or never knew who took them?

16 —: I never seen them.

17 —: Okay. Very good.

18 —: As a matter of fact, he asked
19 me if I wanted to look in there. I said I don't even
20 want to see it. I didn't look. I knew what was in
21 there.

22 —: Did they ever give you a
23 reason why these barrels were being welded shut and
24 not -- did these bands that were being -- that were
25 tightened, tightened on them? I seen lock bands on

1 barrels before.

2 —: Right. It was like the bolt

3 type. I -- if I remember right --

4 —: Oh, so it did have a lock

5 band on it?

6 —: -- it was a band and a bolt.

7 —: And welded, both?

8 —: I think he welded the bolt or

9 something.

10 —: So it was like double sealed

11 --

12 —: Yeah.

13 —: -- with a lock band and

14 bolts?

15 —: I thought it was supposed --

16 they was supposed to go in two barrels.

17 —: So a smaller barrel went in a

18 larger barrel?

19 —: That's what I thought. I

20 might have been wrong, but I thought that.

21 —: Well, this has been back a

22 few years.

23 —: Yeah. '89 or '92.

24 —: Your best --

25 —: But they -- they actually --

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1 beyond the locking they actually welded the lid on the

2 --

3 —: They welded it I'm sure. Yes,

4 sir.

5 —: -- on the bud (phonetic).

6 Okay.

7 —: I remember seeing it.

8 —: I remember that plain as day.

9 —: And do you know what year

10 this -- do you any idea or about the time frame?

11 —: '92.

12 —: '92 also?

13 —: Yeah. That was when the

14 cleanup.

15 —: That was -- this was during

16 the cleanup, shortly after it or during?

17 —: It was during.

18 —: Okay.

19 —: It was right on at the same

20 time that they were welding the barrels.

21 —: So these were certain barrels

22 that -- now, you said you alloyed some of these

23 barrels. Now, was these barrels --

24 —: No. We didn't alloy them.

25 —: Oh, you didn't melt them?

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1 —: We melted them. And on

2 magnesium when you melt mag all the dirt or sludge

3 goes to the bottom leaving them dross to float to the

4 top. Well, all the good metal would be on the top,

5 and all the sludge would be in the bottom. You take

6 like a ladle -- ladle or the sludger and you dig it

7 out and you dump the dirt out. It's molten dirt, it's

8 red. You dump it in the barrel.

9 —: Very good.

10 —: That's what went in the

11 barrels.

12 COURT REPORTER: Say that again.

13 —: That's what they put in the

14 barrels.

15 —: Now --

16 —: I'm tired. I got up real

17 early this morning --

18 —: Yeah. He came from work.

19 —: -- about 3:30.

20 —: At one time they had ingots

21 stacked in the aisle way right across from the canteen

22 --

23 —: Uh-huh.

24 —: -- close to 7 Press. They

25 were there for months.

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1 —: I remember that.

2 —: They were stacked two stacks

3 high. They were all wrapped in shrink wrap. Now,

4 these were mag ingots that were supposedly is what the

5 rumor was was shipped -- or brought from Russia. And

6 was you in the pot room at the time, or was you in

7 maintenance when these were out there on the floor?

8 Because this was sort of around 2000 and 2001.

9 —: I might have been down on the

10 aluminum unit then. I remember them ingots.

11 —: Yeah. They sat there for a

12 long time. And the reason I'm asking is --

13 —: Forever.

14 —: -- because if they was

15 alloyed in the pot room, they would have had to been

16 alloyed really, really slow because it took months for

17 those piles to slowly disappear. And I was wondering

18 if you ever alloyed any of these in the pot room when

19 you was in there?

20 —: No. I remember --

21 —: They were easy to spot

22 because they were a dark gray instead of shiny silver

23 which gives credence to maybe they could have came

24 from Russia being the salt water and salt air has a

25 corrosive effect on magnesium. You know that from

1 working with them --

2 —: Uh-huh.

3 —: -- that if you get it wet, it

4 turns really dark gray. And these billets -- or

5 ingots I should say on these stacks were all dark

6 gray.

7 —: I don't think I -- I messed

8 with them. I remember seeing them there, but I --

9 —: So you was out of the pot

10 room by then?

11 —: I think so.

12 —: Okay. Is there a -- there

13 was a mention of four billets that were stuck in an

14 oven over in the -- over in the rolling mill and they

15 sat there for years and years and years. They were in

16 a small oven. It was a -- actually it looked like a

17 pizza oven, had legs and a big door on the front. And

18 I noticed these billets around the -- right before the

19 radiation cleanup in 2000. They sat for about four

20 months by — (phonetic) office. Now, you

21 being a maintenance man was you ever told to move any

22 material like this like an oven or a -- anything else?

23 —: I remember the pizza oven in

24 the rolling mill.

25 —: That's where it was located

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1 at first.

2 —: But I remember --

3 —: Did you --

4 —: -- I put food in it.

5 —: You remember putting food in

6 it. Okay. But you wasn't the one that was -- that

7 moved it over to --

8 —: No.

9 —: -- the paint shop?

10 —: No.

11 —: Okay.

12 —: But I know before we -- they

13 did the cleanup out there me and —

14 (phonetic), we cleaned every crane in the whole

15 building or Saturdays before they did the cleanup over

16 in the extrusion, we cleaned casting cranes, extrusion
17 cranes, and rolling mill cranes.

18 —: Did you ever paint equipment
19 or machinery being in maintenance?

20 —: Yeah. I was like the number
21 one painter out there. I painted almost everything in
22 casting and cleaned first. I -- I cleaned 7 Press and
23 painted it. I cleaned the heavy press, cleaned it and
24 painted it. I cleaned 1 Mill and painted it also.

25 —: Can I ask you this. The --

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1 that green paint --

2 —: Twenty-five bucks a gallon.

3 —: -- is that what you used?

4 —: Yeah. It was not good paint.

5 Yeah. I remember it.

6 —: And what did -- I mean, it's

7 very colorful, but did -- was there anything, other

8 characteristic of it? I mean, I'm trying to ask an

9 open -- I'm not trying to lead you. I just want to

10 know was there anything that anybody mentioned about

11 the paint? I mean, was it -- was it painting to make

12 it look pretty or, you know --

13 —: Well, the rumor was out there

14 --

15 —: -- maintenance kind?

16 —: -- when they're painting

17 they're selling. And --

18 —: Okay.

19 —: -- pretty much what -- kind of

20 what happened.

21 —: Twenty-five dollars a gallon

22 --

23 —: It was very expensive.

24 —: -- would seem to be excessive

25 for just making something look pretty. And but you

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1 was just -- basically a generic paint?

2 —: Oh, shoot. I can't remember.

3 It was an expensive paint, man.

4 —: But it was expensive?

5 —: Yeah.

6 —: You don't by any chance

7 remember whose paint it was, do you?

8 —: Yeah. I do, but I -- I'll

9 have to think about it. I painted a lot dog-gone-it.

10 And they brought gallons too instead of five gallons,

11 you know, or barrels of it.

12 —: Right. But I'm talking about

13 -- I mean, was it a brand like Sherwin Williams or

14 Benjamin Moore or --

15 —: Behr? I guess that was a --

16 —: It wasn't Behr. I don't

17 remember it right offhand. It'll come to me.

18 —: Okay. Well, I'm -- I'm not

19 trying to put -- I mean, as far as you were aware

20 though it was just paint and you were painting?

21 —: Yeah. Yellow and green.

22 —: I understand that. Okay.

23 —: How did you come across

24 knowing how expensive this was?

25 —: It had it on it.

1 —: Oh, it had the price on it?

2 —: Yeah.

3 —: Okay. Very good.

4 —: There on the can, that stuff's

5 high.

6 —: I didn't know. In case your

7 supervisor told you to go easy on it or something of

8 that nature.

9 —: They didn't care.

10 —: They didn't care?

11 —: No. They didn't care. Just

12 paint it.

13 —: Okay.

14 —: We sprayed it.

15 —: Is there anything else you

16 remember at the pot room that -- that you would seen

17 stand out or -- because you said there was only one

18 warning flag that you knew and those were on slabs.

19 —: There was no warnings in the

20 pot room about nothing.

21 —: The pot room, the rolling

22 mill?

23 —: Shoot, the pot room blew up

24 how many times, —? Three or four times that we

25 was in there, you know.

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1 —: I was in there a minimum of

2 four.

3 —: I -- I had a question for

4 —. This is just a -- a really big picture

5 question. In the whole time you worked there did

6 anybody say that you were working with thorium?

7 —: There was rumor but no -- no

8 supervision ever said. No.

9 —: Okay.

10 —: No.

11 —: And really the same question

12 about beryllium. Did anybody say —, this is

13 beryllium metal?

14 —: Beryllium if I remember right

15 we alloyed with it. We'd -- we'd toss little chunks

16 of it in the settling pots of the pots up there,

17 because I was a metal caster.

18 —: Okay.

19 —: Yeah.

20 —: So that -- that they did talk

21 about by name?

22 —: Yeah.

23 —: Okay. All right. Okay

24 —: And zirconium (phonetic), I

25 don't know if that's radioactive or not, but we used

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1 zirconium.

2 —: Uh-huh. Okay.

3 —: Can you remember any of the

4 alloy names that you used for the thorium or beryllium

5 like --

6 —: No.

7 —: They've been throwing around

8 names here today.

9 —: If you said one, there might

10 be --

11 —: Well, there are some numbers,

12 you know, like HM, things with H. And then there is

13 another alloy that Dow is actually pretty famous for

14 called lockalloy.

15 —: I've never --

16 —: And that was aluminum and

17 beryllium. But yeah. Okay. All right.

18 —: You worked all over the plant

19 so you was in casting of course. And now the aluminum

20 unit up front -- now, that was almost a separate part

21 of course from casting and from the mag unit. Did you

22 ever hear of anybody alloying any special metals in

23 the casting and the aluminum? Now, we've heard it in

24 -- in the pot room for magnesium, but we haven't heard

25 anybody tell us anything from the aluminum unit.

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1 —: At the aluminum unit I was a

2 metal caster.

3 —: Okay.

4 —: So then you had the crew

5 leader, he did the alloying.

6 —: Okay.

7 —: And there was some funny stuff

8 that came in there, but I didn't alloy, you know. I

9 just cast it.

10 —: What do you mean by funny?

11 —: Well, there was -- well, I

12 don't guess it was funny, it was different.

13 —: Okay.

14 —: And there was -- there was

15 some type of can type stuff there, and I don't -- I

16 don't have no idea what it was. You know, I don't

17 know.

18 —: Your job was to do what you

19 were told and that was it?

20 —: Well, I didn't do it.

21 —: I see.

22 —: I was in the hole, you know.

23 I was a metal caster.

24 —: Now, they had giant spools of

25 wire --

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1 —: Yeah.

2 —: -- or shiny wire that would

3 feed into the trough --

4 —: Right.

5 —: -- right before it entered

6 the mold.

7 —: Right.

8 —: So it was never in the rooms

9 or the melting rooms.

10 —: Right.

11 —: Do you know what those coils

12 were?

13 —: I forgot the name of them. I

14 did it every day though.

15 —: Now, it was a hardener

16 though, wasn't it --

17 —: Yeah.

18 —: -- that you used to harden

19 the alloys?

20 —: Yeah. It was probably about a

21 quarter inch around. It was on a spool.

22 —: Excuse me. Let me show you a

23 piece and see if you can identify it.

24 —: It would run in the -- it ran

25 in every -- we ran it in the trough.

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1 COURT REPORTER: You ran it in the --

2 —: Huh?

3 COURT REPORTER: You said you ran it in

4 the what?

5 —: We ran it in the trough for

6 the cast. Yeah. That's -- I would say that's it.

7 —: I removed a piece of it and

8 they made a key chain years ago. Does that look

9 familiar?

10 —: Yeah. That's it.

11 —: Okay. Does that identify it?

12 —: Yeah. That's it.

13 —: Now, I was told that it was
14 titanium used as a hardener. But of course like you
15 said, you did what you're told. I was told it was
16 titanium, you know, that's used as a hardener, but --

17 —: I don't think it's titanium.

18 —: -- I -- you know, that's --
19 we was told a lot of things there that would seem to
20 be --

21 —: I'll tell you what, tomorrow
22 I'll remember what that is though believe it or not.

23 —: Okay. Could it have been
24 another type of hardener like the thorium alloys they
25 used?

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1 —: Actually, it could be
2 anything, you know. I mean, it wasn't labeled. We
3 got big spools of it, and there was no tags on it. So
4 I mean, who knows what it is.

5 —: Okay. Now, did you ever
6 have --

7 —: —, let me ask you a

8 question.

9 —: Okay.

10 —: What do you think that is?

11 —: Well, since they said it was

12 like hardener and since I know titanium is a hard

13 alloy, I thought it was the last step in a process of

14 hardening the metal. They had soft aluminum, medium,

15 and then hard aluminum.

16 —: Okay.

17 —: And so I figured when they'd

18 run the hard aluminum it may have been a final step to

19 get the alloy they wanted.

20 —: Uh-huh.

21 —: And so I assumed it was in

22 there and harmless and just titanium. And because it

23 was so hard, extremely hard -- to bend this took a

24 three pound hammer and several, several minutes to

25 bend this.

1 —: Uh-huh.

2 —: Now, when I cut these as

3 everybody else did who worked there they used to use

4 bolt cutters to start it.

5 —: Uh-huh.

6 —: And it would take quite a bit

7 of force to cut it with a bolt cutter, almost as a

8 lock.

9 —: Uh-huh.

10 —: Now, when I ground these flat

11 this doesn't ground out down flat like aluminum. I

12 mean, you ground, and ground, and ground with a hand

13 grinder --

14 —: Uh-huh.

15 —: -- and a long period of time

16 just to get one side flat. So I know it's a very hard

17 alloy.

18 —: So what do you think it is?

19 —: I'm -- I was hoping it was

20 titanium, but now I'm not so sure.

21 —: Okay. But that's your

22 working --

23 —: Yes.

24 —: -- assumption?

25 —: That's my working --

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1 —: Okay.

2 —: And I had it in my pocket for

3 years.

4 —: It feels light for --

5 —: Yes.

6 —: It -- it looks heavy, it

7 feels quite light. So --

8 —: But to scratch it and to

9 grind on it and to cut it will take a lot of effort.

10 —: Okay.

11 —: So I can leave this with you.

12 —: Okay.

13 —: That's why I asked that. And

14 is there any time they ever used a process like that

15 in the pot room that you know of where they would have

16 a spool?

17 —: I've never seen that in the
18 pot room ever. They ran that in the aluminum unit
19 every day, every run right there.
20 —: Really?
21 —: Yeah. I mean, it could have
22 been different alloys. I don't know. But there were
23 spools of them. You always had that around, and we --
24 we took --
25 —: Now, they were set at

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1 different speeds, were they not? Sometimes the speed
2 on that feed was faster. The other was --
3 —: They had different speeds on
4 there. That's right.
5 —: And -- okay.
6 —: It was like the water.
7 —: I remember a dial being on it
8 also.
9 —: Top speed, yeah.
10 —: And for slower speeds. Okay.

11 —: I used to have all my notes
12 and I left them at the plant when they ran us off.
13 —: I plan on getting all the
14 alloy numbers from — who also worked in
15 the pot room.
16 —: Uh-huh.
17 —: And he actually took a sheet
18 home with him one day. So --
19 —: Uh-huh. Great.
20 —: -- I'm going to try to get
21 ahold of those and get you a copy.
22 —: That'd be great.
23 —: And he actually probably had
24 the beryllium and thorium alloys on the sheet also.
25 —: That'd be great. Okay.

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1 —: I got a question yet. Is
2 zirconium -- what's zirconium? Is that radioactive?
3 —: No. It's not.
4 —: Okay. I didn't think it was.

5 I was just curious.

6 —: And my question is lithium.

7 Is lithium hazardous?

8 —: I -- you know, I really don't

9 think it is. I mean, it's like any other compound,

10 but lithium is given, you know, to treat human

11 psychotic type of --

12 —: Uh-huh.

13 —: Yeah. So I mean, almost

14 every -- I -- I had to write a report one time for the

15 Army Corps of Engineers project, a cleanup project at

16 Mallinckrodt. And they had 11 different heavy metals

17 that they had. I looked up almost all of them. Eight

18 or nine of them were human carcinogens. So I was

19 surprised, nickel and things like that. But I really

20 haven't looked into lithium, so I really can't say. I

21 don't know.

22 —: Okay.

23 —: It's not radioactive though.

24 That's not the problem.

25 —: Because I believe they may

1 have had an outside source bring in their own metal

2 one time that could have been lithium.

3 —: Uh-huh.

4 —: And it was ran on the heavy

5 press. Now, the reason I don't want to go in detail

6 because I wasn't there and processed this.

7 —: Uh-huh.

8 —: I'd like the person who did

9 and was come in and make his statement.

10 —: Uh-huh.

11 —: So I just wanted to mention

12 it.

13 —: Well, under this -- under

14 this program though we're really talking about and

15 worried about and for compensation worried about

16 radioactive things.

17 —: Right.

18 —: Okay.

19 —: We --

20 —: Well, for the record there

21 was very few customers that ever sent their own metal

22 into our factory.

23 —: Uh-huh.

24 —: And when they did it was very

25 noticeable. Everybody -- it was --

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1 —: Uh-huh. Sure.

2 —: -- very rememberable because

3 it was something that was very rarely done.

4 —: Uh-huh. Uh-huh.

5 —: And to have people come in

6 and actually watch the metal be run --

7 —: Right.

8 —: -- was even more rare.

9 —: Right.

10 —: So it was something that

11 would always trigger a memory in your mind that this

12 was a special deal.

13 —: Uh-huh.

14 —: And --

15 —: Now -- now, did that apply to

16 lithium? Is that what you're saying?

17 —: That's what I'm saying.

18 —: All right.

19 —: The lithium run down there

20 seemed to special run too --

21 —: I'm sorry. I see what you

22 mean.

23 —: -- on the heavy press.

24 —: I didn't understand that.

25 —: And it was outside of the

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1 scope of all their normal runs.

2 —: I got you. Okay.

3 —: And that's why I said I

4 believe it was a government organization that may have

5 ran this metal.

6 —: I understand. I just don't

7 know about lithium. I really don't.

8 —: Did you run any shiny metal

9 one time on the heavy press?

10 —: Yeah. That was that stuff for
11 the space shuttle.
12 —: The stuff for the space
13 shuttle?
14 —: And that was a very controlled
15 atmosphere when that -- I don't know how many people
16 was in there. They wanted everything just perfect
17 before they ran the stuff.
18 —: Okay. Was -- do you know who
19 the company was?
20 —: No, I don't. I believe they
21 was from Virginia or West Virginia someplace,
22 something like that.
23 —: Virginia or West Virginia.
24 —: They talked about having an
25 explosion up there and having several people killed

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1 making this product.
2 —: Okay. And I think that was
3 in the newspapers, the media?

4 —: I don't know.

5 —: Okay. Is there anything else

6 you'd want to add to it that you can remember right

7 offhand?

8 —: I think that's terrific,

9 Paul. Thank you very much.

10 —: Oh, you're welcome.

11 —: We learned a lot. And

12 several of the cleanup operations that you talked

13 about I don't think are on the books or I don't think

14 they were on the books until you put them on there.

15 So that's very helpful. And I wish I could answer

16 some of your questions, but we're just all learning.

17 —: Well, a lot of the important

18 questions --

19 —: Right.

20 —: -- is just about to be

21 answered.

22 —: Yes. I think -- okay, guys.

23 I think that's it then. Thanks very, very much.

24 (Whereupon, the affidavit testimony

25 concluded.)

1 CERTIFICATE PAGE

2

I, —, Court Reporter, do

3 hereby certify that this Dow Affidavit Testimony was
transcribed by me to the best of my ability.

4

I further certify that I am neither attorney
5 nor counsel for nor related nor employed by any of the
parties to the action in which this is taken; further,
6 that I am not a relative or employee of any attorney
or counsel employed by the parties hereto or
7 financially interested in this action.

8 IN WITNESS WHEREOF, I have hereunto set my
hand and seal this 31st day of August, 2006.

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[Court Reporter]

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