

UNITED STATES OF AMERICA
CENTERS FOR DISEASE CONTROL

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NATIONAL INSTITUTE FOR OCCUPATIONAL
SAFETY AND HEALTH

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ADVISORY BOARD ON RADIATION AND
WORKER HEALTH

+ + + + +

114th MEETING

+ + + + +

WEDNESDAY
NOVEMBER 30, 2016

+ + + + +

The meeting convened at 8:30 a.m.,
Mountain Time, in the Hilton Santa Fe Historic
Plaza, 100 Sandoval Street, Santa Fe, New Mexico,
James M. Melius, Chair, presiding.

PRESENT:

JAMES M. MELIUS, Chair
 HENRY ANDERSON, Member
 JOSIE BEACH, Member
 BRADLEY P. CLAWSON, Member
 R. WILLIAM FIELD, Member
 DAVID KOTELCHUCK, Member
 JAMES E. LOCKEY, Member*
 WANDA I. MUNN, Member
 JOHN W. POSTON, SR., Member*
 PHILLIP SCHOFIELD, Member
 LORETTA R. VALERIO, Member
 PAUL L. ZIEMER, Member*
 TED KATZ, Designated Federal Official

REGISTERED AND/OR PUBLIC COMMENT PARTICIPANTS

ADAMS, NANCY, NIOSH Contractor
 ANIGSTEIN, BOB, SC&A*
 BARRIE, TERRIE
 BURGOS, ZAIDA, NIOSH
 CRAWFORD, FRANK, DOL*
 EVASKOVICH, ANDREW
 FIFER, ROBERT*
 FITZGERALD, JOE, SC&A
 FROWISS, AL*
 GRIFFON, MARK
 HAND, DONNA
 HINNEFELD, STU, DCAS
 HUGHES, LARA, DCAS
 JERISON, DEB
 KINMAN, JOSH, DCAS
 LEWIS, GREG, DOE
 LIN, JENNY, HHS
 RUTHERFORD, LAVON, DCAS
 STEPHENS, HUGH
 TOMES, TOM, DCAS*
 STIVER, JOHN, SC&A

*participating via telephone

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1 P-R-O-C-E-E-D-I-N-G-S

2 (8:30 a.m.)

3 **Welcome and Introduction**

4 CHAIR MELIUS: Hello. Hello first,
5 and welcome to the 114th meeting of the Advisory
6 Board on Radiation and Worker Health. We'll have
7 a number of Members here and, obviously, we also
8 will have a few calling in, some not for the entire
9 time, but some for, we expect to be in the entire
10 meeting. So you'll hear us refer to them also.

11 So let me turn it over to our Designated
12 Federal Official, Ted Katz who will do the --

13 MR. KATZ: Thank you, Jim. Yes,
14 welcome everyone here in the room, from the area,
15 and on the line joining us today. So some
16 preliminaries. For folks in the room, the
17 presentation materials you'll find on the back
18 table. You're welcome to them.

19 For people joining us on the telephone,
20 the agenda and the presentation materials are on
21 the NIOSH website under this program's portion of
22 the website, schedule of meetings, today's date.

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1 You can go there, get the agenda, see what you're
2 interested in and follow presentations that way if
3 you wish.

4 There's also, this is also available
5 online through Live Meeting. And on that agenda
6 for folks on the line, you can find the connection
7 information so that you can get on Live Meeting if
8 you want to -- all that will do for you is allow
9 you to see the slides as they're presented. But
10 you can do just as well, I think, just pulling the
11 documents up on the website. Whichever you like.

12 So Board roll call, I am going to,
13 because it's I think simpler, I'm going to run
14 through roll call but before I do I'll cover --
15 well, I'll just do it in real time. As Members
16 speak, we'll have some Members on the line that will
17 be with us for portions of the meeting and not
18 others, but I'll address their conflict of interest
19 as I go.

20 So roll call, I'll do this
21 alphabetically both for the folks on the line and
22 for our Board Members that are on the phone, I mean
23 in the room and on the phone.

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1 (Roll call)

2 MR. KATZ: Okay, so we have more than
3 a quorum which is super. And let me just note for
4 sessions where we have recusals because of
5 conflicts of interest, for Savannah River Site we
6 have Ms. Valerio will be recused from that,
7 although it's not an action item. And for the LANL
8 SEC, we have recusals from Mr. Schofield, Ms.
9 Valerio, and Dr. Poston. So those are the only
10 conflicts that relate to today's meeting. Josie,
11 is there -- am I missing something? Oh, okay.

12 Alright, so that takes care of roll call
13 I think. And let me just then last note for folks
14 on the line, everyone but the Board Members should
15 mute your phones.

16 We do have a public comment session that
17 begins at 5:00 p.m. this evening and we'll start
18 with people that are in the room, but then we'll
19 move to people on the line. And for that you of
20 course can have open lines because we'll be
21 welcoming your comments too.

22 But during the meeting, everyone on the
23 line who's from the public, please mute your phone.

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1 If you don't have a mute button, just press *6 to
2 mute your phone, leave it on mute please because
3 then it will improve the audio. You'll be able to
4 hear the meeting better.

5 And also Board Members, when you're not
6 -- that are on the line, when you're not speaking
7 to the group, please try to mute your phones when
8 you can too to help for that. And Dr. Melius, it's
9 your meeting.

10 CHAIR MELIUS: You want to mention
11 signing up for --

12 MR. KATZ: Oh, yes. So we do have some
13 people here now already. So for people here in the
14 room, there's a sign-in sheet for attending the
15 meeting and there's another sign-in sheet for
16 making public comments. So please do, if you
17 intend to make comments this evening, at some point
18 today sign your name to the sign-up sheet for
19 comments.

20 CHAIR MELIUS: Okay. Thank you, Ted.
21 And we'll start with Stu, NIOSH Program Update.

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1 **NIOSH Program Update**

2 MR. KATZ: While Stu is getting ready,
3 can I just ask someone, Paul or someone on the line,
4 can you hear us well?

5 MEMBER LOCKEY: I hear you very fine.

6 MR. KATZ: Okay, super. Thanks.

7 MR. HINNEFELD: Thank you, everyone.
8 Stu Hinnefeld again and my normal update on the
9 program progress. I usually go through a few news
10 items here such that I can to kind of get you up
11 to date on things that are going on in the program.

12 First comment about budget, I don't
13 have any inside knowledge on the budget. I only
14 know what is expected to happen. Right now, we are
15 operating on a continuing resolution that runs
16 through December 7th or 9th, one of those two days.

17 And the current expectation from NIOSH
18 OD is that the Congress during its lame duck session
19 will pass another continuing resolution into the
20 first part of next year. I think the date I heard
21 was probably through March. And then the new
22 Congress would take up the actions upon the
23 Government for the remainder of next fiscal year.

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1 I don't have a lot of insight about, of
2 course no one has much insight about what will
3 happen speaking about the budgeting process from
4 last year. There were appropriations committees
5 or appropriations subcommittees I guess from each
6 House that submit what they call a markup, what they
7 believe the budget should be for various agencies.
8 And our item, our line item was left unchanged from
9 this year in both of those markups.

10 So that's an indication and we're
11 hopeful that we'll be able to continue on as we have
12 been with the same level of funding. But like I
13 said, that's more of a hope than any inside
14 knowledge.

15 Other items I wanted to address is that
16 we've been working with our partners at Department
17 of Energy to obtain access to two reporting systems
18 that we think will be helpful for us in our
19 evaluation of sort of recent year activities at
20 those sites.

21 One is the non-compliance, it's not
22 Nevada Test Site, it's non-compliance tracking
23 system, NTS. I should have checked that slide a

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1 little more carefully. Non-compliance Tracking
2 System which unimportantly has the same initials,
3 and the Occurrence Reporting and Processing
4 System.

5 Non-compliance Tracking System is a
6 database where DOE contractors voluntarily enter
7 non-compliances with the regulatory scheme. When
8 I was working for DOE it was only 10 CFR 835 which
9 was the radiation protection regulation. There
10 are other regulations also now that are included
11 in the Non-compliance Tracking System.

12 And so they, we believe that having
13 access, that we need to investigate those items to
14 evaluate how sites were behaving in the more recent
15 era. And it would be from, like, roughly 1995
16 forward.

17 In addition, the Occurrence Reporting
18 and Processing System which is not a voluntary
19 system, which is a mandatory system gives, there
20 are quite a lot of criteria that would require
21 people to write what we call the ORPS report.

22 A number of those are radiological
23 related and so we want to make sure we do a thorough,

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1 as thorough an investigation as we can with the
2 sites, what's been identified at these various
3 sites about compliances and to determine whether
4 that doesn't have an effect on our judgement about
5 our ability to do dose reconstruction and how does
6 reconstruction should be, could be performed.

7 The next item is strictly
8 administrative. It has to do with either CDC or
9 HHS deciding that Live Meeting is probably not
10 going to be supported anymore and we're going to
11 have to switch platforms for the meetings we've
12 been using to something called Skype for Business.

13 I think we're going to have some
14 training sessions on that coming up, and I think
15 we're going to start with probably Subcommittees
16 or Work Groups to try that out. I believe it's
17 going to work much the same. We'll just, it will
18 just -- we'll just have to learn the nuances of
19 that.

20 Covering quickly our outreach
21 activities since our last meeting. We did in fact
22 have in September with the systems of our outreach
23 contractor, ATL International. We did conduct our

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1 annual Dose Reconstruction Special Exposure Cohort
2 Workshop.

3 We had a number of representatives.
4 Most of the representatives that come to these are
5 representatives from local labor unions at the
6 covered facilities. Although we do have other
7 interested folks as well sometimes.

8 And in that, we spend a couple days to
9 kind of go through somewhat in depth dose
10 reconstruction process, SEC process and really get
11 them acquainted with our website and where to look
12 for various kinds of information on our website.

13 We did participate with Joint Outreach
14 Task Group Meeting and two meetings in Iowa, one
15 in Burlington and one at Ames. And the Joint
16 Outreach Task Group Annual Meeting was held on
17 November 14th. That's typically an in-person
18 meeting, but it's a two hour meeting so we opted
19 to call in rather than fly in for a two hour meeting.

20 A that meeting we oftentimes set our
21 Joint Outreach Task Group agenda for the next year,
22 and this time we didn't. No one really offered up
23 a lot of sites they wanted to go to. I think

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1 there's some feeling we might go to California,
2 possibly go to California if there's an SEC change
3 to Santa Susana. But other than that, there were
4 no other sites selected.

5 Okay, I'll get on to the statistics now.
6 I think you probably all have these in your packages
7 so I won't dwell on these. We're up to 46,000 cases
8 from Labor so far. However, 44,000 have been
9 returned, various breakdowns with the ones
10 submitted and the ones where DRs are pulled.

11 The number of cases we have in our shop,
12 we typically have on the order of 200, 300 then are
13 in the hands of the claimants, that's draft dose
14 reconstruction in the hands of the claimants at any
15 given time.

16 Probability of Causation summary, I
17 think that remains pretty much at 28 percent
18 successful, or 28 percent with PoCs greater than
19 50 percent based on dose reconstruction. When you
20 add in the SEC, the numbers, the overall percentage
21 of compensable claims is higher than 28 percent.

22 These are the -- this was the records
23 request information from DOE that we reported, we

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1 report at every meeting. This is somewhat
2 typical. It's somewhat higher and the total
3 outstanding is somewhat higher than the last
4 meeting and more than 68 for somewhat higher.

5 There's no particular site that really
6 is contributing too much of this, although at
7 Pantex there have been some personnel changes that
8 may have held up the issue a little bit. But it's
9 not like we have a lot of outstanding cases from
10 any given site.

11 And as we were doing our summary of our
12 first 20,000 as opposed to 5,000 or 10,000 and this
13 is how they break down. Most of the claimants are
14 back to DOL. A certain number, you know, most of
15 the claims with us are with us because they're
16 administratively closed and because the claimant
17 didn't complete, didn't sign the OCAS-1 form.

18 And so those, our statistics, the way
19 we do this tally, they show up as with us because
20 they were closed when they were with us. And if
21 any of those claimants would return, you know, the
22 OCAS-1, then that case would be reopened and would
23 proceed.

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1 And then all the ones that are, have DRs
2 waiting are returns, they've been returned to us
3 fairly recently. So I believe that's it for me.
4 If anyone has any questions, I'll be happy to try
5 to answer any questions.

6 CHAIR MELIUS: Questions for Stu? I
7 have an important one. Is this the new official
8 DCAS slide format for this meeting?

9 MR. HINNEFELD: Well, we have some
10 acceptable formats from CDC. And we're allowed to
11 choose among about two or three or four acceptable
12 formats. And the person who makes the slides can
13 exercise his or her creativity among those, among
14 those formats.

15 MEMBER BEACH: Nice change.

16 CHAIR MELIUS: So did you go first and
17 others are following, or what's the --

18 MR. HINNEFELD: I suspect not. I
19 suspect my numbers, my reports since these numbers
20 are as of, generally they're as of the end of
21 October because, you know, we were going to start
22 on November 30th. So my information was available
23 pretty early. And so I think there's a little more

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1 time to be creative with my presentation than with
2 others.

3 CHAIR MELIUS: Just checking. Any
4 other important questions for Stu? Unimportant
5 ones? On the line?

6 MEMBER SCHOFIELD: I've got a question
7 for him.

8 CHAIR MELIUS: I'm sorry, go ahead,
9 Phil.

10 MEMBER SCHOFIELD: Stu, I got a
11 question for you. On the occurrence reports, is
12 that going to be available to you for all facilities
13 or just selective ones?

14 MR. HINNEFELD: What we're working on
15 is access in some fashion to all the facilities,
16 or what we want to see. It may be that the
17 Department of Energy will just provide them to us.
18 We'll say we want all the ones from this. And my
19 understanding is they'll be available for all the
20 facilities.

21 Now I haven't asked this specific
22 question about ORPS. I asked the specific
23 question about NTS. NTS, the database

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1 administrator says there is no classified
2 information in the NTS system.

3 So we should be able to just get those.
4 And in fact, we have staff Members and our
5 contractors and SC&A has staff members who have
6 access to the Non-compliance Tracking System
7 Database.

8 ORPS has a different -- it's in a
9 different organization, has a different
10 credentialing requirement in order to get access.
11 And so heretofore they've only credentialed DOE
12 employees and contractors. They've not
13 credentialed other federal employees even, or
14 other federal contractors.

15 So it's an open question about what kind
16 of access that we'll get, although our counterparts
17 at ORPS -- at DOE have, are committed to providing
18 us the kind of access that will allow us to do the
19 search we need to do.

20 Now if there's classified information,
21 we won't get that. I don't know if ORPS has it or
22 not. But it should be for all facilities.

23 MEMBER SCHOFIELD: Okay, thanks.

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1 CHAIR MELIUS: Any Board Members on the
2 line have questions? Okay, Stu. Give Stu a
3 second and it's -- Greg, you're jumping the gun a
4 little bit.

5 MR. HINNEFELD: That's okay, I just
6 didn't know who was next.

7 CHAIR MELIUS: Jeff, DOL. A little
8 interagency war here. This is --

9 MR. CRAWFORD: This is Frank Crawford
10 on the line for DOL. I believe Stu is changing
11 slides for me. Thanks very much for that, Stu.

12 MR. RUTHERFORD: Actually, it's Mr.
13 Rutherford.

14 MR. CRAWFORD: Ah, LaVon, great. I
15 will move through this --

16 CHAIR MELIUS: But don't worry, we'll
17 keep an eye on it.

18 **DOL Program Update**

19 MR. CRAWFORD: That's very good. I am
20 watching through Live Meeting so I can at least see
21 the slides. We'll move through here fairly
22 quickly. All of these slides are available on the

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1 Board's website portion on the DCAS website. So
2 if you don't see the numbers for very long, you can
3 always look them up. Next slide.

4 And I think we have to hit a button to
5 get the numbers to come up. There we are. So
6 almost \$10 billion in total compensation for Part
7 B and E combined. If you add in the medical bills,
8 next slide, you will see that we're at \$13 billion
9 in total compensation at this point.

10 Next slide. So we see where the cases
11 are. There are some dollar figures on this too,
12 LaVon, if you want to hit the key. There we go.
13 And the next slide. There's quite a discrepancy
14 between the cases currently at NIOSH.

15 Part of this is due to the data capture
16 date. Ours is November 6th. I think Stu said his
17 would be October 31st or thereabouts. And there
18 are usually other reasons for these discrepancies.
19 NIOSH shows a little over 1,200 cases active at
20 their site. Next slide.

21 And there should be a pie chart. Here
22 we are. So we're running about 35 percent
23 approvals in cases with dose reconstructions and

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1 final decisions. Next slide.

2 And this information doesn't change
3 quickly. Next slide. Yes, there will be a pie
4 chart here. Yes, here I believe the SECs are
5 included, and we see that we have 52 percent
6 approvals under that.

7 And the next slide. Top four work
8 sites, no surprises here. Lawrence Livermore is
9 fairly high for what is essentially a
10 non-production site. It's more of a research
11 establishment. But I think the SEC numbers are
12 fairly substantial there.

13 MR. KATZ: Chris, can I just, this is
14 Ted. If you would just actually orally speak the
15 key points to your slides. Otherwise the
16 transcript, people are going to have to refer to
17 the slides to know actually what you're trying to
18 tell them.

19 So the top four slides here, Hanford,
20 Savannah River Site, Y-12, and Lawrence Livermore.

21 MR. CRAWFORD: Of course.

22 MR. KATZ: Thanks.

23 MR. CRAWFORD: I'll do that. Since

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1 you just mentioned those, I'll go onto the next,
2 but I'll pull in more detail. The next slide shows
3 the chart of the monthly percentages of the new
4 cases with DOE versus AWE sites broken out.

5 These are fairly steady, as you see. And
6 I think we can go on to the next slide. Now next
7 slide is SEC petition site discussions. Those are
8 site discussions that are expected to be brought
9 up at this meeting.

10 And what we're showing here are the
11 number of cases per site with the number of DRs
12 already completed. Number of final decisions,
13 approvals, and that sort of thing. I don't think
14 there are any real surprises here.

15 There are quite a few sites under
16 discussion, Carborundum in Niagara Falls, Savannah
17 River Site, Los Alamos Area 4 on this slide. You
18 can see that Savannah River and Los Alamos are by
19 far the largest here.

20 Next slide, please. And then we have
21 Hooker Electrochemical, a relatively small AWE
22 site with 383 cases, of which 180 have been returned
23 by NIOSH with a DR. We have, however, final

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1 decisions in 363. There is, I believe, an SEC that
2 would account for the difference.

3 But the approvals are 73. And next
4 slide, please. For the DEEOIC outreach events, we
5 have the list of the FY2016 events. I won't go
6 through those individually. Next slide, please?

7 This is constant information on the Joint
8 Outreach Task Group and its members. Next slide
9 please. This is the beginning of the list of the
10 FY2016. I won't go through these, as I said,
11 individually. Next slide.

12 And next slide. And next slide please.
13 Now here I have no details except as you see here,
14 there's one scheduled at the moment, one joint
15 outreach event at Simi Valley San Bernardino.

16 Our budgets, like NIOSH, is under
17 review let's say. So we have been unable to make
18 concrete plans at this point, but I am sure we'll
19 have quite a few meetings this year once the budget
20 is straightened out.

21 The next slides are all standard
22 handout slides with some information about the
23 program. But I won't go through those

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1 individually. So that concludes the
2 presentation. Now if there are any questions, I
3 would be happy to answer them if I can.

4 CHAIR MELIUS: Anybody, Board Members
5 have questions? Board Members on the phone with
6 questions?

7 MEMBER LOCKEY: I'm good.

8 CHAIR MELIUS: Okay.

9 MEMBER ZIEMER: Well, this is Ziemer.
10 Let me make one comment if I might. So Frank didn't
11 actually give this slide details in most of the
12 cases. And I am concerned about the transcript in
13 this case because people reading the transcript
14 don't necessarily have access to the slides.

15 I'm just wondering how we can
16 incorporate that information into the transcripts?
17 That said, do you have any advice?

18 MR. KATZ: Paul, so we do actually
19 leave these, we leave these documents posted on the
20 NIOSH website with the transcript.

21 MEMBER ZIEMER: Oh, I know that. I
22 know that.

23 MR. KATZ: Yes.

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1 MEMBER ZIEMER: It's just --

2 MR. KATZ: So people can in the future
3 download the presentation as well as the
4 transcript. Does that -- Paul, does that address
5 your concern?

6 MEMBER ZIEMER: Well, I was just
7 concerned about the transcript's own, sort of,
8 viability that forces people to go to outside
9 documents to supplement it. That was just a
10 concern.

11 MR. CRAWFORD: Dr. Ziemer, this is
12 Frank Crawford.

13 MEMBER ZIEMER: Yes, Frank?

14 MR. CRAWFORD: Like Stu's slides, ours
15 are filled with numbers. So I was a little
16 reluctant to read all the numbers.

17 MEMBER ZIEMER: Yes, I understand
18 that. Just a concern about completeness of
19 transcripts. I'm not sure how to find a happy
20 medium on that. But that's fine.

21 CHAIR MELIUS: Thank you. Thank you.
22 Any more questions or comments. Okay. Thank you.
23 And Greg, now you can. I know you're anxious.

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1 MR. LEWIS: I was already ready.

2 CHAIR MELIUS: Maintain that
3 adrenaline rush and the focus.

4 **DOE Program Update**

5 MR. LEWIS: Alright, good morning,
6 everyone. I'm Greg Lewis from the Department of
7 Energy, the Office of Worker's Screening and
8 Compensation Support which is within the Office of
9 Health and Safety at DOE.

10 Pat Worthington is also listed up here.
11 She was planning to come but at the last minute had
12 to, actually is traveling for another meeting. So
13 I'm sure she'll be at the next meeting. But you've
14 got me instead.

15 And actually before I get into this,
16 I'll just address two of the items that Stu brought
17 up in his presentation. One was the gaining access
18 to the ORPS database.

19 It's been a bit challenging just
20 because, you know, I think Stu kind of alluded to
21 it, the folks that administer the ORPS database
22 weren't really familiar with the program. They

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1 also hadn't given access to another federal agency
2 or other federal contractors.

3 That's not to say they can't, but it was
4 just kind of unfamiliar to them so they had a lot
5 of questions. And they're also in the middle of
6 working on new, their new regulation for ORPS. So
7 they've been, you know, pretty busy with that. So
8 it's been hard to get their attention.

9 I think they just finished that up, and
10 I know we just had a conference call with them
11 yesterday, those folks. So I'm hopeful that we'll
12 be able to settle that and get either full access
13 or enough access to meet NIOSH's needs shortly.

14 And then the other item, the number of
15 late claims, I believe it was 20 and 300-something
16 that are outstanding that are in play, and then 20
17 of those are late. I believe, I actually believe
18 that the bulk of those are Pantex. I could, at
19 least a significant number are Pantex.

20 And we are working with them. We've
21 gotten federal management down there involved. The
22 challenge there was the change in contract, the
23 contract for both Y-12 and for Pantex is now a

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1 single contract managed by a single federal office.
2 So everything changed down there with that.

3 And oddly enough, one of the sites that
4 we had to work with quite a bit last year on late
5 claims was Y-12 and we've gotten those resolved.
6 But now of course we're having some issues with
7 Pantex.

8 And as Stu said, a lot of it is staff
9 changeover because they're kind of reorganizing
10 things and moving around who does what. The person
11 in the group that was responsible for EEOICPA is
12 handing it off to another group, and that handoff
13 has been a bit slow which is why we've engaged the
14 federal leadership at the site office down there.

15 So we believe we're on the way toward
16 resolving that and we'll continue to monitor it
17 closely.

18 So as many of you have heard before, our
19 core mandate is to work on behalf of program
20 claimants to ensure that all available worker and
21 facility records are provided to DOL, NIOSH, and
22 their respective advisory boards.

23 And we do this in three ways. We do the

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1 individual claims when someone applies to the
2 program. DOL or NIOSH will request their records
3 from us and we try to provide them as quickly and
4 completely as we can.

5 We also work with DOL and NIOSH on large
6 scale site characterization projects. And then we
7 also work on research into facility coverage,
8 primarily for the smaller AWEs, but you know,
9 whatever comes up we'll try to do some research and
10 get the answer.

11 I've revised this a little bit, you
12 know, for those of you scoring at home. These
13 numbers are slightly different than the numbers
14 that have been on for a while. I probably actually
15 should have updated this a while ago. You know,
16 as you can see, this is about 18,000 and it used
17 to be about 16,000.

18 A lot of that is because of SERT and how
19 SERT counts things. Everything that goes over and
20 back is counted. So these are supplemental
21 requests, these are requests where, you know, like
22 at Oak Ridge, things often go to all three sites
23 because we're not sure if there was crossover

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1 between the three.

2 So I don't know that we're actually
3 seeing overall a larger volume of requests, we're
4 just counting it a little bit more precisely. So
5 I don't want to say it's a larger workload. But
6 this is the numbers in SERT and so I want to stick
7 by that.

8 And then because of the SERT system,
9 which I think I've spoken about before but I should
10 clarify, that's our Secure Electronic Records
11 Transfer system.

12 So I want to say about three years ago
13 now, maybe even four, time flies, we set up a system
14 that instead of sending, you know, we started
15 sending paper way back when and then we moved to
16 sending CDs with that on it over to DOL and NIOSH.

17 Then we moved to encrypted thumb
18 drives. And then the final step was to set up an
19 electronic system where everyone can log on
20 securely through, you know, encrypted measures
21 with two factor authentication and all the cyber
22 security requirements.

23 And, you know, DOL, NIOSH, and DOE can

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1 send our records back and forth. The requests come
2 over to us on SERT and we respond on SERT. And the
3 primary reason was, you know, for data security,
4 for transparency, and for quickness.

5 But one of the byproducts of that is we
6 have a lot more data and can count things. So now
7 that we're a number of years into the SERT system,
8 we've been trying to set up some different measures
9 and metrics.

10 And one of those that we've been able
11 to do is the size of the records packages. And
12 we've always, kind of anecdotally, you know, from
13 the subcontractor employees that were there for a
14 brief period of time we may not have any records
15 on. And then I've personally seen packages that
16 were over 3,000 pages. So we knew we had a wide
17 range.

18 But this actually can, you know, can put
19 a little bit better number on that in terms of
20 averages. So for employment verification, the
21 average number of pages is 14. And even that's a
22 little misleading because the original request is
23 probably something like five pages and we, you

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1 know, fill that out and then attach some other
2 additional pages.

3 So you know, it's probably in terms of
4 what we add, it's probably eight or nine pages on
5 average. For a NIOSH request it's 50 pages. And
6 the for a DAR for the Department of Labor, it's 150
7 pages. And then if you add that up for your typical
8 individual that has all three types of requests,
9 we're providing just over 200 pages of information
10 on average. Again, that's, you know, it can vary
11 significantly.

12 And one word of caution, some of that's
13 duplicative. You know, in the DAR we're providing
14 some of the same dosimetry information that was in
15 the NIOSH and probably, you know, a few of the pages
16 that were in the employment verification.

17 So you know, that's not 200 original
18 pages on each individual. But, you know, the DAR
19 is pretty reflective of providing at least on
20 average 150 pages per person typically.

21 And then for individual records,
22 claimants often worked at multiple sites, multiple
23 contractors. They could have been a fed

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1 contractor or subcontractor throughout their
2 career. So we have to go to quite a few different
3 places, different sites.

4 You know, you could have to check up to
5 40 different sources for an individual,
6 particularly if they had a 30-year career, multiple
7 different entities. And that kind of plays into
8 the we could respond with zero pages or up to 3,000.
9 It really depends on the employee's circumstance.

10 And then response time. I just used
11 FY16 numbers so this would be through September
12 30th of '16. We responded to 17,674 out of 18,621
13 records requests in under 60 days. So we have a
14 95 percent on-time response rate.

15 And again, that five percent is
16 typically within a few sites, and it's not always
17 the same. You know, it's kind of rotating
18 depending on what's going on, what kind of issues
19 we're running into.

20 The bulk of the sites actually have
21 little to no responses outstanding or that are late
22 at any given time. So if you see last year, you
23 know, I put a couple examples there. K-25, six

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1 late out of 2,112. Richland, six late out of
2 1,564. And Savannah River, zero out of 1,316.

3 So some of the sites have a very good
4 response rate, and then others that we're trying
5 to work on to get back where they should be. But
6 overall, we have a 95 percent on-time response
7 rate.

8 And then the large-scale research
9 projects. You know, here's a few that we've been
10 responding to. Some of these are more active than
11 others. But you know, here are some of the sites
12 that we were then working with NIOSH on recently
13 for SEC and/or Site Profile updates, things like
14 that.

15 And actually, I could read these off if
16 you would like. We've got Hanford, PNNL, Savannah
17 River, Nevada Test Site, or currently the Nevada
18 National Security Site, Los Alamos National Lab,
19 Sandia National Lab, Idaho National Lab, Lawrence
20 Livermore National Lab, Oak Ridge National Lab, and
21 the Area IV of the Santa Susana Field Lab.

22 And then we do document reviews. And
23 I always point out that, you know, we review final

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1 NIOSH products and documents, papers, things like
2 that in which we have a very consistent review time.

3 We also review the source documents
4 that come out of the DOE sites which is not as
5 consistent because, you know, it can vary widely
6 in terms of the volume, the level of difficulty,
7 whether they're very dense documents with quite a
8 bit of classified information or lighter documents
9 that are assumed to be unclassified but we need to
10 check just in case.

11 So our document reviews out at the sites
12 vary, you know, a little more widely. But in terms
13 of the final NIOSH products, we do them typically
14 eight working days.

15 And then I've just got a little note on
16 our facility research. Our database can be found
17 at the link that's shown on the page. And you know,
18 every year we do typically around five or so sites
19 or between five and ten we'll be reviewing for site
20 coverage.

21 And again, these are typically the
22 smaller atomic weapons employers that did work back
23 in the '40s and '50s. And I think both Stu and

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1 Chris mentioned the outreach that we're doing.

2 We did participate in the annual JOTG
3 meeting. And I think as Chris said in his DOL
4 presentation, the next meeting is tentatively
5 scheduled for the Los Angeles area, for Area IV,
6 but we don't have a specific time frame on that.
7 It's somewhat dependent on the SEC progress.

8 And I'll mention that my office and Pat
9 Worthington participated in the National Day of
10 Remembrance earlier this year at the end of
11 October. We participated in an event in Las Vegas
12 but there were events around the country
13 celebrating the work that nuclear weapons workers
14 did and their contribution they made to this
15 country.

16 There was Senate Resolution 560, and
17 I'm not going to read the text. But again, this
18 is the eighth year, I think, or ninth. Anyway,
19 it's been going for quite some time now and it's
20 always something that our office takes pride in
21 participating in, an opportunity to thank the
22 workers for their service and their contribution.

23 And then I'll mention our Former Worker

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1 Medical Screening Program. It serves all former
2 workers at all DOE sites. That's federal,
3 contractor and subcontractor workers at all DOE
4 sites.

5 It provides a free medical screening to
6 try to identify occupational illnesses in their
7 early stages that lead to successful treatment.
8 And for this area, the Johns Hopkins program would
9 typically cover most workers, but we also have a
10 supplemental screening program and a building
11 trade screening program for construction workers
12 who could cover folks as well.

13 Information can be found at our
14 website, and we have a brochure and an annual report
15 that I posted a link to on our PowerPoint as well
16 for your information. And that's it. Are there
17 any questions?

18 CHAIR MELIUS: Dave?

19 MEMBER KOTELCHUCK: Just a comment
20 that --

21 CHAIR MELIUS: Dave?

22 MR. KATZ: I just have a note from
23 someone in the public on the line that they're

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1 having a hard time hearing when other people speak,
2 so speak right into the mic, please.

3 MEMBER KOTELCHUCK: Thank you. That
4 fifth slide about the size of the record packages
5 is, I don't believe you've shown it before, and it
6 was useful, and thanks for doing that.

7 MR. LEWIS: Yes, that was new. That's
8 kind of a because of the SERT system we have some
9 increased reporting ability. And there's a few
10 other things that we're working on too, so we may
11 be adding as well. But I can keep that one on
12 there.

13 MEMBER KOTELCHUCK: Yes, that one was,
14 it's helpful for us Board Members. And also you
15 might want to consider doing it by the median rather
16 than the average just so you don't weight it by some
17 very, very large reports.

18 MR. LEWIS: Yes. Well, and by a lot
19 of, you know, there's unfortunately some zeros in
20 there as well. So I'll see. I'm honestly not
21 certain if we can do that. I don't see why we
22 can't, but I'll ask the folks that administer the
23 database if they can pull that as well.

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1 CHAIR MELIUS: Any other Board Member
2 questions? Board Members on the phone, questions
3 or comments? Are you just plugging yourself in,
4 Brad?

5 Well, I'll bring this up. We continue
6 to have delays at Savannah River, getting
7 information. This is not on cases but on, I guess,
8 what you would call bigger projects. And I just
9 want to make sure that that's getting attention and
10 being addressed.

11 MR. LEWIS: Well, I'll, you know, I
12 talked with someone about that yesterday. I know
13 there was an issue getting, I think it was Joe,
14 access to a site database, something that he had
15 access to and it lapsed or they had to redo it or
16 something like that. And I guess that took a
17 little bit longer than expected.

18 Honestly, other than that, I haven't
19 been directly engaged. So if there's, you know,
20 requests that are outstanding or overall slowness,
21 I would be happy to get involved and see what I can
22 do to pick up the pace. But I hadn't really been
23 directly approached or engaged, so I would be happy

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1 to get involved.

2 CHAIR MELIUS: Well, we have a
3 presentation later on Savannah River where it
4 appears that either somebody was overly optimistic
5 about their timing or was -- there are continued
6 delays because it appears to be delaying some of
7 our reports that DCAS is preparing.

8 So I mean, I don't want to get into the
9 details or whatever right now. But if you could
10 consult with NIOSH and SC&A and just make sure we
11 can, doing what can be done to expedite this.

12 I mean, it may be great that they have
13 100 percent compliance with individual requests,
14 but you know, some of those could very well go for
15 naught given that there's an SEC under
16 consideration there. Multiple SECs. And so
17 we're providing data that may not really be
18 necessary.

19 MR. LEWIS: Yes, absolutely. You
20 know, the SEC's very important to us and we will
21 see what we can do to remove any delays or
22 impediments to getting the information out.

23 CHAIR MELIUS: Okay, thank you.

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1 MEMBER BEACH: I have a question about
2 -- I know Sandia, it's on. Sandia's a lower
3 priority site. But how are things moving there?
4 I know that there was some trouble with cooperation
5 there. Can you update on that at all?

6 MR. LEWIS: You know, my understanding
7 is I haven't really been engaged very much at all
8 at Sandia. That's not to say that, you know,
9 typically I get approached when something is not
10 running smoothly.

11 You know, as long, either if there
12 aren't any requests or if the requests are flowing
13 back and forth and everyone's satisfied with the
14 speed, the completeness, the performance of our
15 sites, I'm typically not involved.

16 So I have not been approached or
17 involved on Sandia. So if there is an issue, I
18 would be happy to get involved. But I'm not aware
19 of too much.

20 CHAIR MELIUS: I think LaVon has an
21 update on that that he'll present.

22 MR. HINNEFELD: Well, LaVon just told
23 me that we've not had any issues recently with

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1 Sandia.

2 MEMBER BEACH: Okay.

3 MR. HINNEFELD: You know, there were
4 some previously, but not lately.

5 CHAIR MELIUS: We have some dates,
6 actually coming up.

7 MEMBER BEACH: Okay.

8 CHAIR MELIUS: I always read LaVon's
9 report very carefully. It's the first one I read,
10 just before the plane landed. Okay. Anyway,
11 nothing else? Thank you very much, Greg.

12 MR. LEWIS: Thank you.

13 CHAIR MELIUS: Okay. We now turn to,
14 this is a review of the Hooker Electrochemical Site
15 Profile. Henry?

16 **Review of Hooker Electrochemical Site Profile**

17 MEMBER ANDERSON: So our Committee has
18 been working on the Site Profile for Hooker
19 Electrochemical Company in Niagara Falls for some
20 time. And we're now at a point to be able to ask
21 the Board to approve our reports and close it out.

22 So just to go through very quickly, we,

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1 Hooker operation, they processed C-2 slag from
2 electrometallurgical company from the period of
3 July 11th, '44 through January 15th, '46.

4 That was a byproduct of bomb reduction
5 at Electromet and Hooker treated the slag to
6 increase uranium content, and then upgraded slag
7 was returned to Electromet. So you can see it was
8 a two-year span in there, or less than two years
9 that this activity was ongoing.

10 As far as our Site Profile, you can see
11 the first Appendix AA was in 2007. It was,
12 TBD-6001 was issued at that time. And then in
13 2010, an SEC Petition Evaluation Report was issued
14 by NIOSH. And in September of 2010, SC&A presented
15 a review of the Appendix AA at that time.

16 And then in January of 2011, it provided
17 a focused review on other parts of that site review.
18 In April, a tech TBD revised Revision 00 for Hooker
19 was issued. And it was at that point that the Site
20 Profile replaced Appendix AA and went out of the,
21 what is it? And TBD was then, we had a Revision
22 1 in 2011.

23 Thirteen, then, when that revision came

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1 out, asked SC&A to review that revision, and they
2 came back to us in 2013 with six findings that our
3 committee then discussed.

4 In December 2015 NIOSH issued Revision
5 2 of that TBD. So you can see it's been under
6 review for some time, but it's been sitting out
7 there and we wanted to see if we couldn't close it
8 out as quickly as possible.

9 In June of 2016, we had a review of
10 Revision 2 to the TBD again by SC&A. July, our Work
11 Group reviewed all the findings and determined that
12 three were closed and put two in abeyance pending
13 the final revision of the TBD and Finding 4 remains
14 open.

15 September, revision three of the TBD
16 was issued. And in November, SC&A reviewed
17 revision three and sent that to our URAWE Work
18 Group.

19 So here's the SEC determination. I
20 won't read this through, but this again goes back
21 to the determination in 2012. And you can see here
22 that the primary problem cited by the review panel,
23 this original review was challenged by employees.

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1 It went to a review panel. And that
2 review panel, their concern was the use of
3 surrogate air sampling data to construct internal
4 doses, and the TBD can now be used only to estimate
5 external doses during the operating period for
6 non-specified cancer claims and during the
7 residual period for both internal and external
8 doses for all cancer.

9 Finally, just to go through the
10 resolution of the six findings here, Finding 1,
11 NIOSH should review assumptions regarding the
12 composition of the slag.

13 You can see here they did that and
14 amended that to change the composition of the slag
15 that was coming in as well as the uranium
16 concentration of the slag going out. And once we
17 got that updated information, we felt we were
18 satisfied that Finding 1 had been resolved.

19 Finding 2 is examining the position
20 that external exposures are based on slag input to
21 the leeching process ten times per month. It's
22 possible that external exposures are understated.

23 Again, NIOSH reviewed this, discussed

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1 it with us, and they revised the throughput from
2 ten times per month to eighty-nine times. Based
3 on that revision, the Work Group was satisfied that
4 Finding 2 was resolved.

5 Finding 3, the basis for assuming
6 internal exposure from the slag dust occurred five
7 percent of the time. SC&A felt that needed to be
8 reexamined, as does the assumption that the
9 concentrate contained two percent uranium.

10 It appears that the exposure time was
11 understated by a factor of five and the amount of
12 uranium in the concentrate was understated by at
13 least a factor of 2.5. Based on the new data, NIOSH
14 revised the assumptions in the TBD. And based on
15 that, we were satisfied that Finding 3 was
16 resolved.

17 Finding 4 was a review of the ingestion
18 intake to ensure that it was calculated in a manner
19 consistent with the calculation of inhalation
20 intake. This was not addressed in Revision 2.

21 And at our meeting, NIOSH agreed that
22 ingestion needed to be addressed, and SC&A
23 addressed Revision 3 of the TBD, the impact of the

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1 Finding 4.

2 And Finding 5, we asked that NIOSH
3 confirm that the correct units of measurement were
4 cited in Tables 2 and 3, or Tables 3 and 4 in the
5 NIOSH 2015-B revision. Typographic errors, NIOSH
6 agreed to correct those in the next revision.

7 And therefore, resolution of the
8 finding is placed in abeyance waiting for the next
9 actual text or written update. But by-and-large,
10 there's agreement between the committee and NIOSH
11 to see how we can move forward.

12 The last finding was Finding 6 that
13 units of measure, the photon dose conversion
14 factors in Table 4, determine if they were correct.
15 Then the companion text needed to be revised to
16 discuss exposure rates rather than dose rates.

17 And we got an email dated July 25th,
18 2016 that confirm that the units of measure in Table
19 4 and the Revision 1 of TBD now Table 5 you can see
20 as we're going through the various revisions and
21 numbers and the phraseology here gets a bit
22 confusing. I'm going through it quickly.

23 But we have sorted it all out. And

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1 finding six is in abeyance again until the new
2 revision of the TBD is where I would hope this will
3 be the final revision will be issued. And so SC&A
4 reviewed it and the Rev 3 addresses the impact also
5 of Finding 6.

6 So that basically here's the set of
7 references. And we're just asking the Board that
8 we've been through this process. You can see it
9 is important to have these documents carefully
10 reviewed as we saw the numbers of the number of
11 cases being reviewed, and the core basis for those
12 risk determinations are based on the TBD.

13 And therefore, even though some of the
14 changes were there and the reviewers knew about
15 them and they have adjusted them, we now feel we
16 will have a TBD that is fully updated and has been
17 very, very carefully reviewed to be corrected.
18 Any questions?

19 CHAIR MELIUS: Yes, I'm a little
20 confused.

21 MEMBER ANDERSON: Well, that's to be
22 expected, James.

23 CHAIR MELIUS: Well, it's pretty

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1 obvious too here.

2 MEMBER ANDERSON: Right, yes.

3 CHAIR MELIUS: This and other
4 meetings.

5 MEMBER ANDERSON: Yes.

6 CHAIR MELIUS: So just on the
7 chronology, so on November 21st, SC&A's review of
8 TBD Revision 3 was submitted as being edited. I
9 don't quite understand how that reconciles with the
10 footnote that you have on, like, for Finding 5
11 addressed in -- I'm just trying to understand, did
12 the Work Group see the final --

13 (Simultaneous speaking.)

14 MEMBER ANDERSON: I think this was in
15 addition to the slide from when I first saw it.
16 Yes, that was a late edition I think.

17 (Off microphone comments)

18 MR. KATZ: Hold on. I don't think that
19 mic's on. Thank you, Craig.

20 MR. STIVER: Okay. We were in the
21 process of finalizing a review, it's going through
22 copy editing, just about we actually ended up
23 sending it out to the Work Group later that day on

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1 the 21st just because the timing was off.

2 And the Work Group hadn't had a chance
3 to see the report. We didn't feel it was
4 appropriate to include our actual findings in this
5 particular presentation. So it was just a matter
6 of, you know, it's now in the Work Group's hands.

7 I would imagine, you know, Jim Neton and
8 his people wanted a chance to look at the Finding
9 4 issue, and then we would have some sort of a
10 teleconference or a technical call to work that
11 out.

12 CHAIR MELIUS: So are we really closing
13 out --

14 MEMBER ANDERSON: It doesn't sound
15 like we are.

16 MR. STIVER: The only thing left is
17 Finding 4 really. And so that's just we can't
18 close it out today, obviously. It would have to
19 be after another Work Group teleconference.

20 CHAIR MELIUS: Does that fit with your
21 understanding, Henry? I'm just trying to --

22 MEMBER ANDERSON: Yes.

23 CHAIR MELIUS: Okay.

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1 MEMBER ANDERSON: There was this
2 last-minute flurry around Thanksgiving.

3 CHAIR MELIUS: Yes, which is --

4 MEMBER ANDERSON: Documents that we
5 haven't had -- so we will not -- sorry. So I'm not
6 asking you to vote anything today. But we are
7 very, very close.

8 CHAIR MELIUS: Well, no. Why don't
9 we, I think we can reach closure, it's up to the
10 Board, on all the findings except Finding 4. And
11 then you have the revision quick meeting or
12 something.

13 MEMBER ANDERSON: Yes.

14 CHAIR MELIUS: And then probably have
15 a conference call. We can just close out Finding
16 4.

17 MEMBER ANDERSON: Sounds good.

18 CHAIR MELIUS: I mean, when that's
19 ready or at a Board Meeting. So yes. So I mean,
20 let's --

21 (Simultaneous speaking.)

22 MEMBER ADNDERSON: Committee, okay.

23 CHAIR MELIUS: -- all this again. We

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1 have a quorum, let's take advantage.

2 MEMBER ANDERSON: Yes, fine. Is that
3 okay with the rest of the --

4 MEMBER CLAWSON: Sure.

5 CHAIR MELIUS: And are there other
6 questions about either the process or about some
7 of the other findings?

8 MEMBER BEACH: Is it just four, or is
9 it four and five for this TBD 3? I'm not quite
10 clear on that. It looks on the slides like four
11 and five are affected by that.

12 MR. STIVER: Actually, only Finding 4.
13 I need to give a spoiler alert, but Finding 5 and
14 6 were in abeyance.

15 MEMBER BEACH: Okay.

16 MR. STIVER: Those have been
17 adequately addressed in revision three. Finding
18 four is the only outstanding that still needs some
19 discussion.

20 CHAIR MELIUS: Okay. Any other
21 questions? Board Members on the phone, have we
22 thoroughly confused you?

23 MEMBER ZIEMER: No, I think it's clear

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1 now.

2 CHAIR MELIUS: Okay.

3 MEMBER ANDERSON: When we have these
4 revisions of slides, we should put revised data
5 somewhere because these changed very recently.

6 CHAIR MELIUS: Yes. But especially
7 with the holiday thrown in.

8 MEMBER ANDERSON: Yes, sorry about
9 that.

10 CHAIR MELIUS: Quick follow up meeting
11 and so forth. Okay. So if not, then can we have
12 a motion? Well, I think we have a motion from the
13 Work Group for everything but, hold off on finding
14 four. Do that. And so motion. And any further
15 comment? I think we can go ahead, I think we can
16 do it by a voice vote?

17 MEMBER ANDERSON: Yes, yes, sure.

18 CHAIR MELIUS: All in favor say aye.

19 (Chorus of ayes.)

20 CHAIR MELIUS: All opposed?

21 (No response.)

22 CHAIR MELIUS: Abstain?

23 (No response.)

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1 **Board Work Session**

2 CHAIR MELIUS: Okay, thank you. So we
3 have a break scheduled coming up. It's 9:30, and
4 we need to start right at 10:15. So what I would
5 propose is we try to get a couple of items done,
6 sort of Board business work session items done.
7 Then we'll break by 9:45, so we'll take our break
8 then. And let's start with the meetings because
9 that's a good time for that to, anybody needs to
10 check their calendars or --

11 MR. KATZ: Yes, please. Of course,
12 do.

13 CHAIR MELIUS: -- correspond with
14 people that aren't on the phone or whatever.

15 MR. KATZ: Yes.

16 CHAIR MELIUS: So we need a location
17 for the March meeting which, Ted, can you remind
18 us?

19 MR. KATZ: Right. We have a March
20 meeting. I'll give you the date in a second, March
21 22nd and the 23rd. But we don't have a location.
22 We talked about some locations already that are
23 possibilities I think.

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1 One is Chicago area for Argonne East.
2 We have a Work Group for Argonne East now. They
3 haven't met yet, and I don't know who's the Chair
4 for Argonne East. Is that Brad?

5 MEMBER BEACH: Brad.

6 MR. KATZ: Brad. So I don't, the
7 status in terms of when we're ready to meet, I don't
8 know who we're waiting on, documents from DCAS or
9 SC&A.

10 (Off microphone comments)

11 MR. KATZ: But I think some of the
12 thought about Argonne East too was that this is at
13 an early point. Might be a good opportunity to get
14 information from people locally there, and that
15 might be a good argument for going to the Chicago
16 area. Right? That's what we discussed at the
17 last Board meeting.

18 (Off microphone comments)

19 MR. KATZ: Well, we could also arrange
20 for that. Yes, we haven't done one of those in a
21 while. So anyway, that's one option. Another
22 with a big question mark is mostly because it's a
23 warm weather port and we have a lot of work that

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1 is ongoing but I'm not sure about pace. We've got
2 just recently a big document from NIOSH but SRS.
3 That would be Augusta area. So that's another
4 option.

5 And then again, LaVon, correct me if I'm
6 wrong but I think Rocky Flats, we have documents
7 coming out for that which --

8 MR. RUTHERFORD: Yes, we have our
9 critical mass lab report coming out within the next
10 week or so.

11 MR. KATZ: So those are three
12 locations. I don't know, Board Members, whether
13 you have in mind others as well.

14 MEMBER KOTELCHUCK: I would say I was
15 thinking about it. I don't know if we will be able
16 to make a final determination on Rocky Flats for
17 March based on we need another meeting of our Work
18 Group. But certainly by the next meeting, June or
19 something, certainly I believe we will be ready.

20 MR. KATZ: Well, if we have documents
21 coming, are we going to be finished with our
22 documents, with these documents that are coming
23 right now?

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1 MR. RUTHERFORD: What I anticipate is
2 we will put our report out. Then SC&A and the Work
3 Group would have a period of time as well as the
4 petitioners to review that.

5 MR. KATZ: Right.

6 MR. RUTHERFORD: And then we would have
7 a meeting sometime early next year to discuss that.

8 MR. KATZ: So we do have three, you
9 know, three months, two months, three months.

10 MEMBER KOTELCHUCK: The issue to me,
11 Dave, the issue to me is whether we'll have a chance
12 to have a meeting of the Working Group before March.
13 That, because we have to put it on the --

14 MR. KATZ: Right. But we have months
15 to do that. We have a meeting in January or
16 February or early March, right?

17 MEMBER KOTELCHUCK: Right. But I know
18 from our Subcommittee that we're scheduled for --

19 MR. KATZ: Okay, I mean, I think the
20 difference --

21 MEMBER KOTELCHUCK: -- a January
22 meeting. So I'm not sure.

23 MR. KATZ: The difference, Dave, is

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1 that Subcommittees, you need to post in the Federal
2 Register 30 days in advance. That slows the
3 process a lot. But Work Group meetings, we can
4 have them whenever. We don't have to notice
5 beforehand.

6 MEMBER KOTELCHUCK: Okay.

7 MR. KATZ: So we don't have that
8 impediment, or that just slows the process.

9 MEMBER KOTELCHUCK: Very good. Okay,
10 then I think it's possible for us to meet and then
11 we can make a final determination on the SEC
12 application then in the March meeting, in which
13 case Rocky Flats would be a very appropriate place
14 to meet if we want to do that.

15 CHAIR MELIUS: Other comments? I
16 mean, my concern, I'll speak up for Argonne East,
17 is that we haven't been there for years.

18 MR. KATZ: Forever, yes.

19 CHAIR MELIUS: And we've, yes right, it
20 was the Senator Obama site visit. And so we have
21 had, you know, very little input from the potential
22 claimants there. And I think that would be helpful
23 to have that input.

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1 MR. KATZ: Right.

2 CHAIR MELIUS: In terms of going
3 forward and that. It's a big site and it sort of
4 stands out among the laboratories in terms of not
5 having an SEC, which is a little bit concerning.
6 It might still be appropriate, but we need to
7 understand that.

8 So, and then Savannah River is also, I
9 think it's a question of timing. Maybe we put, and
10 we don't have to decide location now. We should
11 decide --

12 MR. KATZ: Well, we do have to decide
13 March location now because we're --

14 CHAIR MELIUS: Right, right now?

15 MR. KATZ: Well, not right this second.
16 But we actually are getting to -- it takes a while
17 to make that machinery work to get contracts for
18 the hotel and all that. So we really should decide
19 about it at this point on location.

20 MEMBER KOTELCHUCK: Chicago's fine.

21 MEMBER MUNN: Well, it's been a while
22 since we've been to Savannah River too. I mean --

23 MEMBER ZIEMER: If we select Chicago,

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1 I believe we actually met in Naperville last time
2 which is closer to the Lab. And it's probably
3 pretty convenient to O'Hare Airport.

4 CHAIR MELIUS: Yes. No, it was
5 Naperville was where we did meet. And even though
6 I had lived in Chicago for ten years, I got lost
7 on the way with John Howard in the car with me.

8 MR. KATZ: I mean, I'm all for that. I
9 think we would like to try to get public
10 involvement. And the earlier in the process is
11 better. So it's just a, I think, we can work with
12 DOL and our agency to try to get people to come.
13 And maybe the Applicants can help with that process
14 too, but try to get a good turn out to get people
15 interested and involved.

16 CHAIR MELIUS: Okay. But if we hear
17 something that changes our mind in the next few
18 days.

19 MR. KATZ: Yes, for sure.

20 MEMBER CLAWSON: I just want to make
21 one thing clear. We haven't even met as a Work
22 Group. We're still in the beginning which I would
23 really enjoy public comment into it as we go into

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1 it because TBD is out there and --

2 CHAIR MELIUS: But we have an SC&A
3 review. Correct? So we would have a list of
4 issues that are of concern.

5 MEMBER CLAWSON: Right.

6 CHAIR MELIUS: Based on the Site
7 Profile. Now there may be more issues that we want
8 to hear about also that we're not aware of or
9 whatever. So I think we could certainly structure
10 it around those issues.

11 MR. KATZ: And that's one thing we can
12 tackle in the Work Group, the first Work Group
13 meeting, whenever we have that.

14 CHAIR MELIUS: Yes. And I think we
15 should try to have a Work Group meeting, you know,
16 before --

17 MR. KATZ: Definitely, definitely.
18 Right.

19 CHAIR MELIUS: Yes. Okay. Meetings
20 after that.

21 MR. KATZ: Okay. So let me just remind
22 you what we have already on the calendar and then
23 go forward from there. So we just talked about the

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1 March 22nd, 23rd meeting. That's face-to-face.

2 Then we have a June 6 teleconference.

3 Then we have a July 25th through 26th face-to-face

4 again, our sort of standard mid-summer meeting.

5 We don't need to talk about --

6 CHAIR MELIUS: What are those dates
7 again?

8 MR. KATZ: I'm sorry, that's the 25th
9 and 26th of July.

10 MEMBER KOTELCHUCK: And when was the
11 teleconference?

12 MR. KATZ: The teleconference is June
13 6.

14 MEMBER KOTELCHUCK: Thank you.

15 MR. KATZ: So going beyond those then,
16 the next teleconference date range that makes
17 sense, works for other things is the week of October
18 22nd or the 30th. So we typically try to, we shoot
19 for Wednesdays normally, but any day those weeks
20 is good. So for example, the 25th of October, is
21 that --

22 MEMBER LOCKEY: Did you say the 26th?

23 MR. KATZ: The 25th, 2-5.

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1 MEMBER LOCKEY: Twenty five, okay.

2 MEMBER BEACH: I'm actually going to be

3 --

4 CHAIR MELIUS: Henry and I can't do
5 that.

6 MR. KATZ: Okay.

7 MEMBER BEACH: I can't do it either.

8 MR. KATZ: Well, can you do that week,
9 any time that week?

10 CHAIR MELIUS: No.

11 MR. KATZ: Oh, okay. Let's move on
12 then from that week. What about the last week of
13 October?

14 MEMBER MUNN: What's wrong with the
15 preceding week?

16 MR. KATZ: Well, I suspect there was
17 something wrong with the preceding but let me
18 check.

19 MEMBER BEACH: I'm actually out that
20 week, too.

21 MR. KATZ: Oh, okay. Josie's gone
22 that week.

23 MEMBER BEACH: So after the, yes after,

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1 the whole month of October/November is not going
2 to work for me for anything.

3 MR. KATZ: Okay, so we don't really
4 have to, we'll miss you for that meeting.

5 CHAIR MELIUS: Both of you?

6 MEMBER CLAWSON: Both of us.

7 MR. KATZ: Oh, that's right, that's
8 right.

9 CHAIR MELIUS: So what are the dates
10 exactly?

11 MEMBER BEACH: For me it's going to be
12 around the 4th of October until mid November.

13 CHAIR MELIUS: And for you?

14 MEMBER CLAWSON: After the first two
15 weeks --

16 MEMBER BEACH: And the month of
17 October.

18 MEMBER CLAWSON: And the month of
19 October.

20 MR. KATZ: The whole month of October?

21 MEMBER KOTELCHUCK: How about the
22 third week in November, just before Thanksgiving?

23 MEMBER BEACH: That will work.

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1 MEMBER ANDERSON: How about the Friday
2 after Thanksgiving?

3 MEMBER BEACH: That will work too.

4 MEMBER MUNN: How about just calling
5 in?

6 MR. KATZ: Okay, well let's, that's --

7 CHAIR MELIUS: We'll let us talk a bit.

8 MR. KATZ: Yes, okay. Let's do some
9 figuring. We'll come back to this. The
10 face-to-face meeting, then the next face-to-face
11 meeting about, it's similar to this timing now. So
12 the week of December 4th, or the 11th. Or we're
13 moving into January if neither of those work. So
14 why don't you look first at the week of December
15 4th?

16 MEMBER LOCKEY: Ted, that week is not
17 good for me.

18 MR. KATZ: Okay, that's Jim Lockey.

19 CHAIR MELIUS: And it's not good for me
20 either.

21 MR. KATZ: Okay. Well, we need our
22 Chair, and we need Jim. Okay.

23 MEMBER LOCKEY: The following week,

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1 how about the following week?

2 MR. KATZ: So the week of the 11th, how
3 does that work?

4 MEMBER BEACH: Good.

5 MEMBER LOCKEY: That's good for me.

6 MR. KATZ: Yes, that's the week of,
7 excuse me, so December 11th we're talking about.

8 CHAIR MELIUS: It's good.

9 MR. KATZ: Does that work for Paul, how
10 about you?

11 MEMBER ZIEMER: Yes, had to get off of
12 mute here. Yes, I'm good.

13 MR. KATZ: Okay. So shall we say that,
14 then? So that's the week of December 11th. Do you
15 want to do the middle of the week?

16 CHAIR MELIUS: Yes.

17 MR. KATZ: Okay, so that would be the
18 13th and 14th. Does that work?

19 MEMBER KOTELCHUCK: Hanukkah. It may
20 be Hanukkah, but it's not worthy of taking special
21 time off for those of us who are Jewish. I think
22 we can go ahead with it.

23 MR. KATZ: Okay. So let's say the

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1 December 13, 14. That's 2017. Where? Andy says
2 where. Alaska.

3 MEMBER CLAWSON: I was thinking
4 Hawaii.

5 MEMBER BEACH: Can we have a site
6 there?

7 MEMBER FIELD: Or somewhere in the
8 Caribbean would work.

9 MR. KATZ: Okay, that's it for
10 scheduling.

11 MEMBER ANDERSON: Maybe that's our
12 SRS.

13 CHAIR MELIUS: Okay.

14 MEMBER LOCKEY: Ted, Jim Lockey. Is
15 there a meeting in October/November, or is that
16 what happened?

17 MR. KATZ: So we didn't, Jim, we're
18 going to come back to that question of when to do
19 the teleconference.

20 CHAIR MELIUS: It's a teleconference
21 so it's only, probably more of a question of making
22 sure we have a quorum than --

23 MR. KATZ: Yes, we need a quorum and we

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1 don't want to, if we do it before, it's going to
2 be very early in the process and then it may not
3 be that useful.

4 MEMBER LOCKEY: Got you, alright.

5 MR. KATZ: So that's the catch. But
6 we'll come back to that later. Maybe tomorrow.

7 CHAIR MELIUS: Okay. It's 9:45.
8 We'll break. We'll start promptly at 10:15
9 because we may have petitioners on the line.

10 (Whereupon, the above-entitled matter
11 went off the record at 9:45 a.m. and resumed at
12 10:17 a.m.)

13 CHAIR MELIUS: Okay.

14 MR. KATZ: Can I just check before we
15 get started, on the line, maybe Paul, just tell me
16 if you can hear me clearly?

17 MEMBER ZIEMER: Yes, I'm here and I can
18 hear you clearly.

19 MR. KATZ: Okay, thanks.

20 MEMBER POSTON: Ted?

21 MR. KATZ: Yes, that's John?

22 MEMBER POSTON: Yes, I'm here.

23 MR. KATZ: Super. And I can hear you

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1 clearly.

2 MEMBER POSTON: I was on mute.

3 CHAIR MELIUS: Anybody else here?

4 MR. KATZ: Well, we should have, let's
5 see, Paul, John on the phone. No, that's it,
6 right?

7 CHAIR MELIUS: Okay. So we're going
8 to be talking about the Carborundum Company SEC
9 petition and the report from the Work Group on that.
10 Those of you on the line and here, how we do this,
11 since it's a petition, first we'll have the
12 presentation from the Work Group. My
13 understanding is someone from NIOSH will be
14 available on the phone if there are questions for
15 NIOSH, for DCAS about this.

16 We'll have any Board Member questions
17 or comments to be addressed. And then before we
18 take any action, we'll provide an opportunity for
19 the petitioners if they wish to make any public
20 comments about the SEC petition, to do so before.
21 And after that, we will then let the Board
22 deliberate and decide what recommendation to make
23 on this.

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1 Unfortunately, in the agenda, Dr. Gen
2 Roessler who is the Chair of the Work Group was
3 supposed to present. She's not able to be here
4 today, nor her initial substitute, Dr. John Poston
5 who is also not available, I don't think for the
6 entire time, anyway. I'm not sure about John.

7 So John Stiver is going to, from SC&A
8 will do the presentation I think Gen was planning
9 on doing. But, so why don't you go ahead, John.

10 **Carborundum Company SEC Petition**

11 MR. STIVER: Okay, thank you, Dr.
12 Melius. I'm John Stiver from SC&A and we're going
13 to talk about SEC petition 00223 for Carborundum
14 Plant today.

15 Just some pro forma stuff here. This
16 is the Work Group Members. Gen Roessler is the
17 Chair. Brad Clawson, Bill Field and John Poston.

18 A little bit of backdrop on the
19 Carborundum Company. It's located in Niagara
20 Falls, New York, was an Atomic Weapons Employer for
21 two different periods, one way back in 1943 from
22 June to September, and again from 1959 to 1967.

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1 So we have to operational periods and
2 also two residual periods, first from 1943 to 1958,
3 and the second from 1968 to 1992. As a facility
4 listing, from June to September of '43. In June of
5 '43 the Carborundum Company at its Global Plant,
6 Buffalo Avenue locations, they performed
7 experimental grinding of uranium metal using a
8 centerless grinder.

9 The slugs were received in June, and
10 then were shipped back in September 1943. From
11 1959 to '67, Carborundum manufactured uranium and
12 plutonium carbide pellets for an AEC research
13 program. In addition to that, they performed work
14 during the 1950s that's not covered under -- which
15 included the fabrication of nuclear fuel elements
16 for commercial purposes.

17 The proposed and evaluated Class, the
18 requested Class was all employees who worked in any
19 area of the Carborundum Company facility on Buffalo
20 Avenue in Niagara Falls, New York from January 1st,
21 1943 to December 31st of 1976.

22 And you can see this note here.
23 There's no identified dose reconstruction

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1 infeasibilities for the site. NIOSH limited its
2 evaluation to petitioner Class period from '43 to
3 '76 rather than to 1992.

4 Here's the NIOSH feasibility summary.
5 As you can see during the operation and residual
6 periods for both internal and external, I believe
7 feasibility is indeed possible.

8 Here's a little bit of a timeline on the
9 SEC petition itself. It was received in November
10 of 2014. Several exchanges led up to our first
11 Work Group meeting which took place August 18th of
12 this year.

13 And what's not included here is the
14 second meeting which just took place a couple of
15 weeks ago on November 17th where the issue of
16 surrogate data was discussed. And we'll be seeing
17 that later in the presentation.

18 This is just kind of an overview.
19 We're going to go through each of these seven
20 findings. This sort of lists what they are.
21 They're all, two and seven are basically in
22 abeyance. They are closed as SEC issues.
23 Basically all of the seven findings are closed as

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1 SEC issues.

2 Now take a look at finding one. This
3 was that NIOSH failed to prescribe a methodology
4 to assess dose to the skin and hands and forearms
5 from x-ray diffraction equipment. And the basis
6 of this was that NIOSH had a methodology based on
7 x-ray diffraction or XRD equipment at Sandia
8 Laboratories at Livermore.

9 But that same description and technical
10 factors were not available for Carborundum. So
11 SC&A really had our hands tied in determining how
12 NIOSH intended to bound the XRD doses.

13 NIOSH then came back after they had
14 acquired additional information. They assessed
15 the doses to the XRD operators, and it was concluded
16 that dose to the skin and the hands would be
17 assigned using the exposure to uranium work areas
18 because it was bounding.

19 I believe it was about 10 rads per year
20 of shallow dose to the skin. I think, like, 115
21 rads to the extremities of the hands. So that
22 issue was closed.

23 Finding number two related to this

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1 issue of processing of thorium on site, this
2 actually took place I believe in mid 1950s. So
3 then during that first residual period, there was
4 no evidence. NIOSH presented a weight of evidence
5 argument that there probably was no weapon-related
6 work going on with thorium.

7 However, during the second operational
8 period, because all sources of exposure have to be
9 considered, NIOSH would therefore have to account
10 for potential thorium exposures by using the air
11 sampling data that were available at the time.

12 I believe in the August meeting, I
13 believe Jim Neton indicated that they were going
14 to look at that a little bit more carefully. And
15 so that is deemed a Site Profile issue. It is in
16 abeyance awaiting methodology on the part of NIOSH.

17 Finding three, this was the use of
18 strontium-90 thickness gauges. And we had found
19 evidence that in 1952, the site acquired several
20 thickness gauges as part of their QA efforts. And
21 these had about two curies of strontium-90 in
22 equilibrium with yttrium-90.

23 So we have pure beta emitters,

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1 high-energy beta emitters. So there was a
2 potential for Bremsstrahlung radiation exposure to
3 workers. NIOSH agreed to go take a look and see if
4 they could find some more information on this, and
5 they did.

6 And it turns out that that, the gauges
7 were indeed located in the Wheatfield, New York
8 plant which was a town near Niagara Falls, but it's
9 not a covered facility. So that issue was moot and
10 it's closed basically. We withdrew that finding.

11 Finding four, a failure to assign doses
12 for medical x-rays during the first operational
13 period. They didn't assign any medical x-rays
14 during that period because the correspondence from
15 the contractor, DuPont, said the grinding of
16 uranium and Carborundum didn't require medical
17 supervision.

18 Well, that still doesn't address, you
19 know, workplace exposures to medical x-rays as part
20 of their employment which is required under
21 EEOICPA. NIOSH agreed that they should indeed do
22 an x-ray exam for claimants during that first
23 operational period. And we agreed, and the Work

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1 Group agreed, and that finding's closed.

2 Finding five is kind of related, it was
3 the example DR that NIOSH provides along with the
4 Evaluation Report. Failure to assign medical
5 x-ray doses during the second operational period.
6 And you see there's a lot of verbiage here. I'm
7 not going to go through and read everything here.

8 Let's see. The sample DR in support of
9 the ER, it's posted on the website, explicitly
10 stated there's no medical x-rays doses were
11 assessed to hypothetical worker. And we have felt
12 that inconsistency needed to be resolved.

13 NIOSH agreed to include medical x-rays
14 for the period, and we concurred with their
15 resolution. So the Work Group agreed to close that
16 finding.

17 Finding six. This was the
18 inappropriate and incorrect use of FGR report 12,
19 the dose conversion factors. And as opposed to the
20 TBD-6000 factors, to estimate internal and
21 external doses from intakes of uranium dust and
22 from exposure to uranium metal.

23 NIOSH used FGR 12 to calculate doses

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1 from submersion in a cloud of radioactive dust and
2 exposure to contaminated surfaces instead of using
3 the values in TBD-6000.

4 Photon dose coefficients from FGR-13
5 are only about 30 percent of the values in TBD-6000.
6 There was a problem with that also in that FGR 12,
7 the DCFs are for effective dose and not equivalent
8 dose to organs.

9 And there's really no way to tease out
10 organ doses from that. Now, granted the doses are
11 small, but you know, it's a scientifically
12 incorrect approach and did result in slightly lower
13 doses overall.

14 NIOSH agreed to use the TBD-6000 values
15 in the August 18th discussions, and the Work Group
16 agrees to close that finding as well.

17 Finally finding seven, dose
18 calculations in a sample DR were not reproducible.
19 And we had tried to independently reproduce their
20 doses assuming that they were best estimates.

21 And it turned out that there were some
22 efficiency measures employed, for example using
23 type F for intakes for the 1943 uranium grinding

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1 work when really M and S were applicable.

2 NIOSH -- excuse me, my voice is kind of
3 going -- does believe that those comments should
4 be resolved before it provides an update. Oh, let
5 me back up just a second.

6 This is going to kind of segue into the
7 next issue. NIOSH had indicated or reminded us
8 that in our review we had questioned some of the
9 surrogate data that were being applied. And NIOSH
10 felt that it was best to wait until those issues
11 were resolved until they went back and took a look
12 at this sample DR and made some revisions to it.

13 And that kind of brings us up to the
14 November 17th meeting where we looked at the use
15 of surrogate data from TBD-6000. The DCAS
16 assessment relied on surrogate data in TBD-6000 to
17 estimate external and internal doses for the 1943
18 experimental work.

19 It also relied on surrogate data for the
20 reconstruction of external doses from uranium work
21 in the 1959 through '67. But external doses for
22 mixed uranium/plutonium compounds did not rely on
23 surrogate data or estimates of intakes from 1959

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1 to 1967. So it's kind of a focused use of surrogate
2 data.

3 Now we'll take a look first at the first
4 operational period. We took a look at the
5 surrogate data that were proposed and compared that
6 to the Advisory Board criteria.

7 The hierarchy of data, exclusivity
8 constraint, site and process similarities,
9 temporal considerations and plausibility. And in
10 every one of these situations, the surrogate data
11 for this first period met the Board's criteria. So
12 we felt that the surrogate data on uranium intakes
13 satisfied all criteria in that particular case.

14 Now for external exposure to uranium,
15 the actual source term during the first operational
16 period was about 13.6 kilograms of natural uranium;
17 that was slugs. And during the second operational
18 period, there were 4.6 kilograms of uranium shot
19 requested. And batches of it were produced in 30
20 gram to 2.7 kilograms. So pretty small amounts
21 overall.

22 NIOSH did MCNP modeling since none of
23 the other, you know, there's obviously no personnel

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1 monitoring, area monitoring or anything of that
2 nature, so we had to default to source term
3 modeling.

4 And so they went ahead and did modeling,
5 but they used, like, a 477 kilogram ingot, about
6 two feet high by ten inches deep and so forth. And
7 we took a look at that to determine whether it
8 really satisfied the criteria, the hierarchy of
9 data.

10 The exclusivity constraint, we felt
11 there were other sources of data available in
12 TBD-6000 that were more appropriate. So we didn't
13 feel that it met that. Site and process
14 similarities, again major differences in source
15 term.

16 Temporal considerations really didn't
17 matter, really because site and process, it's
18 really, it's a completely different time frame and
19 so forth. Plausibility, we thought there were
20 major differences in both the actual and the
21 modeled source terms.

22 And our review came up with the
23 suggested resolution during the first period was

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1 to model the dose rates from seven slugs, much
2 smaller slugs in a certain type of array. And the
3 second period, to model the dose rate from uranium
4 plate, and that was about three kilograms.

5 NIOSH is going to go back and take a
6 second look at this. However, we stress this is
7 not an SEC issue, as other source terms that are
8 more appropriate are available in TBD-6000.

9 So the bottom line, the Work Group
10 concludes that with appropriate adjustments, NIOSH
11 can indeed reconstruct doses for the proposed SEC
12 Class, and the Work Group moves that the SEC
13 petition 223 be denied.

14 And I don't know if Tom Tomes is online.
15 He's the author of the TBD, and would probably be
16 in the best position to address any technical
17 issues. Also Bob Anigstein, Dr. Anigstein from
18 SC&A is online as well.

19 CHAIR MELIUS: Okay. Questions from
20 anybody? Okay, go ahead. Josie?

21 MEMBER LOCKEY: Jim Melius? Ted?

22 MR. KATZ: Right, Jim. We can hear
23 you. It's just that --

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1 MEMBER LOCKEY: Yes, the petitioners
2 could not hear a lot of the presentation. So --

3 CHAIR MELIUS: Could you hear it, Jim?

4 MEMBER LOCKEY: It was soft, but I
5 could hear it. But I don't know who the
6 petitioners are, but I heard them talking to each
7 other and they were having trouble hearing. So I
8 just want to pass that on.

9 CHAIR MELIUS: Okay, thank you.

10 MR. KATZ: Thanks, Jim.

11 MEMBER BEACH: And I was wondering how
12 many workers this involved who were affected?

13 CHAIR MELIUS: Tom, can you answer
14 that?

15 MR. TOMES: Yes. Tod Tomes. The
16 operations at Carborundum was a relatively small
17 operation. The early work was just experimental
18 for barely a few weeks involving one machine. The
19 later second period was initially was working with
20 uranium, and then they expanded that work into the
21 mixed uranium/plutonium pellets.

22 And for the most part, there was a
23 one-man operation. However, there was other

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1 people involved. So we do have interviews from
2 workers who said that the work in the plutonium
3 facility was basically a one-man operation.

4 But as I said, the other people
5 involved, they had some testing going on of the
6 pieces they were fabricating.

7 CHAIR MELIUS: But the number of claims
8 looked, I thought --

9 MEMBER BEACH: It was huge. It was,
10 like, three hundred and something. That's why I
11 got confused.

12 CHAIR MELIUS: And the significant
13 percentage of them had been compensated, I thought.

14 MEMBER BEACH: Yes, 50-some odd had
15 been compensated.

16 MEMBER CLAWSON: That was in the
17 Department of Labor --

18 MEMBER BEACH: That's why I was asking,
19 because it was confusing.

20 MR. HINNEFELD: Well this is Stu
21 Hinnefeld. As is the case in many, many times,
22 there may be only a few people in a particular
23 exposure category, but the records are just not

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1 sufficient to identify which people those were.

2 And so we essentially, given evidence
3 to the contrary, I mean, some people's records may
4 contain information that would leave you to
5 conclude with confidence that those people were not
6 exposed.

7 If you don't have that sort of
8 information in any particular person's record, we
9 say well, this could very well be one of the people
10 that was exposed. And so each individual then is
11 treated as if they might.

12 Now when you do that, you end up with
13 far more people getting higher dose
14 reconstructions than maybe actually happened.
15 But that's not that uncommon in how we do things.

16 CHAIR MELIUS: Is that clear now?

17 MEMBER BEACH: Yes.

18 CHAIR MELIUS: Yes. So I think what
19 you're saying is that the work records are not clear
20 in terms of placing people in this particular
21 operation. So if it were an SEC, it would cover
22 a significant number of possibly additional
23 people. We don't know from this. Phil?

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1 MEMBER SCHOFIELD: Yes, I've got one
2 question that SC&A or NIOSH could answer. Is there
3 any records for the ventilation, or is there any
4 type of ventilation in the area where they're doing
5 the centerless grinding? Was that just kind of an
6 open-room process?

7 MR. KATZ: Tom?

8 MR. TOMES: This is Tom. I could not
9 hear the question very well on part of that.

10 MR. KATZ: I'm sorry. So there's
11 someone on the line who's got their phone open and
12 they're breathing into their phone, and that's
13 probably hurting the audio quality for others.

14 But Tom, the question is what sort of,
15 what do we know about the ventilation for this
16 operation, and if you could just address that
17 question.

18 MR. TOMES: 1943 work, we presume there
19 was no ventilation required. And records suggest
20 that there was no special requirements required by
21 the Manhattan Engineer District for the testing
22 they did.

23 The 1959 through 1967 period, most or

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1 nearly all the work was done in hoods or glove
2 boxes. The uranium work was done in hoods and
3 glove boxes. Most of the work had to be done in
4 an inert atmosphere.

5 The plutonium facility was fully
6 designed, modern facility. But ventilation
7 contained glove boxes, and inert atmospheres.
8 Essentially it was a contained operation with only
9 minimal fugitive emissions.

10 MR. KATZ: Thank you, Tom.

11 CHAIR MELIUS: Okay. I have a couple
12 of comments. And I guess in some way they're
13 questions. Two parts. One is -- these are sort
14 of procedural. One is that you have SC&A, and I
15 think NIOSH agreed, that the original example dose
16 reconstruction was not appropriately done and that
17 the methods for that are going to be changed.

18 But as I understand it, those methods
19 haven't been chosen yet. And so there is no, you
20 know, representative example dose reconstruction
21 done yet. And even more disturbing to me is the
22 issues with the surrogate data where the surrogate
23 data criteria were not met, and now we're going back

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1 to develop a new set of surrogate data from
2 TBD-6000.

3 And the issue isn't whether, you know,
4 those are in general appropriate but the question
5 is are they applicable to this particular site.
6 And I really find it troubling that we would, in
7 the case of a surrogate data, we sort of refer this
8 automatically as a Site Profile issue.

9 It's not. I don't think you've
10 demonstrated that the SEC can be, that the dose
11 reconstructions can be done yet. You're assuming
12 it. And you may very well be right, I'm not
13 questioning that or questioning the Work Group.

14 But I don't think we have a
15 demonstration on the record that those surrogate
16 data can be met, criteria can be met. And I guess
17 I find that troubling to do, unless I missed, and
18 I guess my question is did I miss a report or a
19 technical report that was done.

20 Otherwise, now I haven't read the
21 transcripts from the Work Group meetings and
22 perhaps there was something in there that fleshed
23 it out more.

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1 But certainly not from the slides, I
2 don't see an indication, and from the presentation
3 that we actually have a methodology that will be
4 used and that that methodology has been reviewed
5 for, one, against our surrogate data criteria, and
6 secondly against that we have an example of dose
7 reconstruction done with that criteria now.

8 Again, so my question for I guess you,
9 John, or anybody else who's involved is has that
10 been done? Did I miss it?

11 MR. STIVER: Bob Anigstein did a pretty
12 thorough review and it was discussed extensively
13 in the August meeting. What you're seeing here is
14 just kind of a 10,000 foot view. But Bob, if you're
15 on, maybe you can answer Dr. Melius' question.

16 MEMBER ZIEMER: Dr. Melius, this is
17 Ziemer. I'm looking at the SC&A, they have a
18 report called NIOSH use of surrogate data for
19 Carborundum. And as I understood this report,
20 SC&A agreed that they met the surrogate data
21 requirements. This report is authored by Bob
22 Anigstein and John Mauro.

23 MEMBER BEACH: Was it the November 10th

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1 date, Paul, you're talking about?

2 MEMBER ZIEMER: Yes, November 10th
3 report.

4 MEMBER BEACH: The most recent one.

5 CHAIR MELIUS: Then why isn't that on
6 the slides? What are the criteria that they're
7 using? The slides say that this is going to be done
8 going forward.

9 MEMBER ZIEMER: This is a report dated
10 November 10th. So I'm not sure what their sequence
11 was here. But the report was with the materials
12 distributed.

13 CHAIR MELIUS: Yes, but what were the
14 criteria being used, is my question. What were
15 they, because that's not what the slide says.

16 MR. KATZ: Tom --

17 MEMBER ZIEMER: Well, they went
18 through each of the five, there's discussion on
19 each of the five.

20 MR. KATZ: Either John or Bob or Tom --

21 MEMBER ZIEMER: John and Bob are on the
22 line. I don't feel like I should discuss their
23 report other than point out what their conclusions

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1 were.

2 MR. KATZ: Yes, this is Ted. They're
3 different components of dose that were addressed,
4 I think. But so one of them can speak to this
5 matter.

6 MR. STIVER: Bob, if you're on line,
7 that would probably be best since you did the report
8 and heavy lifting on this. I can say that he looked
9 at that uranium slug, felt that it really didn't
10 match up with the Board's five criteria for
11 surrogate data, but that there are TBD-6000 data
12 which would. Now NIOSH would still have to come
13 back with some sort of a proposal as to how they
14 were going to address that. But based on our
15 report, we felt, based on our judgment and review
16 of TBD-6000 and what was actually going on at the
17 facility, that this would probably, at least in our
18 opinion, meet the surrogate data criteria.

19 MR. KATZ: Is Bob on the line? Bob
20 Anigstein?

21 DR. ANIGSTEIN: I am.

22 CHAIR MELIUS: He did say he was going
23 to be on.

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1 MR. KATZ: Okay, he planned to, I know.
2 I mean, just to add to what John just said, the
3 discrepancy is that I think DCAS -- but Tom can
4 speak to this. DCAS selected a different scenario
5 from TBD-6000 than Bob Anigstein felt was
6 appropriate.

7 And I think there's general agreement,
8 there was agreement by the Work Group and so on that
9 that's correct, that Bob was correct. And so they
10 have not moved to putting in the, to use the
11 alternative.

12 I know Bob Anigstein actually, I mean,
13 they discussed the specifics of what the
14 alternative should be from TBD-6000 from the one
15 that was used. And I think there was general
16 agreement that that's correct.

17 DR. ANIGSTEIN: This is Bob.

18 MR. KATZ: But they haven't
19 implemented it. So that's where that stands, is
20 that correct, Bill?

21 MEMBER FIELD: Yes.

22 MR. KATZ: Yes.

23 MEMBER BEACH: Bob is on the line.

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1 DR. ANIGSTEIN: This is Bob Anigstein.
2 I don't know if I can be heard.

3 MR. KATZ: Bob, you have to speak right
4 into your -- Bob, go ahead.

5 DR. ANIGSTEIN: Yes, basically the
6 criticism on the use of surrogate data was that the
7 source term of internal exposure was overstated,
8 that they used a much larger quantity of uranium
9 in their example DR.

10 MR. KATZ: Wait. Bob, can I just
11 interrupt you because you're really not audible for
12 at least some of us. Can you speak directly into
13 a phone handpiece or something?

14 DR. ANIGSTEIN: Is this better?

15 MR. KATZ: That's 100 percent better.
16 Thank you.

17 DR. ANIGSTEIN: Okay, okay. I don't
18 hear as well on this phone, but I can speak on it.
19 Okay, in summary, our objection to the use of
20 surrogate data was that NIOSH used an implausible
21 source term for the external exposure.

22 We agreed with the use of the source
23 term for the inhalation, for the internal exposure.

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1 But the external exposure, it was based on, I think
2 it was a 470-kilogram, it amounts to, uranium slab
3 whereas in reality they had only a few pounds of
4 uranium, like, maybe 30 pounds at one time in one
5 case.

6 So we simply suggested that there are
7 other source terms available in TBD-6000 which
8 would require a little bit of additional
9 calculation on the part of NIOSH because that
10 source term has been calculated with a lot of
11 detail, but it's a very simple calculation.

12 And so we believe that NIOSH can define
13 a source term, just not the one that was used in
14 their sample calculations. So in principle, to
15 restate probably what John Stiver said, I had just
16 difficulty hearing him, all of the SC&A objections
17 can be satisfied with the appropriate changes in
18 the dose reconstruction procedures.

19 CHAIR MELIUS: And I think the
20 operational word is "can," but they haven't been,
21 and haven't been demonstrated to the Board. I
22 mean, that's my concern in that this is -- we're
23 reviewing SEC and whether or not the use of

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1 surrogate data is appropriate in an SEC situation
2 is not of minor Site Profile issue that can be
3 handled, you know, at some later point in time.

4 I think we don't require every dose
5 reconstruction eventuality to be demonstrated, but
6 here where you have, to mem what is a critical one,
7 the use of surrogate data, and all we have is people
8 saying it might be done, there are a number of ways
9 of doing it. But what is the way that it's going
10 to be done, is my question.

11 And before, this is a personal opinion,
12 before closing out an SEC petition, I would like
13 to have a demonstration that it can be -- what is
14 being done to do those dose reconstructions,
15 demonstrating it can be done with sufficient
16 accuracy.

17 MR. HINNEFELD: Dr. Melius, Stu
18 Hinnefeld again. If I can offer something from
19 essentially a programmatic perspective here.
20 From the program standpoint, there is no particular
21 advantage to reaching, hurrying a decision to deny
22 a Class.

23 There's a programmatic advantage to the

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1 claimant to hurry a decision to add a portion of
2 a Class, for instance. We do that on many
3 occasions where we haven't completed the
4 evaluation, but a portion of a Class we feel this
5 is certainly going to be added. Let's move that
6 ahead. Those claimants will get paid.

7 There's no particular advantage like
8 that to make a decision to deny a Class. But there
9 is a programmatic interest in establishing a
10 complete and solid record of the reasons why the
11 Class will not be added.

12 So, as much as my colleagues probably
13 want to shoot me, I would say that there's reason
14 maybe to bring this back to the Board at a later
15 time when the unresolved issues have been resolved.

16 CHAIR MELIUS: Thank you, Stu. Any
17 additional -- Josie?

18 MEMBER BEACH: Oh, I was just wondering
19 about how they're choosing categories, because I
20 know TBD-6000 only has three categories, I believe,
21 and the earlier method may have missed some of the
22 folks in the categories they should have been in.
23 And maybe that will flesh out with this.

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1 CHAIR MELIUS: Any other Board Members
2 on the phone wish to make comments, or at the table
3 here? David?

4 MEMBER KOTELCHUCK: I also feel that
5 this discussion misses the Chair, who's not able
6 to be here today. So there's also a value in
7 completing the discussion at a later time when
8 she's here, because she, I would expect, of all the
9 Work Group Members, probably is the one most
10 closely, had most closely followed, although I do
11 not wish to cast aspersions on the other group
12 Members.

13 But, generally, the Chair has been
14 thinking about this as carefully as anyone. And
15 so it would be very nice if she were here. And we
16 could do that if we were to postpone the decision
17 today.

18 CHAIR MELIUS: Okay. If there are no
19 further -- yes? I do want to give the petitioners
20 the time to speak.

21 MEMBER FIELD: Yeah, as a Work Group
22 Member, you know, thinking back on this, my
23 recollection was that the source of what was being

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1 used for the surrogate data was of much bigger mass,
2 and that I think some of the concerns was that was
3 over sort of an overexposure if you do the
4 calculation.

5 So I think that was the concern. And,
6 you know, less of the concern whether or not they
7 could do it. It was just that it wasn't feasible.

8 CHAIR MELIUS: Plausible.

9 MEMBER FIELD: Yeah, wasn't plausible,
10 right.

11 CHAIR MELIUS: Henry, yes.

12 MEMBER ANDERSON: I just want to
13 underscore your comment about Site Profile issue
14 versus SEC issue. It seems to me the Site Profile
15 is the base document. And if that's unresolved --
16 SEC dose reconstructions are based on those Site
17 Profiles. So I guess I don't understand the
18 conclusion here that you push this out of the SEC
19 but onto the Site Profile.

20 CHAIR MELIUS: Well, I think we --

21 MEMBER ANDERSON: I mean, they're
22 related.

23 CHAIR MELIUS: Yeah. I think what

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1 we've tried to do is, and maybe overdone it a little
2 bit, is we try to focus on SEC issues when we're
3 reviewing SEC, and then address those because those
4 have the most immediate impact, as Stu mentioned
5 earlier, you know, for the claimants. And things
6 that we're pretty sure can be addressed that aren't
7 SEC issues we put aside until later. And one, they
8 may not affect the Class --

9 MEMBER ANDERSON: Site Profile.

10 CHAIR MELIUS: Site profile, we may
11 find later that they are actually SEC issues. And
12 I think we have, there are examples in the past
13 where what we thought could be done couldn't be
14 done.

15 And I worry more about that in the case
16 of here we have an older facility, not good records,
17 and very limited data. And we ought to just be sure
18 that the methods that we'll have in place will work,
19 particularly with the use of surrogate data, which
20 Members of this Board and others have some
21 difficulties with.

22 Let's take a second, and I don't know
23 if the petitioners wish to speak. I know they're

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1 on the line. But if the petitioners would like to
2 say anything now, you're welcome to comment.
3 You're not required to.

4 MR. FIFER: Yes, I'd like to. It's
5 Robert Fifer.

6 CHAIR MELIUS: Okay.

7 MR. FIFER: I couldn't hear too well,
8 but what I got was you mentioned something about
9 other people that were questioned about this?

10 CHAIR MELIUS: Yeah, I think that was
11 a reference to the Work Group or to Tom. I can't
12 remember. The DCAS staff.

13 MR. FIFER: I didn't quite make it all
14 out, you know, what it was about.

15 CHAIR MELIUS: We're just trying to
16 understand how many people potentially worked in
17 the facility and might be affected by this
18 decision. I think that was what the discussion was
19 in terms of that.

20 Stu, was that, Stu Hinnefeld is going
21 to the --

22 MR. HINNEFELD: Yes. I think maybe
23 the discussion that he's talking about was Tom made

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1 a comment about the number of people who worked on
2 each of the operations, and we had our discussion
3 about why are so many people getting high, you know,
4 compensable dose reconstruction.

5 But I think that was -- we did in fact
6 interview some people who have worked at the site
7 as part of our investigation. And I think what Tom
8 said was that the people that we talked to said that
9 these were relatively small operations.

10 I think that's when we were talking
11 about talking to people. We did interview some of
12 the workers at the site.

13 MR. FIFER: I mean, were these people
14 back in the time that my dad worked there?

15 MR. HINNEFELD: Well, I don't recall
16 exactly when your dad worked there, but some of them
17 at least did during --

18 MR. FIFER: Well, he worked there, you
19 know, for 40 years. He was 1935 to --

20 MR. HINNEFELD: Well, I think that they
21 worked during the later operational period. I don't
22 know if they worked in 1943 or not. But I believe
23 they worked during the uranium and plutonium

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1 carbide fabrication.

2 MR. FIFER: Because the reason I say
3 that, they'd be pretty old if it was 1943.

4 CHAIR MELIUS: Yeah. Any other
5 comments from the Petitioners?

6 MR. FIFER: Jan, you got any?

7 MS. KNAPP: No, I think you covered
8 pretty much what I wanted to say, too. It was way
9 back, you know, years ago. But it's just that I
10 don't know how you feel, Bob, but I cannot hear a
11 lot of it.

12 I mean, are people just talking in a
13 room or are you guys actually talking on the phone?
14 Because it's very hard for us to hear.

15 MR. FIFER: Yeah, very hard.

16 MS. KNAPP: I mean, the guy that gave
17 the seven reasons at the very beginning, we're
18 probably lucky if we caught a quarter of that.

19 CHAIR MELIUS: Okay. Well, the
20 technology, we're talking on microphones that are
21 then put into a phone line. We're doing the best
22 we can.

23 MS. KNAPP: Okay, okay.

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1 CHAIR MELIUS: And there is a
2 transcript of the entire meeting that will be
3 available on the website relatively shortly also.

4 MS. KNAPP: Okay. Thank you.

5 MR. FIFER: And another thing I would
6 like to know, the Wheatfield plant was mentioned,
7 but I couldn't hear much on that. What was that
8 about?

9 MR. HINNEFELD: The comment, I
10 believe, was about a Wheatfield facility. And
11 that came up in the discussion because the Board's
12 contractor, in reviewing NIOSH's work -- I'm sorry,
13 this is Stu Hinnefeld again from NIOSH.

14 The Board's contractor had said, hey,
15 we found evidence that there were
16 strontium-yttrium sources used by Carborundum,
17 have you considered those? And so that was a
18 finding we had to go back and try to find more
19 information about.

20 We found more information about that.
21 We found that those sources of radioactivity were
22 only used at the Wheatfield facility, not at Global
23 or Buffalo Avenue. And the Global and the Buffalo

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1 Avenue are the covered facilities. So anything
2 used at Wheatfield would not be included in this
3 program.

4 MR. FIFER: Okay.

5 CHAIR MELIUS: Okay, thanks.

6 MR. FIFER: So I'm on the understanding
7 now that the dose reconstruction is not been redone
8 yet.

9 CHAIR MELIUS: Correct. But the
10 Board's got to -- we're going to need to deliberate
11 and decide what to do. So we haven't decided
12 anything yet.

13 MR. FIFER: Okay.

14 CHAIR MELIUS: Okay. We will in the
15 next few minutes, though.

16 So, back to the Board. I think we have
17 -- I'm assuming we have actually a motion from the
18 Work Group. And I just heard a motion to table.
19 So, Henry Anderson has moved to table the motion.
20 We have a second from Bill Field. I believe that's
21 without debate. So with that, all in -- well, why
22 don't we take a roll call.

23 MR. KATZ: I think you can do it by

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1 voice vote.

2 CHAIR MELIUS: Okay, well, all in
3 favor?

4 (Chorus of ayes)

5 CHAIR MELIUS: Okay, opposed?

6 (No response)

7 CHAIR MELIUS: Okay. So what we will
8 do is we'll table any action on this. I think we're
9 asking NIOSH to come back with a proposal on the
10 outline on what they will be doing in terms of the
11 surrogate data issue, as well as an example dose
12 reconstruction based on that.

13 Share it with the Work Group. I
14 believe SC&A would review it. And then I don't
15 know the timing, and don't expect to know the timing
16 now, but we would bring it back at another Board
17 meeting, perhaps the next one that we have. But
18 that's up to Stu and SC&A to sort of figure out the
19 logistics on that.

20 And we'll keep the petitioners
21 informed. NIOSH/DCAS will keep the petitioners
22 informed on what's happening and further meetings
23 and then when it will be coming back to the Board.

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1 So, thank you, everybody.

2 Now we have a Board work session. And
3 Ted's going to correct a mistake.

4 **Board Work Session: WG/SC Reports, Scheduling Meetings**

5 MR. KATZ: Yes. First, I'm going to
6 correct one of my mistakes, which is I had told you
7 July dates for July 2017 for a Board Meeting. But,
8 actually, that had been a problem for Dr. Melius
9 and we had rescheduled that already for August 23rd
10 and 24th. So, that's the correct date for the
11 summer meeting: August 23rd and 24th of 2017. I
12 just wanted to straighten that out.

13 And, Paul, another thing is I've spoken
14 to James here with the transcription company. But
15 we'll look into what the best way is for possibly
16 appending the presentations to the transcripts in
17 one fashion or another so that they're together in
18 a package. So, we'll look into that.

19 MEMBER ZIEMER: Yeah, that's good. I
20 wasn't trying to give anyone a hard time, I just
21 was concerned that it was almost too sketchy for
22 --

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1 MR. KATZ: No, I understand. I
2 understand. Yeah, I think it's a good concern.
3 Thank you.

4 MEMBER BEACH: Can I ask, Ted, do we
5 know where the August meeting is?

6 MR. KATZ: No, no.

7 CHAIR MELIUS: Do you have any
8 suggestions we should consider?

9 MEMBER BEACH: We already talked about
10 three of them.

11 CHAIR MELIUS: Okay.

12 MEMBER MUNN: It would be a good time
13 to be in Colorado.

14 CHAIR MELIUS: Yeah, but then Brad
15 would miss us. Okay. We have time on that one.
16 I suspect it will change given the normal flow of
17 work and so forth. It'll be nice and warm in
18 Augusta.

19 Okay. So, why don't we start to go
20 through the Work Groups and Subcommittee updates,
21 everybody. And we'll start with you, Dave. Ames
22 Laboratory.

23 MEMBER KOTELCHUCK: Tom Tomes said

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1 that he has gotten the data and analyzed data with
2 respect to the external dose there at Ames Lab for
3 the Site Profile, and is now looking at the internal
4 dose, and, interestingly, said internal dose
5 inconsistencies are problems for which he's
6 apparently concerned about. He is concerned
7 about.

8 So, we actually don't have any meeting
9 scheduled until he finishes that analysis. So,
10 there's really no change. But there has been
11 progress in gathering data.

12 CHAIR MELIUS: Would you bring your
13 notebook and just stay at the --

14 MR. RUTHERFORD: Yeah, not a bad idea.
15 We are looking at a potential infeasibility at Ames
16 for a period. And so we're going back to do some
17 additional interviews to kind of define this period
18 a little better before we move forward.

19 And we don't have a date, we don't have
20 a good date for that yet because we've got to
21 schedule those interviews and go back and do some
22 additional data capturing.

23 CHAIR MELIUS: We already have an SEC

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1 there. I'm trying to remember --

2 MR. RUTHERFORD: Yes, we've got an SEC
3 up through -- and, actually, Tom Tomes is on the
4 phone. He could tell me the exact date that we're
5 up to.

6 MR. TOMES: Through 1970.

7 MR. RUTHERFORD: Through 1970, there
8 you go.

9 CHAIR MELIUS: So this is after that,
10 then?

11 MR. RUTHERFORD: Yes, it is.

12 CHAIR MELIUS: Okay. Okay. Argonne
13 East?

14 MEMBER CLAWSON: We talked about that
15 today --

16 CHAIR MELIUS: Talk into the mic,
17 please.

18 MEMBER CLAWSON: Yeah. It's just at
19 the start. SC&A has got a paper out there, is that
20 correct?

21 MR. STIVER: Yes, delivered that back
22 in June, based on the tasking you had from the March
23 meeting.

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1 MEMBER CLAWSON: Okay, so that's in
2 NIOSH's hands.

3 CHAIR MELIUS: Okay. Blockson?
4 Wanda?

5 MEMBER MUNN: Nothing happening.

6 CHAIR MELIUS: Okay, that's what I
7 thought.

8 MEMBER MUNN: No report.

9 CHAIR MELIUS: You're still on the list
10 though, see.

11 MEMBER MUNN: Yes, we are.

12 CHAIR MELIUS: Brookhaven? Josie?

13 MEMBER BEACH: No report, nothing new.

14 MR. RUTHERFORD: I will say, the TBD is
15 scheduled to be out in May of 2017.

16 CHAIR MELIUS: Okay. So now you have
17 something to do, or you will.

18 MEMBER BEACH: We can task SC&A,
19 correct.

20 CHAIR MELIUS: Right. Okay,
21 Carborundum we've done.

22 Dose Construction Review Methods.
23 What we're focused on now is the issues of sort of

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1 looking at the consistency in certain parts of the
2 dose reconstruction review process.

3 We believe that NIOSH will have a report
4 on that from one of their contractors very shortly.
5 And once we have that report, and NIOSH has had a
6 chance to review it and comment, we will be
7 scheduling a Work Group meeting to discuss that.

8 We may try to do something jointly with
9 the Dose Reconstruction Review Subcommittee. But
10 we'll figure that out when we see the report and
11 figure out the logistics involved. So, anyway, it
12 will probably be obviously after the first of the
13 year, I think, before we have the meeting and
14 report. Yes, Dave?

15 MEMBER KOTELCHUCK: The Dose
16 Reconstruction Review Subcommittee did discuss the
17 report that that was done last March by SC&A. And
18 I'll report on that later.

19 CHAIR MELIUS: Okay. Fernald?

20 MEMBER CLAWSON: Fernald, we still
21 have some Site Profile issues. And I believe,
22 John, you were working on one of my -- I guess I'm
23 trying to figure out who's hands it's in now, if

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1 it's in NIOSH or SC&A's.

2 CHAIR MELIUS: So, John, you get to
3 stand by that mic until lunch.

4 MR. STIVER: Okay. We have a review of
5 TBD-5 underway. We expect to have that completed
6 sometime early in 2017. We also did a review of
7 the TBD-4 update. So, both of those pieces of work
8 will be coming in. So, probably sometime in
9 February or March we could have the Work Group be
10 in position to do that.

11 MEMBER CLAWSON: Okay.

12 CHAIR MELIUS: Grand Junction, Bill?

13 MEMBER FIELD: Yeah, Grand Junction,
14 we're finally making some progress. We received
15 an SC&A review of the NIOSH SEC evaluation in May.
16 And then that evaluation found two concerns and one
17 finding.

18 We met October 5th as a Work Group. And
19 there's still some information we need to gather
20 yet about information on workplace air monitoring
21 data that we need to get that NIOSH is working on.
22 So that's what we're waiting for now. As soon as
23 that's done, I think we'll be able to wrap things

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1 up.

2 CHAIR MELIUS: Okay, great. Thank
3 you. Any questions?

4 Okay. So, Hanford, I'm the Chair of
5 that. I guess my question is for NIOSH or LaVon:
6 is our new NIOSH technical person up to speed now?

7 MR. RUTHERFORD: Yes, he is. He is up
8 to speed and we are working to gather new
9 information on -- we've actually got a lot of the
10 information on the prime contractors.

11 That's been our focus, is to look at
12 their bioassay program to make sure that they were
13 meeting the contract requirements that the
14 subcontractors weren't meeting for the reason that
15 we recommended the Class the last time.

16 So, I don't have a good scheduled
17 completion date for that, but we are working on
18 that. And I think we can get you a good update
19 probably early next month.

20 CHAIR MELIUS: Okay, good. Maybe we
21 can do, like, a technical conference call or
22 something with -- is Arjun still around?

23 (Laughter)

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1 MR. KATZ: Yeah, he exists.

2 CHAIR MELIUS: He exists, he still --

3 MR. STIVER: He stops by sometimes.

4 CHAIR MELIUS: Okay, good. Good.

5 Tell him I'll be looking for him soon. Okay.

6 Thank you. Idaho/Argonne West.

7 MEMBER SCHOFIELD: We have had --
8 there's been a lot of work done on that in the last
9 while. There's some onsite interviews done
10 earlier part of this month.

11 There's more, some of the people they
12 were unable to talk to would be interviewed via
13 phone. And hopefully all that will be set and
14 we'll have a Work Group meeting in January or
15 February.

16 CHAIR MELIUS: By phone.

17 MEMBER SCHOFIELD: By phone.

18 CHAIR MELIUS: Okay.

19 MEMBER SCHOFIELD: We didn't want to go
20 up Brad's house in the winter.

21

22 CHAIR MELIUS: Okay. And we did

23 receive one report from SC&A in this time period.

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1 Dr. Ziemer, Lawrence Berkeley update?

2 MEMBER ZIEMER: Yeah. There's a
3 pretty complete discussion of that that Lara Hughes
4 put on the DCAS summary page. They had a data
5 capture, they're still doing data entry. And her
6 latest report there indicates that they don't have
7 a completion date yet. So we're awaiting on that
8 before the Work Groups convenes.

9 CHAIR MELIUS: Okay, thank you.

10 Kansas City, Josie?

11 MEMBER BEACH: We're waiting on TBDs
12 there, as well. LaVon, I don't know if you have
13 any updates on when those are going to be available?

14 MR. RUTHERFORD: Yeah, it's expected
15 to be complete in December.

16 MEMBER BEACH: Thank you. Next month?

17 MR. RUTHERFORD: Yes.

18 CHAIR MELIUS: December of '16?

19 (Laughter.)

20 MR. RUTHERFORD: I have 12 of '16.
21 '16's the year. So, sometime in December.

22 CHAIR MELIUS: Under the tree, we'll
23 find it under the tree?

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1 MR. RUTHERFORD: Yeah, I hope so.

2 CHAIR MELIUS: Okay.

3 LANL, I guess, we'll be covering later
4 today. I don't know if you want to say anything
5 now, Josie?

6 MEMBER BEACH: No.

7 CHAIR MELIUS: Okay.

8 MEMBER BEACH: I'll wait for -- I don't
9 have anything new except for what LaVon is going
10 to tell us later.

11 CHAIR MELIUS: Okay. Mound?

12 MEMBER BEACH: Mound, we did meet for
13 TBDs for internal. We closed all items except for
14 the V&V. We got a report, I believe it was in
15 October, from NIOSH. And SC&A just sent out their
16 memo answering NIOSH's earlier memo. So, we need
17 to schedule a Work Group meeting to talk about that
18 V&V.

19 And we're still waiting for the
20 external TBD. Maybe LaVon can tell us when that's
21 out. I think that's soon.

22 MR. RUTHERFORD: You know, I don't have
23 a completion date on that. I know that Dr. Taulbee

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1 was working on that, and he's been pulled between
2 Idaho and there. So, I will, as soon as I can, get
3 you a completion, an expected completion on it.

4 MEMBER BEACH: Okay. And both those
5 reports are in the Work Group's hands now. So I
6 can get with Ted and we can schedule just a quick
7 call, maybe before the next Board call.

8 MR. KATZ: Yeah, I mean, or we can wait
9 until we have the external, right? I mean, it
10 depends on what --

11 MEMBER BEACH: That might be -- it
12 might be nice to close this, the internal out.

13 MR. KATZ: Yeah, whatever your
14 preference.

15 MEMBER BEACH: We can talk about it.

16 MR. KATZ: Sure.

17 CHAIR MELIUS: Nevada? Brad?

18 MEMBER CLAWSON: Nevada Test Site, we
19 have a Work Group meeting set up for January 5th
20 to be able to go over the last remaining issues on
21 it.

22 CHAIR MELIUS: Good. Oak Ridge
23 National Laboratory. Gen's not here. So, I don't

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1 know if there's any --

2 MR. RUTHERFORD: No, we've been
3 actually doing a lot of work with ORNL on the data
4 and trying to resolve some issues with data
5 discrepancies. We've been back and forth with
6 different claims in working on that.

7 We're also trying to close out our
8 radioiodine issue as well. So those are kind of
9 going on concurrently. Lara's here, she can add
10 anything that she wanted.

11 CHAIR MELIUS: Okay. Pacific Proving
12 Grounds?

13 MEMBER LOCKEY: Nothing really to
14 report. We're essentially done with that. Stu
15 could probably comment on the current status.

16 MR. RUTHERFORD: Yeah, our TBD was
17 revised in June to incorporate the Work Group
18 suggestions. I haven't gotten anything since
19 then. Stu stepped out of the room, he may have
20 additional information.

21 CHAIR MELIUS: Has SC&A been assigned
22 to that? I'm not --

23 MR. STIVER: Yeah, our review is

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1 complete on that.

2 CHAIR MELIUS: Okay.

3 MR. RUTHERFORD: So it sounds like it's
4 back in our court?

5 MR. STIVER: Yeah.

6 MR. RUTHERFORD: Okay. I will get a
7 better update to Dr. Lockey on that one.

8 CHAIR MELIUS: Okay. Pantax, Brad?

9 MEMBER CLAWSON: Yeah, Pantax, we're
10 coming to a close on it. But we still have one or
11 two outstanding. I thought it was a Site Profile
12 issue, but I think we're just about done.

13 MR. RUTHERFORD: I think we have a TBD
14 we're supposed to issue in December. An external.

15 CHAIR MELIUS: Bill, Pinellas?

16 MEMBER SCHOFIELD: Pinellas, we've
17 closed out, but we still have some issues on K-25
18 on the neutron issue.

19 MR. RUTHERFORD: Yeah, that's kind of
20 a global issue with the gaseous diffusion plants,
21 the K-25.

22 CHAIR MELIUS: Okay. Is somebody
23 doing something about it?

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1 MR. RUTHERFORD: Yes, that is -- I
2 guess I left you in suspense there, didn't I?

3 CHAIR MELIUS: Yeah. I was like,
4 you'll come back after lunch, we'll --

5 MR. RUTHERFORD: No. We are expected
6 to have a report out in March of next year that
7 should address that issue for the gaseous diffusion
8 plants.

9 CHAIR MELIUS: Okay, thank you. Rocky
10 Flats, Dave?

11 MEMBER KOTELCHUCK: We talked about
12 that this morning. And as soon as the DCAS report
13 is completed, we'll schedule a Work Group meeting
14 and hopefully have a decision on that, because that
15 is our remaining unresolved issue, and have a
16 decision on that by March.

17 MR. KATZ: Right. And, Dave, I will
18 have SC&A review that before we meet, the report
19 from NIOSH.

20 MEMBER KOTELCHUCK: Yes, that's right.
21 Thanks.

22 CHAIR MELIUS: Sandia, Dr. Lemen isn't
23 here, but after lunch, LaVon will update us on --

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1 MR. RUTHERFORD: Yeah, you've already
2 stole a bunch of my thunder already.

3 CHAIR MELIUS: Well, you sent out your
4 slides. That one surprised me.

5 MR. RUTHERFORD: Okay.

6 MEMBER BEACH: Sounds like the Work
7 Group might need to meet for that one in the near
8 future.

9 CHAIR MELIUS: Yeah.

10 MEMBER BEACH: For the first time.

11 CHAIR MELIUS: But don't give away too
12 much more.

13 Santa Susana we'll hear about tomorrow
14 morning.

15 Savannah River we'll hear about later.

16 Science Issues, David Richardson isn't
17 here. I don't know if they've met or --

18 MR. KATZ: Yeah, there's no update.

19 CHAIR MELIUS: Okay. Special
20 Exposure Cohort Issues, there's really nothing
21 there, we're caught up.

22 Subcommittee on Dose Reconstruction.

23 Dose Reconstruction Update

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1 MEMBER KOTELCHUCK: Right. The DRR SC
2 meeting, we've been active and there's plenty to
3 report. We met eight days ago and our next
4 scheduled meeting is on January 30th.

5 First, on the expedited dose
6 reconstruction process, at the last meeting we
7 completed the Category 1 cases for Sets 14 through
8 18. And we will begin next meeting to start on the
9 Category 2 and that set.

10 People, all of us, were really quite
11 pleased with the results of this expedited process
12 that the folks from SC&A had suggested. The
13 Category 2 reviews are likely to be similar and take
14 a fair amount of time, as had been done in the past
15 when there were issues. So, we're moving along.

16 CHAIR MELIUS: Dave?

17 MEMBER KOTELCHUCK: Yes.

18 CHAIR MELIUS: Can you explain to me
19 Category 1 and Category 2?

20 MEMBER KOTELCHUCK: Yes. Category 1
21 are issues where there is either it has marginal
22 impact on the dose reconstruction, issues where
23 there are only marginal impact, moderate impact.

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1 Category 2 will have much more
2 significant impact, the findings that were found,
3 than the resolution of it.

4 MR. KATZ: Dave, I mean, the key thing
5 between 1 and 2 is 1 are the ones that are more
6 easily resolved because there's already agreement
7 between NIOSH and the contractors and the
8 Subcommittee needs to weigh in on that.

9 But 2 are ones where they are actually
10 quite apart between NIOSH and the contractor.

11 MEMBER KOTELCHUCK: Right, okay.

12 MR. KATZ: On what's correct.

13 MEMBER KOTELCHUCK: Yes, yes. Then,
14 to discuss a little bit more, we did have a
15 discussion on the memo from SC&A in March on the
16 consistency in dose reconstruction. And it was
17 the first discussion we had had of the memo.

18 And I would say -- first, maybe I should
19 read just a little bit of the memo. Maybe the
20 summary portion was that it suggested that our
21 non-blind dose reconstruction approach is best
22 used to verify if assumptions are consistently
23 applied within a specific site.

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1 And there, the memo suggested six
2 different areas in which we might take a look at
3 consistency. And for example, the first one was
4 the coworker dose, and the decision about assigning
5 50th or 95th percentile.

6 And there was suggestions about how we
7 might do this. But the discussion that we had --
8 and the memo, this memo was sent out by Ted to all
9 of you. The discussion we had about it, though,
10 I think was more basic than the details of the
11 particular aspects of consistency that were
12 suggested.

13 The first was -- and I will say, I'll
14 admit I wrote up a set of notes for myself right
15 after the meeting and said, hey, good, while it's
16 fresh in my mind. Of course, I left that memo back
17 home.

18 So this is slightly reconstructed and
19 I will ask Members of the Subcommittee to comment
20 further. But, really, the question was what
21 question precisely do we wish to answer by
22 examining consistency?

23 I mean, our current evaluation of blind

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1 dose reconstructions is certainly a very good
2 determination of consistency, or precision,
3 really, of the measurements. And we went through
4 three more on Set 21 at our meeting. And, again,
5 they come up with the same basic determination in
6 terms of compensation.

7 But there was really a lot of discussion
8 about that, and question as to whether this really
9 was a worthwhile effort, frankly, by Members of the
10 Subcommittee.

11 And also, another question came up
12 which was not -- which was a discussion, I don't
13 know so much a question. But it appeared
14 essentially we're evaluating the consistency of by
15 dose reconstructors by another group of
16 experienced professionals, the Board.

17 But basically this is -- we're really
18 evaluating professional judgement of other
19 professionals. And there was some question as to
20 how we felt about it, let's put it that way. And
21 I don't think that's as precise as I can make it,
22 but it's my recollection.

23 Perhaps, if the Chair will agree, other

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1 Members of the Subcommittee might want to, if a
2 discussion is appropriate, might want to talk about
3 our discussion.

4 We certainly agreed that the methods
5 group needs to have further discussion about
6 particularly the first question. And I gather,
7 and I was not clear myself at that meeting, that
8 there will be a report by a consultant to the
9 methods group. And that, I would say, was a lapse
10 in my remembrance of what we discussed in the
11 methods.

12 CHAIR MELIUS: Well, let me outline the
13 procedure.

14 MEMBER KOTELCHUCK: Okay.

15 CHAIR MELIUS: The procedure will be we
16 will get a report through NIOSH. I'm not sure what
17 it will have in terms of recommendations or
18 suggestions, but it will outline some potential
19 issues that could be looked at, or need to be looked
20 at.

21 In addition to that, we have the earlier
22 memo from SC&A, and we also have input from, you
23 know, various committees. So, first, we will

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1 handle it within the Dose Reconstruction Review
2 Methods Work Group and come forward with some
3 recommendations for considerations for, I think,
4 for the full Board.

5 And I think before we engage in any of
6 these reviews, I think we should have agreement
7 within the Board on what should be the next steps,
8 because the review of dose reconstructions is
9 assigned to the Board. And I think we've always
10 done, in terms of methodology and methods and so
11 forth, we do it within the Board.

12 So, I mean, that will be the plan. I
13 don't know the exact time table because it will
14 probably be into earlier/mid-next year when we're
15 ready.

16 One question I have, two comments sort
17 of disturbed me a little bit. One is blind reviews
18 don't deal with consistency. We're dealing --
19 because they're even worse than our own individual
20 dose reconstruction reviews in terms of
21 consistency.

22 I think we're looking at consistency
23 for doing the same -- judging the same set of

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1 circumstances and doing a dose reconstruction
2 within a site fairly specifically. Blind reviews,
3 I don't think, address that. That's why we
4 maintain blind reviews as a separate process.

5 Secondly, reassure me. I commented to
6 Ted, you're talking about Categories 1 and 2. I
7 guess we'll worry about doing the easy ones first
8 and delaying doing the more difficult ones. So,
9 I mean, it's up to the Subcommittee how they want
10 to do it, because I'm not sure it makes a huge
11 difference, except if you have a major finding
12 coming from the technical contractor that NIOSH may
13 agree or disagree with or needs discussion.

14 I would hope that you would, you know,
15 sort of jump that one in the queue so we're not
16 missing something very important. I don't think
17 that's going to be a common occurrence, but it is
18 something that's a little bit -- I'd worry that,
19 you know, if we don't have a Dose Reconstruction
20 Review Subcommittee meeting for six months, I
21 wouldn't want to miss a major problem.

22 I don't think you would, but just keep
23 that in mind.

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1 MEMBER KOTELCHUCK: Well, we are, I
2 have to say, we are meeting frequently. But the
3 folks at SC&A, as they suggested this expedited
4 process, suggested that we begin this way. This
5 is our first. And I think it's a good point that
6 you make.

7 CHAIR MELIUS: And I suspect that, if
8 there was such a finding, that SC&A or somebody
9 would jump out.

10 MEMBER KOTELCHUCK: I believe we
11 would. I believe we would.

12 MEMBER CLAWSON: If I could, actually
13 from a Board Member on this, we're not bypassing
14 any of -- we're going real fast on the first ones
15 to get those done. We'll go into the other ones
16 that we get up to.

17 What we were getting into as we get on
18 one finding, and there was, like, 15 or maybe 6 or
19 whatever that could be closed out relatively easy
20 and we never got to them. And so it was kind of
21 just a way for us to be able to swipe that out.

22 And personally, myself, I think it's
23 made a big difference in being able to address the

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1 top ones and how they fall into it, too.

2 CHAIR MELIUS: Okay. The other
3 comment I would have is my own profession, and the
4 profession of others here, by ignoring and refusing
5 to judge professional judgment in medicine, we've
6 killed more people than -- and I find it disturbing
7 that in other fields we're reluctant to look at
8 other people's judgment.

9 I mean, I understand the reluctance and
10 the difficulty, and I think we've talked about it
11 before. But it's hardly something I think we can
12 avoid.

13 MEMBER KOTELCHUCK: Right.

14 CHAIR MELIUS: And we're obligated in
15 the law to review dose reconstruction. So I don't
16 think that's a good reason for not going ahead.
17 Doesn't it mean we have to be careful about it and
18 sensitive about it, and understand that
19 professional judgment, you know, is professional
20 judgment and it has a range and it doesn't always
21 come up with the same approach or the same answer.

22 But unreasonable professional judgment
23 is not something that we need to tolerate.

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1 MEMBER KOTELCHUCK: Right. I think
2 that, if I may, that people were, are, were a bit
3 uncomfortable about that. And I understand what
4 you're saying.

5 By the way, going back to the issue of
6 consistency, I agree with you, you're absolutely
7 right that consistency is different than
8 precision. It's really the blinds really test
9 precision of the process, that we can come, two
10 different folks looking at it independently can
11 come to the same conclusion as far as compensation.

12 MEMBER CLAWSON: Also, too, on the
13 professional judgment, I think we had a very
14 rousing discussion on that.

15 CHAIR MELIUS: Which is good.

16 MR. KATZ: Apropos of that, what the
17 Subcommittee Members had said is that if you --
18 actually, I thought maybe you had already heard
19 this because you reflected that in what you said
20 earlier about the next meeting of the Dose
21 Reconstruction Review Methods Work Group -- is that
22 some of them would like to join the Work Group in
23 that next discussion of consistency. So, some of

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1 these other concerns can actually just get
2 discussed by a larger group.

3 CHAIR MELIUS: Okay. Thank you, Dave.
4 Just tell me where we are in terms of are we
5 approaching the end of the backlog? I can never
6 keep track of the numbers.

7 MR. KATZ: Well, at best we have three
8 more meetings.

9 CHAIR MELIUS: Okay.

10 MR. KATZ: That's the closest we might
11 be. I tend to find us optimistic. So that's sort
12 of the ballpark. But after we deal with a few of
13 the type 2, I'll be able to answer that question.

14 CHAIR MELIUS: Okay.

15 MR. KATZ: Because we discussed also
16 the fact that we want to turn on the machine again
17 as soon as we have a reasonable prospect of getting
18 to the new dose reconstructions in a fresh way.

19 CHAIR MELIUS: Okay. Good, okay. I
20 just wanted to keep that in mind. Wanda?

21 MEMBER MUNN: Before we go on with the
22 dose reconstruction, I just wanted to make a
23 comment with respect to your concern over the

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1 possibility --

2 MR. KATZ: Wanda, the mic.

3 MEMBER MUNN: From my perspective, the
4 new method that we are addressing makes it more
5 rational and more feasible for us to quickly
6 address hot topics that may come up simply because
7 the process that has been suggested is helping us
8 clean out the really relatively minor stuff, which
9 I shouldn't say that it's minor. It's just that
10 in terms of the resolution, the resolutions are
11 relatively minor, they've just not have been
12 completed yet. And that has a tendency to obscure.
13 We look at what we have to address, and we have a
14 huge elephant.

15 If we remove the four legs of the
16 elephant by the simple expedient of looking at the
17 relatively easy resolutions, then that gives us a
18 much better opportunity to focus quickly and more
19 of our time can be spent directly on the hot topics
20 that come up and the major issues that may affect
21 a wider range of doses.

22 Enough for that Subcommittee. There
23 is no new status report to make with respect to

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1 Procedures. There is a great deal of effort
2 underway right now by both the contractor and by
3 the agency in terms of preparing for the first
4 face-to-face meeting that this Subcommittee will
5 have had in a couple years.

6 So, that is scheduled for January 10th,
7 in our most convenient meeting place, Cincinnati.
8 And we expect to have a full agenda at that hearing.

9 CHAIR MELIUS: Good. And I'll save
10 the other elephant stories, whatever --

11 (Off microphone comments)

12 CHAIR MELIUS: Yes, yes. There's lots
13 of elephant, I'll call them metaphors, I don't know
14 what exactly the term is.

15 MEMBER BEACH: Excuse me. Wanda, did
16 you say that's a face-to-face on the 10th? I
17 didn't think it was.

18 MEMBER MUNN: January 10th, isn't it?

19 MEMBER BEACH: The date's correct, but
20 you said it was a face-to-face, and that had me
21 scratching my head.

22 MR. KATZ: Right, it's not in-person.
23 It's by phone.

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1 MEMBER MUNN: That's what I meant. We
2 had hoped for --

3 CHAIR MELIUS: Oh, okay.

4 MEMBER MUNN: But it's not going to
5 happen.

6 CHAIR MELIUS: Okay. TBD-6000, Paul?

7 MEMBER ZIEMER: Yes, I'm going to focus
8 mainly on General Steel Industries in my report
9 here. I'd just remind you that in June we asked
10 SC&A to review Rev 2 of Appendix BB, which is the
11 General Steel Industries Appendix for TBD-6000.

12 And so that was done. And NIOSH then
13 reviewed that later in the summer/early fall, and
14 early this month and early November SC&A gave their
15 response. The issue that was raised by SC&A on Rev
16 2 had to do with how you actually, I'm going to say,
17 input the neutron data, the MCNPX simulation data.

18 And there's some disagreement on how
19 that's inputted into the model, even though the
20 model itself was agreed upon. And NIOSH has now
21 responded to that and we're just giving SC&A a
22 chance to look at NIOSH's response.

23 We have a Work Group meeting scheduled

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1 for December 14th. We're assuming SC&A will have
2 finished their review prior to that. And if so,
3 we'll go ahead on December 14th and see if we can
4 resolve this issue of the input of the neutron
5 information into the model.

6 So, hopefully one way or the other we
7 can get this resolved. I don't know if that will
8 end up requiring a Rev 3 or just an agreement as
9 to how you input the data for the neutrons
10 correctly.

11 But that's where we are on that.
12 That's the only item that's weighing heavily on
13 TBD-6000 right now.

14 CHAIR MELIUS: Okay. Thank you, Paul.
15 Any questions, comments?

16 Uranium Refining? Henry, we're going
17 to do it after lunch. You'll be back to the other
18 side because I keep looking.

19 MEMBER ANDERSON: We have the SC&A
20 report on Hooker that NIOSH will be reviewing and
21 hopefully get their comments to us. And then we'll
22 be scheduling a phone call once we get that all
23 done, hopefully before the next meeting so we can

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1 close out Hooker. But I think that's the only
2 other thing we have that's currently on our active
3 agenda.

4 CHAIR MELIUS: Okay, great.
5 Surrogate Data, the Work Group is moribund, so we
6 haven't had anything for a while.

7 Weldon Springs I don't believe there's
8 any activity on.

9 And Worker Outreach I don't believe
10 there's any activity on.

11 So I think we've gone through our Work
12 Groups. Did I miss anybody or anybody have
13 anything they wish they had said and didn't say?
14 Last chance. LaVon, you can sit down. Thank you.

15 With that, I would suggest we break for
16 lunch. I know it's early, but since we already
17 broadcast the schedule, we probably should stick
18 to it.

19 The assignment over lunch is you should
20 at least quickly read through your comments from
21 the last meeting in case you have questions or
22 comments on that, because I will go through the
23 abbreviated version very quickly.

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1 So we will break and we will return, I
2 believe, at 2 o'clock. Thank you.

3 (Whereupon, the above-entitled matter
4 went off the record at 11:41 a.m. and resumed at
5 2:03 p.m.)

6 CHAIR MELIUS: Okay. Anyway, welcome
7 back for our afternoon session. And we have a
8 number of issues to go over this afternoon and then
9 we'll, what, about 5:00 o'clock is the LANL. And
10 then after that we will go into the public comment
11 period and we will -- so it will be helpful if you
12 can sign up for public comments. There's a sheet
13 out at the desk there if you wish to make them later
14 on. And we may -- if we get done with some of the
15 presentations and so forth earlier, we may start
16 a little bit early for the people that are here.

17 So, Ted, do you want to go through the
18 --

19 MR. KATZ: Yeah, just a couple things:
20 4:30 is LANL and then 5 is public comment. But let
21 me just check and see on the line for Board Members
22 who may be on the line.

23 Dr. Lockey, are you there?

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1 DR. LOCKEY: Yes, I am.

2 MR. KATZ: Super. And Dr. Poston, I
3 think you are?

4 DR. POSTON: Yes, I am.

5 MR. KATZ: Super. How about -- I'm not
6 sure she'll be with us. But Dr. Reisler, are you
7 with us?

8 No. How about Dr. Ziemer?

9 MEMBER ZIEMER: Yes, I'm here.

10 MR. KATZ: Great. That's three out of
11 four.

12 And just related to the public comment,
13 I don't know if Jim reminded you, but please sign
14 up if you're here. Oh, you did that? Not paying
15 attention.

16 That's it for me. Please mute your
17 phones, folks on the line. *6 to mute your phone.
18 Press *6. That'll mute your phone. Thanks.

19 CHAIR MELIUS: And speaking of stars.

20 (Laughter.)

21 MR. RUTHERFORD: I don't get an
22 introduction?

23 CHAIR MELIUS: Well, I'm getting

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1 there. You know, the star of the show. Mr. LaVon
2 Rutherford will give us his brief update.

3 **SEC Petitions Status Update**

4 MR. RUTHERFORD: Yes, it will be.
5 Alright. I'm going to give the SEC update for
6 NIOSH. We give this update to give the Advisory
7 Board a chance to prepare for upcoming Work Group
8 meetings and Advisory Board meetings. We're going
9 to talk about petitions in qualification,
10 petitions under evaluation, petitions under Board
11 review, and potential 83.14s.

12 So, a little summary. We've had 246
13 petitions. We have one petition that's in the
14 qualification process. At the time of preparing
15 this report, we had two in evaluation. We only
16 have one in evaluation now, and we have 11 reports
17 with the Advisory Board.

18 Petition in qualification, Santa
19 Susana Field Laboratory, this is not the petition
20 that we discussed. This is a new petition and it
21 addresses all employees from December 31, 1964 to
22 present.

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1 Los Alamos National Lab, which we will
2 discuss later, is a continuation of SEC-109. And
3 this is an addendum that we plan to present in
4 February of this -- or we actually will complete
5 in February and get it to the Work Group.

6 Sandia National Lab is a follow-on,
7 again, of another petition, SEC-108. It's a
8 continuation of that one. And we expect to
9 complete that addendum to address the remaining
10 years there in June of 2017. So we got a lot of
11 addendums coming up.

12 Lawrence Livermore National Lab,
13 again, another continuation, from 1990 to 2014 of
14 SEC-221. And it will address the remaining years
15 and that will follow Sandia and be completed -- I
16 anticipate completion in August of 2017.

17 INL, this is a petition that -- an
18 addendum that we are working on that will address
19 the reserved areas, the areas of the initial
20 evaluation that were not covered. They were
21 reserved. We anticipate that one to be complete
22 in January.

23 Metals & Controls is a new petition.

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1 It's for the residual period, and we expect to have
2 that report complete in June of 2017 as well.

3 So, petitions under Board review,
4 Carborundum was discussed earlier. A lot of these
5 we have already discussed during the Work Group
6 discussion.

7 Feed Materials Production Center,
8 again, we discussed. We are working on a Site
9 Profile update due in December that will address
10 a lot of the remaining issues.

11 Hanford, this is looking at the prime
12 contractors. We have made action on the entire
13 period of that petition but we are looking at the
14 prime contractors who are not covered in the recent
15 Class edition.

16 Area IV Santa Susana should be
17 addressed with the petition being discussed
18 tomorrow, the 83.14. SEC-93 was the open petition
19 that we had that had the remaining year of 1965.
20 Again, it should be closed out with the 83.14
21 tomorrow.

22 Savannah River Site, NIOSH and SC&A
23 have a planned update for that one. And, again,

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1 Los Alamos National Lab, I mentioned the addendum
2 and we have an update scheduled for this meeting.

3 Grand Junction Facilities, again, we
4 discussed earlier we are doing additional data
5 capture and interviews to close out the -- to try
6 to address some issues that SC&A brought up for the
7 1990-91 period, I believe, on intakes.

8 Rocky Flats Plant, again, we discussed.
9 We have a CML report coming out next week and should
10 have some Work Group activities soon after that.

11 INL, we have the current Class with the
12 Advisory Board under review as well as the addendum
13 that I mentioned earlier. That should say January
14 2017, not December, for that expected completion
15 of that addendum.

16 ANL-West is with the Advisory Board and
17 SC&A.

18 So, these are the sites that are with
19 the Advisory Board, but I think we have presented
20 a path forward with all of these sites to try to
21 address them and close them out.

22 And the 83.14s are the 83.14s we've
23 pretty much said we have had these on here for some

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1 time. The Sandia National Lab at Albuquerque,
2 which used to be the Z Division for LANL, all the
3 claims that have been coming in that have
4 presumptive cancers have been moving forward in the
5 SEC. So if we ever get a claim, we will move this
6 one forward. Currently, we don't have one, nor do
7 we really expect one. Same thing with Dayton
8 Project-Monsanto. So, anyway, that is it.
9 Questions?

10 CHAIR MELIUS: Any questions or
11 comments for LaVon?

12 MEMBER BEACH: No, I was just going to
13 speculate that's quite a date change from December
14 2016 to January 2017.

15 MR. RUTHERFORD: Oh, yeah.

16 MEMBER BEACH: I guess it's only a
17 month.

18 MR. RUTHERFORD: Well, you know,
19 honestly our schedule -- and I won't lie to you,
20 our schedule had us completing it, like, December
21 28th. And I was looking at, okay, we've got
22 Christmas here and we've got New Year's here. I
23 don't think that's probably going to happen. So

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1 that's why we are pushing it to January.

2 CHAIR MELIUS: Stu, have you approved
3 the vacations yet?

4 MR. RUTHERFORD: I don't take vacation
5 during that period anyway.

6 CHAIR MELIUS: Okay. Any other
7 questions? I thought I was going to slip -- you
8 slipped up on Argonne-West, but I see you've got
9 it in there.

10 MR. RUTHERFORD: Yeah, I do.

11 CHAIR MELIUS: This addendum stuff is
12 new. Board Members on the phone have any
13 questions?

14 So, a busy year next year. Yeah. For
15 everyone. Stu, do you want to get ready? I'm going
16 to grab a cup of coffee.

17 (Pause.)

18 CHAIR MELIUS: While we are getting
19 ready here I guess I will -- I noticed LaVon did
20 use the same formatting on this slide as Stu.

21 **Savannah River Site SEC Petition Update**

22 MR. HINNEFELD: Well, hello again.

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1 I'm giving a brief update on our Savannah River
2 status, mainly because we didn't want to fly Tim
3 out here for a short presentation like this. Just
4 an update presentation. I will answer questions
5 as I am able to. I think I can answer most
6 everything on how we're doing.

7 These are the deliverables that we had
8 promised had been on our schedule for trying to
9 address the remaining issues that are on the table
10 at Savannah River having to do with coworker models
11 and neptunium, thorium work, metal hydrides, and
12 then the subcontractor investigation of were
13 subcontractors monitored sufficiently.

14 There are some date slippages in here
15 which you'll see, and I believe I'll get to the
16 reasons for those as I go through the remainder of
17 the slides. Some of these are completed on time.
18 The Plutonium Fabrication Facility construction,
19 Report Number 80, should be out this -- it's just
20 the 30th. I guess it's the 30th. So it'll be out
21 next month.

22 And the thoron exposures we expect to
23 be done in January on schedule. So, I think I can

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1 cover most of the rest of these in the following
2 slides.

3 Coworker model, remember we're doing --
4 this is OTIB-81 -- we are doing it in phases.
5 Revision 3 is to demonstrate the coworker approach
6 for tritium and trivalents, right? And then
7 Revision 4 will be demonstrating -- you know,
8 incorporating all the radionuclide exposures.

9 And so the Revision 3 we're getting out
10 there just so we can get that to the Work Group and
11 to the Board and have a discussion about, you know,
12 the propriety and is this the right way to go on
13 coworkers.

14 Revision 4 will contain all the
15 remaining radionuclides that have internal
16 monitoring requirements, which are plutonium,
17 uranium, neptunium, mixed fission products,
18 strontium, cesium and cobalt.

19 And the reason why this schedule
20 changed or slipped a little bit is because we needed
21 to code additional data. Now, the explanation
22 behind that is that we are using the NOCTS data as
23 our database to build these coworkers.

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1 We have, you know, a huge number of
2 claims from Savannah River, lots of monitoring data
3 in those claims. We've done some tests on the
4 NOCTS database or the NOCTS data in terms of its
5 comparability to total data. We've gotten certain
6 years where we have gotten all the data and it
7 appears that it's sufficient to use for a coworker
8 model. And we felt like, okay, great, we can have
9 the NOCTS data coded. We will present -- you know,
10 so we will use that as our data set.

11 Well, what we forgot when we made that
12 schedule was that the NOCTS data that we have isn't
13 necessarily all the data we got from DOE, because
14 of efficiency measures.

15 For instance, if we would get a claim
16 with several skin cancers, several basal cell
17 carcinomas, we would just enter into -- you know,
18 we'd code the external data, do the dose
19 reconstruction with the external data, and
20 wouldn't code the internal data.

21 So, you know, we encountered that as we
22 began starting work on this, and we realized that
23 there was some data we had to code from the DOE

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1 responses into NOCTS in order to -- or from, you
2 know, DOE NOCTS into what we call the NOCTS database
3 in order to be able to complete this. So that is
4 the reason for the change in schedule on this item
5 and the new completion date of June of 2017.

6 Report-70 is thorium exposures after
7 1972 at the Savannah River Site. It posts thorium
8 exposures and describes thorium work and dose
9 reconstruction methods from '72 to '80 and '80 to
10 '95. After 1980 we are intending to support the
11 use of a 10 percent DAC to bound the thorium doses
12 when thorium operations and inventory were
13 minimal, meaning there wasn't a lot of active work
14 with thorium going on.

15 The thorium inventory during this
16 period, much of it is irradiated fuel slugs, which
17 is stored and not accessible for exposure. So the
18 actual amount of thorium that is accessible to be
19 exposed to is relatively small, even though during
20 some of these years there is a lot of thorium there.
21 It's in this irradiated fuel storage and isn't
22 really available. It's just being stored. It's
23 not available for exposure or intakes.

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1 And the reason for this delay was a
2 delay in getting some air monitoring data out of
3 Savannah River. But as you see, that goes back to
4 a slip from July to September. So that issue of
5 getting information out of Savannah River is
6 somewhat old and that's why Greg has not been
7 approached lately about any Savannah River
8 timeliness issues. And the scheduled completion
9 is March of 2017.

10 Metal hydrides is Report-72, which
11 describes metal hydride exposure at Savannah
12 River. It'll discuss the research work operations
13 and associated exposures. And the schedule change
14 here is due to classification reviews. And part
15 of the issue is we wrote our document on a
16 classified system, submitted it to Savannah River
17 for review to see if it was okay, and they said no,
18 it's not okay, you're going to have to remove some
19 things. And we removed some things and
20 resubmitted it and then were told again it wasn't
21 okay.

22 It's not clear to me today right now
23 whether it's because we didn't remove everything

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1 they told us to remove or whether the second time
2 around they said, oh, this stuff here shouldn't be
3 in there, even though they had seen it before. So
4 it's not clear to me which happened at this point.
5 But for whatever reason, we had to take a couple
6 passes through getting this released, or getting
7 it into a form where it could be released to public.
8 And so the scheduled completion now is next month.

9 And then our final, our subcontractor
10 follow-up work, we sampled the job plans randomly,
11 selected 110 construction trades workers for
12 follow-up. Data capture for all radiological
13 records were conducted on November 14th, the week
14 of November 14th. We went down there and captured
15 records for a lot of workers, and now they are at
16 the Savannah River Site classification office for
17 clearance. And once we get that copy of the
18 records, an analysis will be completed and provided
19 to the Savannah River SRS Work Group.

20 So we're in the process there. I think
21 this is maybe a one-month change and I think it
22 might be taking more time to get those records out
23 of Savannah River than we thought. And I believe

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1 that's the end of my update. I'll try to answer
2 any questions anybody might have.

3 CHAIR MELIUS: Questions for Stu?
4 Board Members on the phone, were there any
5 questions?

6 MEMBER ZIEMER: None here.

7 CHAIR MELIUS: Okay. Thank you. Why
8 don't we go ahead, and I think Joe Fitzgerald is
9 going to present. And then, Stu, don't go far away
10 because we may have some more questions for you,
11 or some questions for you after Joe presents.

12 MR. FITZGERALD: Good afternoon.
13 This will be a bit of a takeoff from what Stu just
14 presented. And this will just focus on the
15 subcontractor records item that he just briefed on.

16 Okay. Just a little more background
17 than perhaps he had given. This issue goes back
18 to about 2014. Tim and I were doing interviews at
19 Savannah River and we interviewed one of the senior
20 health physicists and he actually was very familiar
21 with a lot of these records migrations in the 1980
22 time frame, which was a crucial time frame for
23 Savannah River.

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1 And he allowed that, you know, pretty
2 much as we already knew, the primary records were,
3 you know, put in electronic form. They were
4 evolved and certainly migrated to the record of --
5 the official record that is being used for dose
6 reconstruction.

7 It was the subcontractor records and he
8 commented that, well, those were in hard copy form
9 and those were put in a different file. And he
10 thought perhaps they were migrated sometime a
11 little later but he felt they ended up in the same
12 place.

13 But there was enough, you know,
14 speculation involved there that we were both
15 concerned and this was both NIOSH's and from our
16 standpoint that we had a different situation for
17 the subcontractor records than we had for the
18 primary records and there was a need for a real --
19 what we would call a validation and verification
20 that in fact the records are complete and they also
21 were all migrated into the electronic record, which
22 is the basic thing I think we do for all the SECs.

23 What's proven to be more difficult and

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1 it's more germane to the fact these are
2 subcontractor records is it's -- hasn't been easy
3 to both identify the subcontractors, not only the
4 first tier but the second and third tier
5 construction contractors, and it's also not easy
6 to pinpoint whether all those records were in fact
7 migrated.

8 So there has been a couple of efforts
9 that I know Tim led which looked at NOCTS as a basis
10 for sampling and looked at even the Department of
11 Labor's database as a means to sample to validate,
12 and in both cases either there wasn't enough
13 information or it wasn't feasible to do so.

14 So we are sort of at this juncture now
15 where we are still asking the same question -- are
16 the subcontractor records complete, quite apart
17 from whether they were kept in these separate files
18 or not, and did they end up, as this senior HP was
19 allowing, that they were eventually all migrated
20 into the same database that is being relied upon
21 today.

22 So, again, I think we still haven't
23 answered those questions.

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1 And I won't go through this. You heard
2 this in the last briefing and the last Board
3 meeting. Certainly, quite a few construction job
4 plans were found by virtue of the way the employee
5 number is catalogued on those lists. You can tell
6 by the prefix -- and this is nice because most sites
7 don't do this -- but you get a prefix that shows
8 which ones are prime contractors, i.e., in this
9 case, DuPont, and which ones are subcontractors by
10 looking at that number.

11 So I think from that standpoint what --
12 as Stu was saying, what's going on now is basically
13 you identify a sample from that -- those 3,000 pages
14 of construction job plans and you walk that and
15 compare that to the bioassay records, which are in
16 microfiche, and see if you get a match up or not.

17 And these would be subcontractor
18 employees that should have been, quote-unquote,
19 bioassayed by virtue of the work they were doing,
20 which in this case would have been plutonium or
21 neptunium or obvious operations at facilities that
22 would have required bioassay.

23 Okay. So the tasking that we got was

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1 based on a concern, I think, that was expressed at
2 the last Board meeting that, you know, this was
3 probably the right way to go, you know, even though
4 there was a couple false starts in the past.

5 This was the, certainly, an appropriate
6 path to go. But the concern there was this was a
7 four- or five-year period covering one facility in
8 the early 1980s and would there not be some concern
9 whether that would be reflective or representative
10 of a site like Savannah River where you have a lot
11 of different operations and a 30-, 40-year span of
12 operational concerns?

13 So the issue here was could one, for
14 efficiency's sake, pick up the pace, look at more
15 facilities, look at more time periods and come up
16 with a broader conclusion that would guide the
17 Board, I think, on the question of whether the
18 subcontractor records were in fact complete and
19 available for dose reconstruction.

20 So this is the sort of genesis of what
21 we are doing now actually in coordination with and
22 collaboration with NIOSH. We are going through
23 and reviewing the electronic search system, the

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1 EDWS, to identify other facilities, other
2 operations that would likely have
3 subcontractor-identified records.

4 And what we are focusing on, quite
5 frankly, are kind of the same things that I think
6 Tim and his team focused on, which is -- you know,
7 you got safe work permits, rad work permits. You
8 got training rosters.

9 You have a number of different reports
10 and documents that would catalogue workers by
11 virtue of their names, their employee numbers, what
12 have you. And looking at that you can find the
13 subcontractors and basically use that information
14 to identify whether or not they have records in
15 terms of bioassay records and external records.

16 Now, you know, it's not a sure-proof
17 thing. I mean, I've been going through the
18 electronic search and what you're looking for is
19 really document boxes that may actually contain
20 these kinds of records.

21 You don't have a surefire way of knowing
22 it. So you really do have to go to the site and
23 you do have to go through these boxes and see if

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1 you do find the appropriate information to in fact
2 base a sampling on.

3 So the whole exercise is to get to the
4 same place that I think NIOSH is right now, which
5 is a sampling -- a random sampling of subcontractor
6 IDs which we can then crosswalk against the
7 bioassay records which are on microfiche and I
8 think we will probably also, just be a little bit
9 more complete, look at the electronic databases as
10 well just to see if we can also see the badging
11 showing up there.

12 We are pretty sure the externals are
13 okay mainly because that was handled differently
14 than the internal bioassay records. The internal
15 bioassay records were in a separate file,
16 microfiched, and not certainly in the electronic
17 database.

18 We had a number of sessions on this. In
19 one technical call we had, I think, with NIOSH and
20 the Work Group the only issue that was outstanding
21 was the familiar question of how good is good
22 enough, which is, you know, okay, so we go through
23 this exercise and we do come up with some

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1 perspectives on, you know, to what extent the
2 contractor records contain these bioassay records.

3 You can match them up and they in fact
4 did get bioassays. Is it good enough to have 95
5 percent completeness? Is it 90 percent
6 completeness -- you know, at what -- you know, what
7 degree of adequacy and completeness. Again, this
8 is a very familiar question.

9 I think we have had this all along going
10 back in all the SECs. How good is good enough when
11 it comes down to whatever results would come out
12 of -- with this, and how will the Board address
13 that? And there is no, you know, simple answer.
14 I think we have used the 95th percentile. We have
15 used, in some cases, 99. You know, it's a judgment
16 call.

17 Okay. Where things stand right now is
18 I had to get my EDWS access renewed. I don't want
19 to treat that lightly. That was an effort, you
20 know.

21 It probably took me about a month and
22 a half to get -- to get keyed into the system. I
23 was in the system before but they changed some of

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1 the procedures and the access points in the -- that
2 had to be done.

3 I completed the EDWS search. I sent
4 the results over to NIOSH. I think we are okay in
5 terms of comparability. We want apples and
6 apples. We don't want to go through all this
7 exercise and find out the process was different
8 enough that you really can't compare the results.

9 So we are doing this very carefully to
10 make sure it's going to be comparable and that the
11 process is similar. I have already submitted the
12 data request to SRS. I haven't sent the official
13 letter but they are reviewing the box request --
14 about 70 boxes -- and we are shooting probably now,
15 with some of the delays, shooting for the first two
16 weeks of January for a on-site.

17 That'll be a joint NIOSH-SC&A review
18 and we will then proceed to match up -- as Stu was
19 indicating, we will match up the identified
20 subcontractors with the corresponding SRS dose
21 records. Any questions?

22 CHAIR MELIUS: Board Members with
23 questions? If not, I do have some. To what extent

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1 does your sample overlap with what NIOSH is doing?

2 MR. FITZGERALD: We are not doing the
3 construction job plans.

4 CHAIR MELIUS: Okay.

5 MR. FITZGERALD: So there is no overlap
6 on that. I mean, the focus of the ongoing effort
7 by Tim's team is the 3,000 pages of construction
8 job plans for 1981 to 1985, I think it is, for 773A
9 -- one facility.

10 CHAIR MELIUS: Yes.

11 MR. FITZGERALD: Okay. We are
12 reviewing 1980 through 2000 -- 20 years across
13 probably about seven or eight facilities.

14 CHAIR MELIUS: Okay.

15 MR. FITZGERALD: Now, again, we don't
16 know what's going to be in the boxes. But that's
17 pretty much the search parameter and what we are
18 asking for. So it's going to be a broader scope
19 and a broader time period.

20 CHAIR MELIUS: Yes.

21 MR. FITZGERALD: But not that facility
22 for those five years.

23 CHAIR MELIUS: Okay. Okay. I was

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1 just trying to understand that part of it. And
2 where is -- do you know where NIOSH, slash, ORAU
3 is with what -- with their activities?

4 MR. FITZGERALD: Yes, I think you
5 mentioned it.

6 MR. HINNEFELD: Yes, we are -- I think
7 we are awaiting the records which we identified.
8 We have identified a group of 110 construction
9 trade workers from those construction work plans
10 who we feel like, from the construction work plans,
11 should have been monitored and therefore should
12 have monitoring data.

13 We have gone to search the records,
14 which were on microfiche, and these are not
15 claimants necessarily. Gone to search the records
16 which are on microfiche and then I am waiting to
17 get those released from Savannah River and we
18 anticipate we will be -- have our report done in
19 March of this coming year.

20 CHAIR MELIUS: And Joe, about how many
21 -- do you have any idea how many people would be
22 included in your records that you're pulling?

23 MR. FITZGERALD: Not yet. I mean, I

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1 think it's going to be as much dictated by what we
2 find. I mean, I think when Tim found the 3,000
3 pages, they were able to scan through those as I
4 did, actually, when I was online with those, and
5 you could certainly identify the subcontractors,
6 the time periods.

7 You could do a sampling. In this case,
8 until we actually find the records and look at the
9 records, we probably don't know what the sample
10 size is going to be.

11 My, you know, rough estimate would be
12 300 or 400, I think, as far as the sample size. But
13 that's not a statistical-based sample size and it's
14 hard to project until we actually see what we find.
15 The construction job plans were very
16 straightforward. They listed the personnel and
17 had the de-identifiers there. I don't know what
18 we are going to find in these other searches.

19
20 I am hopeful that since we use the same
21 kind of search parameters they will be similar and
22 we will find similar information. But, you know,
23 again, we really don't know until we look at it.

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1 But I think I would err in more sampling than not
2 and trying to cover more diverse facilities and
3 time periods. My concern is, at Savannah River,
4 they increasingly outsourced the subcontractors in
5 the late '80s into the early '90s, particularly
6 with the D&D and remediation work they were doing.
7 So at that point the centralized management that
8 DuPont enjoyed sort of eroded and became more
9 decentralized. So I think if we can get some
10 match-ups in that time frame and we have confidence
11 in those that's going to help answer the question
12 that we are trying to answer, which is okay, across
13 not only the '80s but into the '90s do you still
14 see, you know, the records that correspond with the
15 subcontractors that are identified or not and, you
16 know, that -- I think that would give us confidence
17 to recommend to you that, you know, it seems like
18 we are okay across different facilities, across
19 different time frames. I mean, if it's good in the
20 late '80s it will be probably good before and after
21 because that was probably the most disjointed time
22 period. You had a lot of subs coming on site.

23 CHAIR MELIUS: Yes. I was going to say

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1 it was, I think, the -- the larger the sample the
2 better we are. I mean, it goes back to your
3 question well, what's adequate. Well, adequate
4 also depends on how big your sample is and how
5 representative that sample is or, you know, how big
6 a universe is that sample coming from and how is
7 it drawn from that.

8 MR. FITZGERALD: Yes. Actually, the
9 limiting case is not so much copying down the
10 identifiers. I think we can do that relatively
11 easy. It's the matching up by hand --

12 CHAIR MELIUS: Yes.

13 MR. FITZGERALD: -- with the
14 microfiche, which takes time and, you know, I
15 think, you know, if you have several hundred or more
16 to match up the microfiche -- this is not automated.
17 So I am trying to picture this. Yes, that would
18 -- that would be a -- that would take some effort.

19 But what we will try to do is, even
20 though we are starting later than NIOSH, hopefully
21 in January-February, do catch up. So we are going
22 to -- you know, we will catch up with that schedule
23 and be able to present our results about the same

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1 time in March.

2 CHAIR MELIUS: Yes, but if you think
3 about the whole approach, one is you're assuming
4 that the NOCTS database is representative.

5 MR. FITZGERALD: The what database?

6 CHAIR MELIUS: The NOCTS -- what NIOSH
7 is using -- is their basis for their coworker
8 models, right, for -

9 MR. FITZGERALD: Actually, we are
10 going to primary records. We are -

11 CHAIR MELIUS: No no no, I am talking
12 about -

13 MR. FITZGERALD: Oh.

14 CHAIR MELIUS: -- for -- on a first
15 level for the coworker model -- what I heard Stu
16 just say, I thought.

17 MR. HINNEFELD: Yes. That's not a
18 part of the subcontractor task. But yes, our --
19 but we are --

20 CHAIR MELIUS: But it includes the
21 subcontractors, right?

22 MR. HINNEFELD: -- our view is that the
23 NOCTS database is essentially a representative

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1 sampling of all -- of all workers.

2 CHAIR MELIUS: Yes.

3 MR. HINNEFELD: And so that -- yes,
4 that's the basis for it.

5 CHAIR MELIUS: And you have two
6 separate approaches or considerations to how --
7 showing that that's -- whether or not that's
8 representative. One, for the production workers
9 -- they have a different set of records.

10 MR. HINNEFELD: Right. Yes.

11 CHAIR MELIUS: And then for
12 construction workers where you have a much more --
13 less precise set of just employment records. We
14 don't know how good that is and therefore how
15 representative it may be -

16 MR. HINNEFELD: Yes.

17 CHAIR MELIUS: -- and it's very
18 complicated. So I am saying we are going from
19 there and then now we are trying to validate with,
20 you know, two separate sets of ways of identifying.

21 MR. HINNEFELD: I'm sure Tim could
22 speak more knowledgeably about that than I could.
23 But yes, that's -- that is the situation we'd be

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1 in.

2 CHAIR MELIUS: Yes. Yes, no, I -- we
3 are, and then we have this other so I think it gets
4 very -- I mean, I am very skeptical on the approach
5 that Tim is using simply because it's limited to
6 such a small number. It'll be useful supplemental
7 data but it doesn't answer some of the primary
8 questions that you have as to what, you know, how
9 complete are these and were people actually sampled
10 and so forth and so on. So I think until we can
11 put all of them together it's very hard to come to
12 any conclusions, especially until the SC&A effort
13 gets -

14 MR. FITZGERALD: Yes. I was going to
15 add that yes, that's absolutely true. We are
16 actually going back to a primary question -

17 CHAIR MELIUS: Yes.

18 MR. FITZGERALD: -- that wasn't
19 resolved or answered in the first place and -

20 CHAIR MELIUS: Right.

21 MR. FITZGERALD: -- trying to go back
22 and answer that at the same time that we are pretty
23 far along --

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1 CHAIR MELIUS: Yes.

2 MR. FITZGERALD: -- on the other
3 things.

4 CHAIR MELIUS: Yes.

5 MR. FITZGERALD: And, again, this -- I
6 think there was an assumption that the records had
7 been migrated and everything was fine and this
8 revelation of a couple years ago was that no,
9 actually there were two separate systems at play
10 here -

11 CHAIR MELIUS: Yes.

12 MR. FITZGERALD: -- and that required
13 then that you go back and actually validate that
14 your records did in fact wind up where they should
15 have been.

16 CHAIR MELIUS: Yes. Other questions,
17 comments?

18 MEMBER ZIEMER: Jim, this is Paul. I
19 have a question for Joe.

20 CHAIR MELIUS: Okay. Go ahead, Paul.

21 MEMBER ZIEMER: Yes. Joe, I assume in
22 your second to the last -- second to the last slide
23 which you called remaining questions, I assume

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1 that's more than a rhetorical question. Are you
2 going to -

3 MR. FITZGERALD: Yes, absolutely.

4 MEMBER ZIEMER: Are you going to try to
5 establish that -- establish the adequacy criteria
6 before you actually do the sampling? I mean --

7 MR. FITZGERALD: Yes, I -- it certainly
8 would be statistically pure.

9 MEMBER ZIEMER: -- statistically
10 average, it becomes very subjective.

11 MR. FITZGERALD: The problem is,
12 understanding the nature of the beast, which is you
13 don't know what you have until you actually look.
14 We don't know what --

15 MEMBER ZIEMER: I understand that.

16 MR. FITZGERALD: We don't know the data
17 that we are actually looking at until -- we don't
18 even know what the n is. n equals, you know,
19 numbers of subcontractor -- identified
20 subcontractors until we actually go in and look and
21 we don't know how many per facility.

22 So it is kind of a rhetorical question
23 in the sense that we are going to go ahead and find

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1 these records, identify the numbers.

2 In parallel -- I've talked to John about
3 this -- we are going to have somebody look at the
4 statistics just because it's an obvious question
5 that we are going to need to at least understand
6 the ramifications and get some -- it must be -- like
7 I said, in the first week of -- second week of
8 January we will have the -- what the n number is
9 -- number of records.

10 MEMBER ZIEMER: Yeah, I guess --

11 (Simultaneous speaking.)

12 MR. FITZGERALD: And during that same
13 time frame we are going to have somebody look at
14 the statistics -

15 MEMBER ZIEMER: Yes.

16 MR. FITZGERALD: -- and help us decide,
17 because there is a -- phase two of this thing is
18 matching up the subcontractor identifiers to the
19 records themselves -- the actual radiation
20 records. So it would be helpful to know, you know,
21 do we need 500, do we need 700. I mean, so that's
22 what we are going to try to do in parallel is get
23 that advice from, I guess, Harry or -- Harry

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1 Chmelynski, our statistician, and give us at least
2 a rough idea of, you know, you're going to need,
3 you know, hundreds in order to have a statistically
4 sound sample or not.

5 So in the second phase we will have to
6 go ahead and match that up and that's going to be
7 two trips. I mean, the first trip -

8 MEMBER ZIEMER: Okay.

9 MR. FITZGERALD: -- is really to
10 identify the subs. The second trip is to match
11 that up against the microfiche where the bioassay
12 records reside and that's -- again, that's another
13 whole tall order of work and we are hopeful that
14 we can do that maybe in late January into February.

15 MEMBER ZIEMER: Well, once you get the
16 sort of the n value, you're going to try to
17 establish the measure of adequacy value.

18 MR. FITZGERALD: Right. I think --
19 like I said, that's sort of the discussion we have
20 had within SC&A is that we do need to have that
21 looked at and that needs to guide our second phase,
22 which is to figure out how many we need to match
23 up to have a -- you know, at least a statistically

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1 sound -- it's not going to be a pure analysis but
2 at least it'll be guided by some review and analysis
3 that we will present to the Board at the same time.

4 MEMBER ZIEMER: Well, it's the impure
5 analysis that we are worried about.

6 CHAIR MELIUS: You know, but Paul, I
7 mean, and everybody here actually -- it's not just
8 a Paul question -- but I think we also have to
9 recognize that we are not just looking at the --
10 as a single, you know, uniform source of records.

11 MEMBER ZIEMER: Right. Right.

12 CHAIR MELIUS: There may be years where
13 things are missing or better or worse or whatever
14 and everything may be fine for 15 years and six
15 years may be terrible and then -

16 MEMBER ZIEMER: Right. There may be
17 years where it's good and others where it's bad.

18 CHAIR MELIUS: Yes.

19 MR. FITZGERALD: We really don't have
20 any idea, you know. In looking at this -- looking
21 at these collections we don't have any idea what
22 fraction of the true number this represents.
23 There is just no way of knowing that -- you know,

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1 how many records have been lost, how many records
2 were destroyed, how many records weren't kept in
3 the first place. All we are going to be able to
4 do is identify if the ones we can identify, in fact,
5 have corresponding rad records associated with
6 them.

7 MEMBER ZIEMER: Right.

8 MR. FITZGERALD: That answers a good
9 part of the question, not all the questions.

10 MEMBER ZIEMER: Thanks.

11 CHAIR MELIUS: Paul, if you'd like to
12 answer those rhetorical questions for us you're --
13 we'd welcome it.

14 MEMBER ZIEMER: Right. Yeah, right.

15 CHAIR MELIUS: Okay. Anybody else
16 with comments or questions? Okay.

17 **Dose Reconstruction Report to the Secretary**

18 Okay. I am going to sit here after
19 that. I refuse to move here. So dose
20 reconstruction report to the Secretary. Ted
21 circulated the most recent draft of the letter to
22 the Secretary in our report. That incorporated

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1 comments that I received from Board Members and Ted
2 and Jenny and others.

3 But I think that was it, and so forth,
4 and there were not a large number of those but there
5 were some. There are probably still some typos,
6 as Dave reminded me over breakfast and we had
7 discussions -- grammatical discussions over that.
8 We wish you were here for breakfast, Paul. It
9 would have -- probably could have helped us out with
10 our discussions.

11 So I guess I am interested now in what
12 -- are there other comments? If there are -- if
13 they are grammatical or phrasing or whatever and,
14 you know, not -- don't substantially change the
15 meaning of the report, whatever, I think we can
16 just, you know, forward them and those will be
17 incorporated and we will, obviously, do a final
18 proofing before we send it out.

19 But if there are significant things
20 that would change a conclusion or a finding or
21 whatever then we probably need to discuss that
22 among the full Board here. So I open it up. Dave?

23 MEMBER KOTELCHUCK: I don't -- it's

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1 fine. The cover letter is, in my opinion, perfect.
2 I don't have any suggested changes. There are no
3 substantial changes I can see in the report that
4 was circulated.

5 I do have a number of editorial changes
6 and I found three typos, and others, I am sure, have
7 found them too. Twice the word cases. But -- and
8 I'll send them -- but I'll send them to you, Jim.
9 But otherwise I think it's ready to go and it's
10 nice. The data was up -- we started analyzing the
11 data that went up through November 1st, 2015. So
12 it's a year later. We have circulated and we have
13 gone over everything. I think we are ready to go
14 and this seems like an appropriate time.

15 CHAIR MELIUS: Anybody else? Wanda?

16 MEMBER MUNN: One can't help but be
17 amazed at how well it has come together, actually.
18 And so it's a very good report.

19 CHAIR MELIUS: I think everybody
20 contributed. Is that -- any Board Members on the
21 phone wish to comment?

22 MEMBER ZIEMER: Well, it seems to be
23 free of dangling participles.

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1 CHAIR MELIUS: Okay. We discovered
2 with our -

3 MEMBER ZIEMER: If you caught the
4 spelling errors, then I am good to go.

5 CHAIR MELIUS: Okay. I discovered
6 with some of you former professor types, you know,
7 the dangling participle one -- we have a semicolon
8 one also who's very opposed to semicolons. I got
9 chastised for that also. So I was feeling sorry
10 for the poor students, the large number that had
11 to go through class and learn grammar again. Okay.
12 If not, then I think we need a motion. Dave?

13 MEMBER KOTELCHUCK: So moved that we
14 approve the report and the cover letter.

15 MEMBER CLAWSON: Second.

16 CHAIR MELIUS: Okay. Voice vote -- I
17 can -

18 MR. KATZ: I don't see why not.

19 CHAIR MELIUS: Okay. All in favor.

20 (Chorus of ayes.)

21 Opposed.

22 (No response.)

23 And abstained?

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1 (No response.)

2 MEMBER ZIEMER: I second it. I just
3 wanted to add, since this is important for the
4 Secretary, don't we need to log in our individual
5 votes?

6 MR. KATZ: I'm sorry. Paul, it was
7 hard to hear what you said.

8 MEMBER ZIEMER: I said since this is
9 actually a report for the Secretary, don't we need
10 to individually vote on it?

11 MR. KATZ: I don't think so. I think
12 this vote is fine for this. It's just --

13 MEMBER ZIEMER: Okay.

14 MR. KATZ: -- a report.

15 MEMBER ZIEMER: I voted yes. I just
16 wanted to make sure we are --

17 MR. KATZ: Okay.

18 MEMBER ZIEMER: -- procedurally okay.

19 MR. KATZ: Okay. Fine. It'll be on
20 me.

21 MEMBER CLAWSON: I'll be right there
22 with a dangling participle.

23 CHAIR MELIUS: Yes. And I would ask

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1 Ted, though, to check with the Board Members who
2 are not on the -- able to attend or be on the phone.

3 MR. KATZ: Right. That'll be part of
4 my follow-up which I do after every Board meeting.
5 Thanks.

6 CHAIR MELIUS: Yes. Yes, so that we do
7 that because it does represent conclusions from the
8 Board and -- and, obviously, if any of them have,
9 you know, significant comments we will let
10 everybody know.

11 MEMBER KOTELCHUCK: It may be
12 appropriate somehow to incorporate -- well, no.
13 The cover letter is the cover letter. It's done
14 so -

15 CHAIR MELIUS: Yes.

16 MEMBER KOTELCHUCK: -- I was just going
17 to say, you know, if there were ways of sneaking
18 in that was unanimous decision would be nice. But
19 truth is we have approved it; it is final.

20 MEMBER MUNN: That letter is already
21 perfect so -

22 CHAIR MELIUS: Yes. Let's not -

23 MR. KATZ: Right. Right. It really

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1 it.

2 **Board Work Session, August Public Comments,**
3 **Correspondence**

4 CHAIR MELIUS: -- mess it up. Okay.
5 Good. So now we have -- well, we are super-
6 efficient today here -- a work session which was
7 to last an hour -- which one? Yes, I know.

8 Public comments -- I am getting those
9 out here. I have 38 public comments from the last
10 meetings and -- or meeting, I should say, and do
11 that. First one was a correspondence from the
12 Blockson petitioners that was read into the record
13 by Ted at the meeting.

14 It was considered overtime hour issues
15 and were those -- that and I think Jim Neton
16 responded and indicated it was -- that was a Site
17 Profile issue and would be followed up on and do
18 that.

19 The second one regarding INL wanted to
20 expand the time frame for the SEC Class. It's
21 really not something -- I think we are sort of --
22 ongoing we can but it depends on findings and it's
23 really a DCAS prerogative in terms of doing that

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1 as we go through and -- but, again, with input from
2 the Board in terms of what we find as we go along
3 -- do that.

4 We had a number of additional comments
5 on that, one regarding the reactor list was from
6 one person at -- regarding INL, a number of other
7 individual comments which have all been responded
8 to by -- one of them by -- I responded to, I think,
9 at the meeting and the others -- Tim Taulbee has
10 followed up on to that.

11 Eight, nine and ten -- questions
12 regarding Santa Susana and regarding an
13 individual's particular record and so forth and
14 Lara Hughes has responded to those. So another set
15 of comments regarding Santa Susana regarding an
16 issue regarding some of the Site Profile background
17 records and so forth and that, again, Lara has
18 addressed those and I think they will be addressed
19 probably publically, at least not directly but
20 indirectly in terms of the presentation later.

21 Numbers 15 through 17 were a set of
22 comments on the Savannah River Site from one person
23 involved in that petition and comments about some

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1 of the revisions in the TBD and then some of our
2 evaluation approaches. Tim Taulbee has responded
3 to those. Another set of -- well, a single
4 question, number 18, regarding sort of multiple
5 issues with some other sites and so forth. LaVon's
6 followed up on that.

7 Number of issues on -- from a
8 petitioner, person involved, five sets numbered 19
9 through 23 regarding Rocky Flats that have either
10 been referred to the Work Group. One was a DOL
11 issue and LaVon Rutherford, I believe, I guess he
12 followed up on that one. That was the issue on
13 residual periods on DOE sites, which are not
14 included in the legislation. So we don't do those.
15 Another -- numbers 24 and 25 some issues regarding
16 several sites, one of which was a person had not
17 heard back regarding an SEC petition in the early
18 days.

19 So I think that's, again, Josh and LaVon
20 have followed up on that. Numbers 26 through 28
21 regarding Lawrence Livermore and Lawrence Berkeley
22 and, again, those -- LaVon has responded to that.
23 There was questions about the petitions at

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1 different sites. Further comments on Savannah
2 River from petitioner -- that's number 29, and Tim
3 has responded to that. Some questions on Pinellas
4 -- again, Josh Kinman responded on that -- to that.
5 Another person, number 31, regarding Nevada Test
6 Site and the NIOSH DCAS project officer Mark Rolfes
7 has responded on that one. Another Pinellas, Pete
8 Darnell has responded to that and I believe that
9 was -- has that been sent out, Pete's -- it was in
10 our package. I just didn't quite, wasn't -- quite
11 have a heading on it so I couldn't quite tell what
12 had happened to it, okay, and do that.

13 Again, a letter from Rocky Flats --
14 petitioner urging extension and so forth.
15 Referred to LaVon Rutherford. And then last but
16 not least, some questions on -- I think there is
17 five -- comments on General Steel Industries and
18 Dave Allen, the DCAS project officer on that has
19 responded on those as he has on many others about
20 that site. So that -- so yes?

21 MEMBER BEACH: Question. Regarding
22 the one that we talked about that Pete Darnell sent
23 out, how -- what's the response on that? I mean,

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1 did that go to the petitioner? Is it going to be
2 read into the record? It's just an unusual way to
3 have correspondence on the public comments. So I
4 was curious -- the process.

5 MR. KATZ: I can't answer that. I
6 don't know.

7 MEMBER BEACH: Okay. I just didn't
8 know. It was unusual.

9 CHAIR MELIUS: Stu or anybody? I
10 didn't quite understand the context for that
11 either.

12 MR. HINNEFELD: Off the top of my head
13 I don't remember it. But Ted, do you have one that
14 I can look at?

15 MEMBER BEACH: I have one pulled up
16 here. Actually, I have a hard copy, too.

17 CHAIR MELIUS: I would say we would not
18 read that into the record because what we are
19 addressing is, have these comments been responded
20 to and the general way they were responded that's
21 included in what's been transmitted as part of the
22 transcript there. But how that -- what that
23 correspondence is, is not -- just was sort of out

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1 of context and usually we don't get information.
2 A lot of times -- most of times probably done by
3 phone or by email, I think. Okay.

4 MEMBER ZIEMER: What -- who this one
5 was sent to. I mean, we got copies of it but was
6 it intended to go to the commenter?

7 MR. KATZ: I'm sorry, Paul. It was
8 really hard to understand you.

9 MEMBER ZIEMER: I just wondered who
10 this was directed to. It says public comment
11 response and we got copies of it. But was it
12 directed to the commenter?

13 MR. KATZ: Yes. I assume the response
14 -- the commenter was responded to. The comments
15 were extensive, which is why I think he made a
16 separate document for that.

17 CHAIR MELIUS: Yes, it's comment
18 number 32 on what was distributed here and -

19 Okay. Ted, do we have anything else we
20 need to do? We have no correspondence.

21 We have done our -- do we have any --
22 no, we didn't have any leftover Work Groups. Okay.

23 MR. HINNEFELD: I can't provide any

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1 insight today. I don't recall right now. As a
2 general rule, we provide responsive information to
3 comments made at the meeting for, you know, back
4 to the Board. But it's not normal -- we don't
5 normally then correspond with the commenters. So
6 I don't know that we did this in this case or not.

7 CHAIR MELIUS: Okay. Yes, if you
8 could just follow up. I don't think it's a major
9 issue with that, nor is it, I think, inappropriate
10 as a way of -- if there is extensive comments it's
11 easier to -- sometimes easier just to write out
12 answers to them and do that. Okay. So I think we
13 will then break until 4:30.

14 (Whereupon, the above-entitled matter
15 went off the record at 2:59 p.m. and resumed at 4:31
16 p.m.)

17 CHAIR MELIUS: Okay. If everyone can
18 get seated, we will get started. So we are going
19 to start with a presentation on LANL from LaVon
20 Rutherford and then we will hear comments from the
21 petitioner about the -- so an update from him and
22 then once that is -- whatever discussion among the
23 Board and so forth we will then start the public

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1 comment period. So before we do that we will do
2 a little announcement about the -- how that works
3 and so forth.

4 MR. KATZ: Right. Just a reminder,
5 there is some new faces here. But if you want to
6 comment during the public comment period there is
7 a sign-in book outside with the lady sitting
8 outside at the desk. So please do sign in. It's
9 helpful. Thanks.

10 CHAIR MELIUS: But it's not required
11 that you sign in. So if you decide based on what
12 you've heard or haven't heard that you want to make
13 comments later you'd be allowed to also. So do
14 that. And so LaVon, go on.

15 **Los Alamos National Laboratory SEC Petition Update**

16 MR. RUTHERFORD: Alright. I am LaVon
17 Rutherford. I am going to give the update on our
18 work with SEC 109 for the Los Alamos National Lab.

19 A little background -- this petition
20 was received back in April of 2008. It qualified
21 for evaluation in May of 2008. We initially
22 evaluated all support workers from January 1, '76

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1 through December 31 of 2005.

2 We issued Rev 0 of our report in January
3 1 of 2009 and Rev 1 in August of 2012. That Rev
4 1 report actually recommended a Class from January
5 1, 1976 through December 31 of 1995. The Board
6 concurred with our recommendation and the
7 Secretary moved the Class forward.

8 Okay. Our feasibility that we
9 identified for that Class was unmonitored intakes
10 of exotic radionuclides, alpha emitters, fission
11 products, activation products and special tritium
12 compounds.

13 We set an end date of December 31st,
14 1995 for the Class based on the presumption that
15 LANL would be in full compliance with 10 CFR 835.
16 We committed to evaluate the post-1995 issues,
17 though. So 10 CFR 835 requires internal dosimetry
18 programs for radiological workers who under
19 typical conditions are likely to receive a
20 committed effective dose equivalent of .1 rem per
21 year or more from all occupational radionuclide
22 intakes in a year. So all intakes in a year .1 rem
23 or 100 millirem. So if they met this requirement

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1 and the individual did not have internal dosimetry
2 we could expect that that individual did not
3 receive more than .1 rem CEDE -- again, assuming
4 compliance.

5 So since the ER -- since Rev. 1 of the
6 Evaluation Report we received more information,
7 documents and procedures about the post-1995
8 period on exotic radionuclides. What we found is
9 work with these radionuclides after 1995 has been
10 sporadic. They are corresponding therefore and
11 consistently there is corresponding few bioassay
12 data.

13 Back in November of last year NIOSH,
14 SC&A and ORAU, our subcontractor, went to LANL. We
15 met with the LANL health physics team including
16 managers, dosimetrists and fuel personnel. We met
17 with them to get a better understanding how they
18 were complying with 10 CFR 835. Not only complying
19 now but complying back then.

20 From that -- during that trip we
21 captured documents including radiation work
22 permits, respirator use, air sampling, radiation
23 surveys, HP checklists, routine monitoring

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1 instructions and external exposure data, the idea
2 being collect as much of this information and kind
3 of, you know, build a story from it.

4 We also, during that visit, we got
5 information on the special tritium compounds and
6 their site-specific radiation protection program
7 in compliance with 10 CFR 835 and their dosimetry
8 matrices program, which is a program kind of set
9 up to identify when dosimetry would be required for
10 specific jobs.

11 So after we -- it took some period of
12 time to get a lot of this information. As well,
13 we have also been looking at -- in the spring we
14 began considering how we were going to, you know,
15 basically reconstruct doses for the unmonitored
16 workers during this era. If you think about it,
17 you know, previously we have always used a coworker
18 model for unmonitored workers where we found it
19 appropriate. In this area -- era, if people were
20 not exceeding 100 millirem, a coworker model would
21 not be necessary. But we still had 100 millirem
22 threshold so we have been looking at that.

23 LANL looked at -- LANL operated by a 40

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1 DAC hour per year limit, which equates to their 100
2 millirem CEDE and so we have been looking at how
3 they are complying or how they are meeting that 40
4 DAC hour limit.

5 So in doing that, we bounced around on
6 how we were going to do it. Most recently we
7 decided that we would review -- we have always been
8 reviewing assessments, reports and things such
9 like that, identified findings, responses and
10 corrective actions but we wanted to look more at
11 this -- the noncompliance tracking system which
12 actually identifies noncompliances with 10 CFR 835
13 as well as 10 CFR 830 and others. But we looked
14 specifically at 10 CFR 835 violations. We looked
15 at the site response in the corrective actions and
16 we are also going to review the current reporting
17 system as soon as we get access to that.

18 I think Stu mentioned that earlier we
19 are trying to -- working on getting access. In
20 fact, that is our last item on this list to get
21 access to. But when we are reviewing these we are
22 looking at -- do the findings identify unmonitored
23 exposures that may prevent reconstructing

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1 exposures to a defined Class of workers or do the
2 findings identify a programmatic flaw that would
3 suggest unmonitored workers could have received
4 exposures in excess of 40 DAC hours per year.

5 If you think of that from the
6 programmatic flaw of the DR perspective, in that
7 case a coworker model would -- I mean, that would
8 be like under your old requirement such that a
9 coworker model would be required.

10 So where we are, we have reviewed the
11 available assessments on the different reports,
12 however, and we have gotten access to the
13 noncompliance tracking system and we have
14 downloaded a number of the reports for LANL and we
15 are putting those in our Site Research Database.
16 We are working with DOE to get access to the
17 occurrence reporting process. After we have
18 reviewed all the assessments and report. The
19 addendum can be completed.

20 The long pole in the tent is the
21 occurrence reporting process. We have every -- we
22 have reviewed everything else up to this date. Our
23 current schedule has the addendum being completed

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1 by February of next year. And that's our current
2 status.

3 CHAIR MELIUS: Okay. Thank you very
4 much, LaVon. Board Members have questions?
5 Okay. I have a related question, I believe. Have
6 we in the past on LANL identified other Site Profile
7 issues going back in time?

8 MR. RUTHERFORD: Certainly. Yes.

9 CHAIR MELIUS: And where are we in
10 terms of addressing those?

11 MR. RUTHERFORD: I -- honestly we have
12 been focusing on the SEC issues and I could not give
13 you a good position on where we are with the Site
14 Profile issues.

15 CHAIR MELIUS: Okay. Because I think
16 we need to start thinking about those. I mean,
17 much of the site and time period of site is covered
18 by SEC. But that still leaves a number of people
19 with non-SEC cancers that would require dose
20 reconstruction being done and where Site Profile
21 issues are, you know, going to be -- could be
22 important for them and so forth.

23 And, you know, we have now done enough

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1 on this site. I guess maybe Hanford's somewhat
2 close to this, not quite, where one, this is a sort
3 of a new -- you know, new challenge to look at.

4 MR. RUTHERFORD: Yes.

5 CHAIR MELIUS: Post '95 period. It's
6 not been done before but it's also leaves a long
7 time period with Site Profile issues that we ought
8 to be thinking about how do we move forward on
9 those, particularly ones that could have
10 significant impact on exposures for people that are
11 working at the site with non-SEC cancers.

12 MR. RUTHERFORD: Okay. Yes, we can
13 start working on that at least --

14 CHAIR MELIUS: Yes, that would be
15 something for the Work Group to think about and -

16 MEMBER BEACH: Jim, I think that's --
17 Josie Beach. Anyway, I think that's a good idea.
18 I know the Work Group will get -- meet when the
19 addendum comes out and I don't recall if we had a
20 Site Profile Matrix at all. I'd have to ask SC&A
21 on that also. That's a good point.

22 MR. RUTHERFORD: Well, I think Mark
23 Griffon was the lead at that time. So it's been

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1 a long time ago.

2 MEMBER BEACH: Yes, it was.

3 MR. RUTHERFORD: You know, another
4 item I wanted to point out before I forget is, as
5 Dr. Melius mentioned, this post-'95 period, this
6 is -- this is really our first 10 CFR 835 era
7 assessment and there is going to be others to follow
8 quickly thereafter, Sandia National Lab, Lawrence
9 Livermore National Lab, and not all sites handled
10 it the same way based on it. So, you know, I think
11 it'll be an interesting period.

12 CHAIR MELIUS: Any other Board member
13 comments or questions? Board Members on the
14 phone, any questions? Okay.

15 MEMBER ZIEMER: No questions here.

16 CHAIR MELIUS: Okay. Thank you.
17 Andrew. And do you want to identify yourself, and
18 as usual, and go for it.

19 MR. EVASKOVICH: I am Andrew
20 Evaskovich. I am the petitioner for SEC 109. I
21 just got the slides about a day or two ago or found
22 them online. So I tried to come up with a quick
23 response. I found some abstracts that I am going

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1 to read and there is a section of an article that
2 I found that I am going to refer to as well plus
3 some stuff that was already in the petition.

4 This is from 1997. Department of
5 Energy appraisers found continuous air monitors at
6 Department of Energy plutonium facilities alarmed
7 less than 30 percent of the time when integrated
8 room plutonium air concentrations exceeded 500 DAC
9 hours.

10 Without other interventions this alarm
11 percentage is consistent with the possibility that
12 workers could be exposed to high airborne
13 concentrations without continuous air monitor
14 alarms. Past research has shown that the
15 placement of continuous air monitors is a critical
16 component in rapid and reliable detection of
17 airborne releases. At Los Alamos National
18 Laboratory and many other Department of Energy
19 facilities, continuous air monitors have been
20 primarily placed at ventilation exhaust points.
21 The purpose of this study was to evaluate and
22 compare the effectiveness of exhaust-register
23 placement of workplace continuous air monitors

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1 with other sampling locations. All dispersed oil
2 aerosols were released from multiple locations at
3 two plutonium laboratories and Los Alamos National
4 Laboratory.

5 An array of laser particle counters
6 positioned in the room measured the time-resolved
7 aerosol dispersion. Results show alternative
8 displacement of air samplers generally resulted in
9 aerosol detection that was faster, often more
10 sensitive and equally reliable compared with
11 samplers at exhaust registers. And from a similar
12 document that was from 1994, a different author,
13 false alarm rates, i.e., alarms occurring in the
14 absence of elevated air levels, were also reviewed
15 and found to be as high as 95 percent for some of
16 the facilities surveyed. Though there are few
17 actual uptakes, these results raise questions
18 concerning generally accepted practices for worker
19 protection and the value of active monitoring
20 units.

21 And just the information we have
22 discussed as far as the petition that was approved
23 up to '95, there are potential inadequacies in the

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1 assessment of neptunium airborne contamination
2 from instruments designed and calibrated for
3 plutonium. The lack of comprehensive hazards
4 analysis has resulted in the lack of appropriate
5 documented technical basis for addressing these
6 issues.

7 And this is an article I just found this
8 morning, in fact, dealing with spallation.
9 Ensuring the safety of workers at
10 accelerator-driven nuclear facilities is
11 paramount before these systems can be deployed for
12 nuclear transmutation or any other mission.
13 Spallation neutron sources produce as many as 660
14 rare radionuclides in either the target or the
15 blanket during the spallation process. No data
16 exists for many of these radionuclides in the
17 current radiation protection guidelines and
18 standards. This research program seeks to address
19 this problem through generating internal and
20 external dose coefficients for these new isotopes.

21 So, and they do spallation work at the
22 accelerator at the LANS facility. So that's why
23 I mentioned that issue. And as far as the

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1 derivative air concentrations, how it has been
2 addressed, I think that's what the documentation
3 will show.

4 My position is I don't think it's
5 sufficient and I'll probably find more information
6 supporting that. I know there were reports in
7 later years where they've had some findings
8 concerning monitoring. That's all I have to say.
9 Thank you.

10 CHAIR MELIUS: Thank you, Andrew. No,
11 I am sure as we are now identifying new issues --
12 I don't know exactly what to call them -- there will
13 be a lot of questions and questions that will come
14 up with some input and information from people that
15 have worked at the facilities and so forth will be
16 useful and helpful to try to resolve some of those
17 issues. So that's good. Okay. So we will start
18 the public comment period but first Ted will do an
19 introduction.

20 **Public Comment**

21 MR. KATZ: Yes. Yes, just the
22 preliminaries. For those of you who aren't

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1 familiar, all of our Board meetings are transcribed
2 and the written record of the meeting is a verbatim
3 record. So everything's exactly as it's said and
4 then that's published on the NIOSH website.

5 So for the public comment session,
6 everything you tell the Board is -- gets published
7 and put out there for everyone else to read. So
8 just keep that in mind in terms of anything very
9 personal to you that you might say and might not
10 want to be out there. But whatever you say about
11 other people -- not about yourself but about other
12 people, we will do redactions to the record for them
13 -- for what you say about them to protect their
14 privacy since they are not speaking for themselves.

15 So I just want to let you know that's
16 how that works. There is a lot more verbiage on
17 the website for how that works. But there is no
18 real need to go there. That's the bottom line, and
19 that's it.

20 CHAIR MELIUS: Okay. We will get
21 started. We are going to jump around a little bit
22 here so it won't be in the order that you signed
23 up in and then as I said if other people wish to

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1 make comments we will make -- provide time and there
2 may be people on the phone that are calling in that
3 will want to make comments. We usually do them
4 last, and we have one person who has to get back
5 to work. So they get priority.

6 So and, again, I will apologize up front
7 if I mispronounce or correct names and you're up.
8 Go ahead. Yes. Eloy Giron.

9 MR. GIRON: Chairman, Members of the
10 Board, my name is Elloyd Giron. Thank you for your
11 time right now. I work at Sandia National Labs.
12 I am a security police officer and I am going to
13 use an acronym, SPOs, later on. So I have a real
14 quick statement right here.

15 CHAIR MELIUS: Okay.

16 MR. GIRON: What I am here right now is
17 just to ask for an update on our cohort that we --
18 that we petitioned for. I petitioned for it in
19 2011 and it was granted up until 1994.

20 Since then, Dr. Glover has come and met
21 with us and we have gone into classified areas and
22 discussed other things and I have a real quick
23 statement here. None of this is classified. Let

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1 me put my readers on here.

2 CHAIR MELIUS: Okay. Sure.

3 MR. GIRON: Okay. The reason we are
4 asking for this update is, and this is some of the
5 stuff that we spoke with Dr. Glover with, was the
6 Sandia SPOs, the security police officers, were
7 treated different than other Sandians.

8 The security posture and protection of
9 SNM -- special nuclear material -- was given more
10 priority than the safety conditions of our
11 workplace. SPOs routinely patrolled in all areas
12 of Sandia National Labs. These areas contain many
13 hazards to include SNM, radioactive material,
14 radioactive waste, radiological producing
15 machines, hazardous chemicals, biological
16 hazards.

17 SPOs manned many temporary SNM projects
18 to include Tonopah Test Range, 6580 hot cell, new
19 cable site, old cable site, 6505, 6636. Due to the
20 temporary nature of these projects there are no
21 built-in safety precautions and all this is -- none
22 of this is classified. This was in the petition.
23 This was discussed with Dr. Glover.

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1 The SPOs manned permanent 24/7 posts
2 and radiological areas of Buildings 6597 and 6590
3 hard pool. The areas of disposition were not
4 designated for a safe environment for them. They
5 were just incorporated into the current testing
6 facilities.

7 SPOs could not leave these areas to
8 either eat and use the restroom there.
9 Radiological monitors routinely went off in these
10 areas. When these alarms went off, the SPOs did
11 not evacuate.

12 These alarms often went off during
13 nonoperational hours. During these hours, there
14 were no rad techs on duty to assess these alarms.
15 In hard pool, testing personnel and reactor
16 operators evacuated the areas during the shots.
17 SPOs remained in place.

18 SPOs were only given a TLD to wear with
19 no procedures in place to make sure the TLD was
20 worn. SPOs were never given any internal
21 monitoring. Operating personnel for these areas
22 were given internal monitoring and other external
23 monitoring devices to wear for the operating

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1 personnel.

2 Right now I am asking for a status on
3 this and if there is anything else that we can do
4 to help out to get this going. I am about to --
5 I think Dr. Glover's gone.

6 MR. RUTHERFORD: Yes, Dr. Glover is
7 gone.

8 MR. GIRON: And you're the new guy.

9 MR. RUTHERFORD: No, I am not the new
10 guy. Actually, Chuck Nelson, another health
11 physicist, will be the lead for -- is the lead for
12 that. We are actually planning to issue our
13 addendum on Sandia to close out or to address those
14 final years of that petition in June of next year.
15 So it's going to follow the Los Alamos petition
16 evaluation that's in February. It will be issued
17 in June of next year.

18 MR. GIRON: Okay. If there is any help
19 that we can be please get a hold of us.

20 MR. RUTHERFORD: I will make sure that
21 I pass that information along. Yes, keep in touch.

22 MR. GIRON: Chairman --

23 MR. RUTHERFORD: And we actually

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1 started -- one of our first questions this morning
2 that the Board had was what's happening with
3 Sandia. So we were -- been concerned also so and
4 we will keep it moving.

5 MR. GIRON: Okay. Chairman, Members
6 of the Board, thank you for your time.

7 MR. RUTHERFORD: Okay. Thank you.

8 CHAIR MELIUS: Is there anybody else
9 here that wishes to speak to issues related to LANL?

10 (No response.)

11 Okay. Then I will start going down the
12 list in the order that the people signed up.
13 Actually, I have one more person signed up. Chad
14 Walde. Okay. Go ahead. Yes.

15 MR. CHAD: Good afternoon. Chairman,
16 Board Members, I appreciate your time in listening
17 to me. I am a common man, maintenance, execution
18 in Los Alamos. I was hired on there in 1999, fresh
19 out of the Navy, and worked my way up into
20 supervising craft and what not throughout the
21 laboratory.

22 I don't know what else I could add. I
23 don't know what information you've already had or

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1 what have you but when it comes to Los Alamos and
2 the air monitors, what not, RCTs, yes, they made
3 tremendous strides for protecting the employees.
4 But there is quite a gap there regarding how people
5 were monitored, what was reported back to the
6 employees. The rad protection program has gotten
7 a lot more robust but it hasn't -- in my 17 years
8 wasn't always where it is now.

9 I've -- from 2011 to 2014 I was the work
10 execution manager for the rad liquid waste facility
11 when we had, you know, monitored RCTs and everybody
12 else, CAM alarms, respirators issued, what not,
13 working in the plant. There were several times
14 that the alarms would go off but nobody knew why
15 or what have you. There was also times where
16 employees as TLDs would start taking hits and
17 nobody can explain why. The evaporator was found
18 to be contaminated at one point in time during the
19 maintenance inspection and nobody knew -- so but
20 nothing had alarmed. Nothing told anybody. So
21 there is still more reason to dig and look.

22 Another thing was during Cerro Grande
23 I was assigned to the fire protection maintenance

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1 crews as superintendent and sent employees out to
2 -- after the fire was released or after the fire
3 was contained we were allowed to access the site
4 again.

5 The fire alarm systems throughout the
6 hill that were in alarm, either powered down or
7 contaminated with smoke. Contaminated meaning --
8 I am sorry -- don't know if they were contaminated
9 or not. I just know that they'd taken in the smoke
10 and set off the alarms and I was tasked with sending
11 crews out into the field, a lot of times going with
12 them, and either cleaning the detectors and
13 cleaning them and nobody still knows what was put
14 in the air that day or those two weeks.

15 None of us had -- not -- I shouldn't say
16 none, excuse me -- not everyone was issued a TLD.
17 Not everyone was monitored. Not everybody -- some
18 of us were outside the categories that were
19 monitored or found to be in a working Class that
20 needed to be monitored even though we routinely
21 went throughout the laboratory and the -- we just
22 -- I guess what I am here to say is, you know, I'd
23 really like you to -- I urge you to look at --

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1 looking at the people who worked there after 1995
2 because it still wasn't locked tight and solid that
3 we got everybody covered. I myself am diagnosed
4 with cancer. In 2014, I was diagnosed with stage
5 four glioblastoma. When I filed my documentation
6 I was told, yes, we gave you so much radiation but
7 in order to -- based on our models for the central
8 nervous system you would need five rem for us to
9 be able to have more likely than not. Well, I asked
10 them well, what model did you use. They said a
11 thyroid. And I am not here to plead my case or poor
12 pitiful me or anything like that. I am sorry if
13 that's what I'm coming off.

14 But there is a lot of work to still be
15 done. There is people being denied. To me, I'll
16 be honest, I could care less about the money. I
17 am more worried about the insurance part of it,
18 taking care of what not. But, you know, so to me
19 a brain is different than a thyroid, a more
20 sensitive organ. That's why it was protected and
21 built that way, and I got three rem documented.
22 There is periods of work there that we don't have
23 any documentation on. So it's -- it is personal.

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1 So and I, again, being supervisor for that fire
2 protection crew I won't say any names but I do know
3 several other employees that hired in and worked
4 those periods, worked nights, worked what have you,
5 weren't always monitored and have been developing
6 cancer as well and they don't fall under extended
7 cohort and if there is some trick, some way around,
8 it's not quite enough or what have you. What we
9 are doing here is not 100 percent, I guess, is why
10 I am asking you to -

11 CHAIR MELIUS: No. Thank you, and it
12 would be helpful if you can give your name and at
13 least contact information to LaVon.

14 MR. CHAD: I do apologize for that.

15 CHAIR MELIUS: Because we are
16 evaluating this. We will follow up and may want
17 to interview you and, you know, get more
18 information and you can answer questions that,
19 obviously, from a distance we can't. So --

20 MR. CHAD: Yes, sir. I apologize.
21 I'll catch you --

22 CHAIR MELIUS: You don't need to
23 apologize.

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1 MR. CHAD: You asked us to start out
2 with that so --

3 CHAIR MELIUS: Yes. That's fine.
4 But if you want to talk to LaVon and just catch him
5 on the way out and that or --

6 MR. CHAD: I will, sir.

7 CHAIR MELIUS: Okay. Thank you.

8 MR. CHAD: Thank you.

9 CHAIR MELIUS: Again, anybody else
10 from LANL that wishes to speak? Okay. Okay.
11 I'll start at the top of the list. Terrie Barrie.

12 MS. BARRIE: Good evening, Dr. Melius
13 and Members of the Board. It's a pleasure to be
14 back in front of you again. It's been a long time.

15 My name is Terrie Barrie and I am a
16 founding member of the Alliance of Nuclear Worker
17 Advocacy Groups and co-petitioner for the Rocky
18 Flats SEC petition.

19 Thank you for this time. About three
20 months ago, the United Steelworkers Local 8031
21 generously donated hard copy documents including
22 safety concerns from the Rocky Flats site to ANWAG.
23 I realize that NIOSH and SC&A reviewed some of the

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1 concerns or at least the database back in 2007 but
2 this donation is the first time the petitioner,
3 [identifying information redacted] and I, along
4 with other site experts had a chance to review these
5 records. Of the almost 5,000 safety concerns in
6 DOE's possession, NIOSH and SC&A determined that
7 only about 40 or so could possibly affect NIOSH's
8 ability to reconstruct dose for Rocky Flats.

9 This limited amount of safety concerns
10 may have stunted the complete review of the safety
11 concerns. According to SC&A's main report in
12 2007, and I quote, a number of safety concerns
13 relate to a lack of quality control in the internal
14 and external monitoring programs. These concerns
15 collectively reinforce issues raised in the
16 petition regarding data quality, end quote.

17 Our review found a lot more. The
18 site-specific concerns -- the specific safety
19 concern numbers and the related issues can be found
20 in the attached spreadsheet and a copy of it is
21 available online and it's a pretty long address and
22 I'll give it to the transcriber if that's okay, but
23 it's <http://www.rockyflatsambushgrandjury.com>,

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1 terriebarrieanwagpresentsrockyflatssafetyconcer
2 ns and I'll give this to the transcriber.

3 We reviewed the safety concerns which
4 were not included in the NIOSH SC&A list. Briefly,
5 we identified falsification of plutonium waste on
6 the run sheet, falsification of medical records and
7 falsification of RECA inspections.

8 We identified multiple problems with
9 the health and safety labs from 1985 to 1999
10 including this comment, quote, the HS&E laboratory
11 has a major problem with contamination and efforts
12 are underway to correct this situation, end quote.

13 There was a possible criticality in
14 Building 774 in 1986. It was serious enough to
15 have Rocky Flats, quote, obtain a nuclear
16 criticality specialist from Albuquerque, end
17 quote.

18 I cross checked this incident with the
19 Department of Energy Rocky Flats assessment of
20 criticality safety report and that is not listed
21 in that report. We also identified a strong
22 indication that radioactivity materials and
23 contaminated equipment were present in Building

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1 460 at least through 1996. The vast majority of
2 these workers were not monitored for radiation
3 since Building 460 was considered a cold building.

4 Numerous concerns were filed for faulty
5 alarms, lack of qualified RCT coverage or even no
6 coverage at all, and instruments being incorrectly
7 calibrated. There were so many of these types of
8 safety concerns that I stopped recording them on
9 a spreadsheet.

10 But these concerns are directly related
11 to NIOSH's ability to reconstruct dose. If an
12 alarm doesn't alarm, then the worker or the RCT will
13 not know there was a release. If the area doesn't
14 have an RCT, the worker won't know if he's been
15 exposed.

16 If the RCT's instrument is not
17 calibrated correctly, then it's unlikely that an
18 accurate assessment of contamination would be
19 recorded. In any of these situations it is quite
20 possible that the contaminated worker would not be
21 decontaminated or given the opportunity to provide
22 samples to see if there was an internal or external
23 deposition. These are issues that affect NIOSH's

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1 ability to reconstruct dose. As I mentioned,
2 NIOSH and SC&A did identify a limited number of
3 safety concerns. Some were resolved in 2007.

4 However, the SC&A report states, quote,
5 NIOSH continues its investigation of two safety
6 concerns involving lost or invalid bioassay
7 results, number 90-169, and the inadequacy of the
8 internal and external dosimetry program number,
9 92-048.

10 I have not been able to find if this
11 investigation into these two safety concerns is
12 completed. If they have not been resolved, NIOSH
13 needs to complete this investigation and include
14 the additional safety concerns the petitioners
15 have now identified.

16 I would like to remind the Board of two
17 outstanding issues. Metal tritides -- this issue
18 was raised during the Rocky Flats March 17th, 2015
19 Work Group meeting. NIOSH promised that they
20 would look into it again but I have not seen where
21 that has been completed either.

22 I found safety concern number 94-158
23 which alludes to the presence of tritides.

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1 Earlier this year, I also supplied NIOSH with a
2 couple of documents which I feel supports the
3 possibility that tritides was present at Rocky
4 Flats. I would like to remind the Board too that
5 you approved SEC status for General Atomics in 2014
6 in part because NIOSH determined that, quote, metal
7 tritides were present during the operational
8 period with no indication of any analysis performed
9 to determine the type of tritide and that, without
10 that knowledge, NIOSH admitted they cannot
11 reconstruct dose with sufficient accuracy.

12 The other instance where consistent
13 decisions on SEC petition affects Rocky Flats
14 involves dose reconstruction for neptunium
15 exposure. One LANL SEC petition was approved
16 because a petitioner provided a document which
17 states that plutonium bioassay cannot be used to
18 reconstruct dose for neptunium exposure yet that
19 is exactly what NIOSH is doing for Rocky Flats
20 workers after 1983. How can this methodology be
21 okay for Rocky Flats but not for LANL?

22 Lastly, I am concerned about the legacy
23 of the weapons production being ignored. The

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1 workers employed from 1990 through the date of
2 closure must not be forgotten. Many of the safety
3 concerns we reviewed occurred during this time
4 period, well after the 1989 raid by the FBI. The
5 SEC should be extended to 2005 and I believe we have
6 ample -- we have provided ample evidence that
7 supports this position.

8 Thank you for allowing me to present
9 these comments. I would also like to express my
10 appreciation to the United Steelworkers and
11 especially [identifying information redacted] of
12 Local 8031 for donating these documents and to Cold
13 War Patriots who generously provided the funds for
14 this project. Thank you.

15 CHAIR MELIUS: Thank you, Terrie.
16 John Lipsky.

17 MR. LIPSKY: Greetings to the
18 honorable Dr. Melius and Members of the Advisory
19 Board. Hello, my name is John Lipsky. I was the
20 lead FBI agent of the criminal investigation of
21 Rocky Flats in June -- it actually started in 1987.
22 The raid was in June of 1989 and Rockwell pled
23 guilty to felonies and misdemeanors in 1992.

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1 I was also a subject matter expert
2 witness in the Merilyn Cook v. Dow Chemical,
3 Rockwell and Boeing civil trial regarding the
4 adjacent property in 2005. That verdict ended up
5 going through the court system but last May there
6 was a settlement of \$375 million for the plaintiffs
7 who I testified for.

8 I am legally constrained from
9 disclosing protected government information and as
10 a result of my previous employment in support of
11 those protections, I make the following comments
12 regarding publicly available information.

13 In March 1988, the U.S. Department of
14 Energy environmental safety and health reported
15 its technical safety appraisal for Buildings 776
16 and 777. I am going to call it the 1988 TSA and
17 there is a contract number of DE88016374 and its
18 findings.

19 The 1988 TSA was conducted as an
20 appraisal -- some of us government employees called
21 it an audit -- by outside experts who reported
22 similar concerns by Rocky Flats nuclear workers.
23 The 1988 TSA documented four major problem areas,

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1 85 specific findings, nine of which had to be
2 promptly within two weeks remedied.

3 It is not surprising that a good share
4 of the deficiencies assessing the safety of
5 activities was a result of management breakdown.
6 The pervasive inadequacies in radiological
7 protection at Rocky Flats, fire protection and
8 maintenance, are indicative of management
9 inattention.

10 This is further evidenced by the
11 appraisal team's categorizing of 41 concerns as
12 involving failure to comply with some aspect of DOE
13 mandatory requirements.

14 In regards to Ms. Terrie Barrie's
15 public statement that you just heard, the list of
16 Rocky Flats safety concerns and the interest of
17 extending the Rocky Flats SEC petition, please
18 consider the following safety concerns.

19 1986-013 regarding receiving
20 dosimeters twice; 1986-115, molten salt crew high
21 gamma radiation; 1988-121, barrels filled with hot
22 materials next to work area ;1992-345, tritium
23 detection alarm failure contact in Building 707;

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1 1996-161, no requirement to submit nasal mouth
2 smears contaminated step-off pad; and 2000-025,
3 management interfering with medical decision in
4 addition to the 1988 TSA.

5 Radiation protection of all nuclear
6 workers should be paramount at DOE facilities.
7 The 1988 TSA was also concerned with a lack of
8 essential coordinated information system of
9 radiation records. Rocky Flats safety concern
10 94-064 and 94-065 dealing with cross-contamination
11 of air head filters in the analytical health
12 physics laboratory, also known as Building 123,
13 among other radiological issues range from 1985 to
14 1996 and they still didn't fix it.

15 These safety concerns also refer to --
16 inside the file itself refers to other safety
17 concerns, 1985-064, 90-051 and 90-212. It is not
18 claimant-favorable to ignore the documented 1988
19 TSA, previous TSAs with unresolved findings and the
20 safety concerns that were contemporaneously
21 documented issues regarding radiological
22 protection for Rocky Flats nuclear workers, and I
23 thank you for your time and attention.

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1 CHAIR MELIUS: Thank you. Next person
2 I have on the list, Donna Hand.

3 MS. HAND: Thank you very much for your
4 time and listening. The Board Members have a
5 yellow packet that's there in front of them.
6 First, I would like to bring in to procedure number
7 OCAS PR004, Pages 17 and 18, about the timeliness
8 policy and that if the director of OCAS may, which
9 is discretionary, determine that the records or
10 information requested is not provided in a timely
11 manner, it shall go ahead and issue a SEC.

12 Also at the bottom of that, it says that
13 if the petition raised issues that have not been
14 fully addressed then the comprehensive and
15 timeliness is important and they are to address
16 those issues even if they said they could feasibly
17 do the dose reconstruction and do not delay the SEC
18 petition waiting on the documents.

19 In the packet on the left-hand side you
20 have what they call occupational radiation
21 exposure. Whenever the 2010 petition was appealed
22 and asked for an administrative review, Lara Hughes
23 says what is REMS because I asked to review the DOE

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1 REMS on the Pinellas plant.

2 Well, the REMS is the radiation
3 exposure monitoring system that DOE has and in 1992
4 they had a report on Pinellas plant. Behind that
5 you will see emails going back and forth stating
6 that the Tiger Team report does satisfy the
7 evidence for one of the criteria.

8 Later on, LaVon Rutherford also says in
9 the email, we have accepted SC&A issues to be in
10 the HP report to go ahead and be qualified. Then
11 you also have the professional judgment report
12 showing that Donald Staplefield said we qualify.
13 But yet, we did not qualify.

14 You had a new SEC petition recently also
15 denied, denied based on there is no new evidence.
16 According to the regulation in the preamble, new
17 evidence is only required if it's been put in the
18 federal registry. Our SEC has never been put in
19 the federal registry because we never were
20 requiring -- never qualified. Then you had in that
21 SEC petition information that was given to the
22 March Board at Tampa that also qualified that SEC
23 petition before they finally decided and they never

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1 used any information that was also given to the
2 Board.

3 Then you also have a new information
4 report that was put into a journal regarding the
5 flaking and gassing of the metal tritides and how
6 they couldn't actually do a dose reconstruction for
7 that. That's new evidence but yet that was
8 ignored. You have metal tritides on the neutron
9 tube and neutron generator that for ten -- over 20
10 years was done there at the Pinellas plant. It was
11 sent to Sandia and then it was sent to Los Alamos
12 -- part tube and generator they have an SEC for
13 their neutron generator workers after 1995 -- after
14 1990.

15 So if one of the workers that worked at
16 Pinellas plant now goes to Sandia and they work
17 there still on the neutron generator, same thing
18 they worked at the Pinellas plant, they get an SEC
19 cancer, they qualify, but all those years at
20 Pinellas they do not. So why couldn't you use the
21 surrogate data from Pinellas plant for the neutron
22 generators at Sandia? Sandia, Livermore in
23 California also had neutron generators, metal

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1 tritides. You can't do their dose either.

2 Recently a study came out in 2008 by
3 Sandia saying that you can't use resuspensions on
4 metal tritides. So all the -- you do not have the
5 DAC. Also, there was recently a new report about
6 the bioassays in metal tritides. You can't use
7 tritium bioassay to determine the bioassay of a
8 metal tritide because they are insoluble and
9 soluble and there are other things. So your
10 bioassays cannot be used. So these are some of the
11 issues.

12 Finally, on the other side you have
13 documentation of what I am saying. In my first
14 petition for SEC they -- it was -- they said well,
15 you have a hazardous substance list.

16 That hazardous substance list listed 28
17 radionuclides that have never been addressed. The
18 Technical Basis Document listed several radio
19 generating devices. Never been addressed. And
20 on and on and on.

21 Also it says the peer reviewed that the
22 site exposure -- the site expert in their peer
23 review, well, it's not supposed to be -- have any

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1 task with it. Well, their site expert is the
2 person that does the dose reconstruction. They
3 did the template and it's not even an HP and that
4 all the dose reconstructions that have been --
5 being done now are not even reviewed by HPs.

6 So we are having a big issue with this.
7 The Board was tasked with a certain responsibility
8 and in *Perez v. Mortgage Bankers Association* the
9 U.S. Supreme Court ruled policy and procedures do
10 not -- and legislative rules do not have the weight
11 of law, the force of law or the effect of law. So
12 that statute and that regulation is what is
13 effective, is what is mandatory and whenever in a
14 qualification stage they use -- you must use a
15 report. You must do this. Good guidance and the
16 Information Quality Act -- they cannot use that.
17 You cannot mandate. Only the law can mandate.
18 Also, under the Information Quality Act if a
19 professional judgment is to be used that must be
20 backed by scientific and accepted
21 community-established knowledge.

22 So in Ms. Lin's statement I think that
23 August the 10th was your second day -- also stated

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1 the job's duty of the Board is to help
2 reconstructors do the dose reconstruction for the
3 people that is not with the SEC and that is when
4 you come up with a Site Profile or default values.
5 Well, 10 CFR 835 has default values. Why can't we
6 use those default values? Thank you.

7 CHAIR MELIUS: Okay. Thank you.
8 Next Robert Amigo.

9 MR. AMIGO: I don't have anything.

10 CHAIR MELIUS: Okay. I want to make
11 sure, give you another chance. Thank you. Hugh
12 Stephens. I thought I saw you here.

13 MR. STEPHENS: Hello. My name is Hugh
14 Stephens. I am an attorney with Stephens &
15 Stephens and we have been representing claimants
16 since about 2010 and one thing I can report is that
17 we challenge dose reconstructions when we can find
18 arguments against portions of those, and for a long
19 time the Department of Labor did not want to engage
20 in kind of a substantive assessment of those
21 objections.

22 And over the years they've changed
23 their procedure and our objections are now being

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1 reviewed by, I believe, a health physicist at the
2 Department of Labor and then sent on very often to
3 NIOSH for response. And so I can report that the
4 process has improved significantly with respect to
5 dose reconstructions and the claimants' ability to
6 make objections to those.

7 We have struggled to understand the
8 dose reconstruction process and we don't claim to
9 be experts in it but we can review the documents,
10 the referenced documents and do our best to make
11 an argument.

12 We have had a couple overturned on
13 circumstances as simple as a dosimeter badge
14 exchange rate being biweekly instead of monthly and
15 so that doubled the dose. So we are experts in
16 arithmetic primarily in that one.

17 And another one that was -- that we were
18 able to overturn related more to what we were doing
19 today, which is improving the Site Profile and I
20 think there was a sense today about the work that's
21 done here and how important it is to prioritize and
22 very often we might spend a year or two trying to
23 get something right and if we were to think about

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1 it for a second we'd say well, it doesn't matter
2 so why don't we just skip it.

3 But that's the key. So when we are
4 talking about a Site Profile and a change, it's very
5 difficult for us to go back and look and try and
6 figure out if it matters. And I don't know that
7 there is any kind of solution but certainly some
8 of what we did today has a big impact on the dose
9 reconstruction process and some has no impact at
10 all. And in a program where we are supposed -- the
11 claimant is supposed to be able on their own to
12 understand this whole process, the dose
13 reconstruction process, and then review the
14 transcript of this meeting and understand that the
15 new Site Profile is going to have an impact on their
16 claim and therefore they should request reopening.

17 These are difficult problems. I don't
18 claim to have a solution. But we will continue to
19 study these Site Profiles and try and understand
20 whether our claimants can get compensated. And so
21 there is that issue of prioritization.

22 The other thing that I think everyone
23 struggles with and I think Donna Hand referenced

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1 it in her presentation just now is when the SEC is
2 passed, now NIOSH can't do certain aspects of the
3 dose reconstruction and so we then have a new
4 assessment.

5 NIOSH has backed away. Their
6 expertise cannot be brought to bear. We have made
7 a decision what they can do is not sufficiently
8 accurate. So from there we lead directly to a
9 determination that we know is false which is that
10 that person received no dose connected to that
11 aspect of the dose reconstruction.

12 I don't claim to have the answer to this
13 one either. But zero is what we know didn't happen
14 or at least we know that zero is probably not the
15 right number. When we do missed dose for external
16 dose we know that if the limit of detection is .2,
17 then .1 is kind of a happy medium -- halfway between
18 zero and the limit of detection.

19 That's a reasonable method of dealing
20 with the problem. But what we know is happening now
21 on all these claims where they don't qualify for
22 the SEC but there is an SEC, and then you have the
23 Site Profile and they do a partial dose

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1 reconstruction, the number that has been chosen is
2 the one we know is wrong and that's zero. That's
3 all I have. Thank you.

4 CHAIR MELIUS: Thank you. If you come
5 up with solutions, let us know. Do that, and I just
6 would like to add the one thing -- maybe LaVon was
7 going to jump in on this.

8 MR. RUTHERFORD: (off mic)

9 CHAIR MELIUS: Okay. Well, one of the
10 things -- I'll correct him and you can take him
11 outside and deal with it. But is -- one issue with
12 the Site Profiles is when a Site Profile is updated
13 any -- all of the claims that have been dose
14 reconstructed under the old Site Profile are
15 reviewed and if it does change the value in favor
16 of the claimant then that is redone through DOL and
17 so forth. So that is built in.

18 I agree that it's a complicated program
19 and it's very difficult for the claimant or their
20 representative to weigh in on all the technical
21 information and understand it and advocate for
22 their client or whatever or for themselves. That
23 cover it?

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1 MR. STEPHENS: You got it.

2 CHAIR MELIUS: See, you taught me
3 something. Yes. Thanks. Okay. Al Frowiss.

4 MR. FROWISS: Senior.

5 CHAIR MELIUS: Senior. Okay.

6 MR. FROWISS: Mr. Chairman, thank you.
7 This is Al, Senior, like I've got an (telephonic
8 interference) Anyway, (telephonic interference)
9 phone number [identifying information redacted].

10 My question today is about Lawrence
11 Livermore. I am an advocate nationally and I am
12 the petitioner for the recently approved Lawrence
13 Livermore lab for the 1964 to '89. My question is
14 of the materials (telephonic interference) known
15 as the MCA at the Lawrence Livermore (telephonic
16 interference) official archives on the LLL job site
17 show that the MTA was built there starting in 1950,
18 which is the first year the original SEC. It was
19 not under the state of California. It was
20 (telephonic interference) with a company
21 California (telephonic interference) which was a
22 Standard Oil subsidiary.

23 MR. KATZ: Can I -- Mr. Frowiss, can I

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1 just stop you one second? Are you using a speaker
2 phone?

3 MR. FROWISS: I didn't (telephonic
4 interference)

5 MR. KATZ: Because your audio is very
6 strange. It's very echoey and so on.

7 MR. FROWISS: I expect (telephonic
8 interference) Anyway, I'll try to shorten it up.
9 The MTA employees were California (telephonic
10 interference) I am looking for --

11 MR. KATZ: Mr. Frowiss, you're cutting
12 in and out. I wonder if you can't maybe at least
13 in follow-up send me your statement in writing so
14 that we can capture this correctly. Thanks.

15 MR. FROWISS: I'll do that.

16 CHAIR MELIUS: And we will -- and there
17 will be a response to it. I mean it's not --

18 MR. FROWISS: Thank you.

19 CHAIR MELIUS: Yes. Thank you.
20 Okay. Next person I have is Stephanie Carroll.

21 MS. CARROLL: Hello. My name is
22 Stephanie Carroll. Thank you for allowing me to
23 make a comment. It is green. Okay. I am

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1 Stephanie Carroll. I am an authorized rep mainly
2 for workers at Rocky Flats. I specialize in
3 chronic beryllium disease and I've been helping on
4 this SEC petition.

5 Today I would like to present some
6 documents that I've had for a little while. That
7 one on your desk, Dr. Melius, I have the documents
8 I am referring to and then my statement for the
9 Board Members and the statement includes
10 documentation and quotes from [identifying
11 information redacted] during a telephone interview
12 by NIOSH subsequent to the CML White Paper.

13 The first document that I am going to
14 refer to is dated 2/17/2012. It's an affidavit by
15 [identifying information redacted]. He was
16 [identifying information redacted]. The document
17 identifies incidents and accidents between 1955
18 and 1988 that are not found in the Site Profile.
19 It also lists chemicals used in Building 771 that
20 personnel came into contact with and it includes
21 neptunium. The affidavit reads, the attached
22 document was compiled by [identifying information
23 redacted] for me [identifying information

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1 redacted]. The document is one that identifies
2 accidents and incidents that happened between '55
3 and '88 in Building 71. The purpose was to educate
4 the Building 771 personnel to the potential issues
5 that caused either radiation exposure,
6 contamination or injury to the people in the
7 building environment.

8 The second attachment is a list of major
9 chemicals used in Building 771 that personnel came
10 into contact with, and if you look at the document,
11 you will see many incidents and I am just going to
12 talk about a couple of them.

13 First one I find is in 1984 in Room 169,
14 a file cabinet. A file cabinet contained vials
15 holding PU of about 20 grams. I think it's grams
16 -- 20g. The vials we returned to the blood box in
17 Room 128. In Room 149 line 42, valve failure on
18 tank 470 caused a four-foot area to be
19 contaminated.

20 Now, we don't -- I don't know where the
21 neptunium line was but if it had anything to do with
22 149. NIOSH has been saying that there were no
23 incidents reported on the neptunium line. So I

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1 would like people to go through these incidents to
2 see if they are related to the neptunium line in
3 771.

4 And this is -- these are all incidents
5 after the SEC. So I am not going back. The
6 incidents actually go back all the way to I think
7 the '60s is when it started.

8 So in 1985 a tank containing nitric acid
9 overflowed. The operator left the room without
10 turning off the transfer valve. Automatic shut-off
11 valve failed also. In '85, tank overflowing onto
12 floor while operator was out of room. '85 again,
13 liquid was transferred from a safe pencil tank to
14 an unsafe annular tank. How long did that stay in
15 that annular tank?

16 I also found something really
17 interesting because it has the date, the room that
18 the incident happened in and then a description.
19 So 12/15/85 there was -- it's just blank what room
20 this happened in or where this happened. But it says
21 high urine samples sensitive report. So it looks
22 like another one in '86, contaminated employee --
23 sensitive report. So it's something that they

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1 didn't want to talk about and I am very interested
2 in, you know, why did the [identifying information
3 redacted]-- why was he unable to document this.

4 And then the second attachment is
5 interesting because it shows reagents and
6 chemicals that were used in 771 that employees came
7 into contact with. This is what his affidavit --
8 his sworn affidavit reads. Production materials
9 -- americium oxide, americium nitrate, ammonium
10 dichromate and neptunium. Plutonium isn't even
11 mentioned so I find that interesting in this -- in
12 this appendix.

13 Okay. So that's the affidavit by
14 [identifying information redacted] and I've turned
15 that in and I am hoping that it can be put on the
16 site.

17 Number two, I also turned in a document.
18 It's dated 6/2/97 from the USW and it was titled
19 Location of Known Beryllium Areas Document.

20 I have a question for NIOSH on this.
21 Has inertial fusion in Building 881 been addressed
22 by NIOSH? See the second page of the submitted
23 Page 7 document. Inertial fusion in Rooms 143E,

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1 143F, 199 and 283A. I want to know more about that.

2 And during the telephone conference
3 call with [identifying information redacted] I was
4 on the line and recorded his quotes. The Critical
5 Mass Lab White Paper, unfortunately, isn't going
6 to come out until next week and it would have been
7 great to have it out a week earlier and to be able
8 to comment on it more thoroughly today. But
9 [identifying information redacted], who was
10 [identifying information redacted] is my client.
11 He's lived in the same house for 50 years.
12 Nobody's ever interviewed him, questioned him,
13 talked to him.

14 He's been very easily accessible. But
15 I got a hold of him, which was great, and he loves
16 to teach me things. So anyway he had seen the first
17 White Paper and he found a lot of problems with it.
18 And so I gave you -- when you do get the White Paper,
19 you're going to have quotes from this telephone
20 call on the issues that he was having with the first
21 White Paper. So I hope you keep that with you so
22 when you're reviewing it you can kind of see what
23 [identifying information redacted] was thinking

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1 about this. He also wrote a book about the
2 Critical Mass Lab, which I have a copy of, and he
3 detailed all the documents that he owned. He's
4 very meticulous and a fantastic site expert. I
5 wish he would have been used many years ago.

6 Anyway, some of the things that he said
7 -- any future White Paper must acknowledge that the
8 desired radiation dose reconstruction at Rocky
9 Flats plant can never be known with any reasonable
10 degree of accuracy. All assumed conditions are
11 likely to have been -- to have not been the case.
12 No one can ever know the radiation levels at the
13 Critical Mass Lab. Any -- these are all quotes
14 from him -- any attempt to define or bound
15 experimental power levels, neutron fluxes and
16 gamma exposures as from fission fragments or the
17 unavoidable ingrowth of unknown amounts of
18 neptunium 239 and plutonium 239 has no defensible
19 grounds.

20 He was arguing over the phone with them
21 about the facts. He did not -- there is no way that
22 you can get a power reading from the experiments
23 he was doing. He said this over and over and over

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1 again.

2 Body counts were never done at Rocky
3 Flats, only lung counts that measured
4 gamma-emitting radionuclides absorbed in the lung.
5 The White Paper refers to body counts being done.
6 They weren't done. It was lung counts.

7 The CML used outside neutron sources of
8 polonium, californium and cobalt 60. This is a
9 quote -- that was a quote -- [identifying
10 information redacted] does not know how they were
11 disposed of. The sources were added and removed
12 by increments until the neutrons began to grow
13 exponentially above critical levels during his
14 experiments.

15 That's a quote from him. Flux rates
16 were not important to the experiments. That was
17 not what they were looking for. You cannot bound
18 the neutron flux rate. We never knew the power
19 level, never knew the number of neutrons that were
20 produced.

21 There is no estimate of total fissions
22 during these experiments. Many incidents
23 happened in the lab and there were no special

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1 bioassays done. So he had some bioassays but never
2 any special bioassays.

3 We had plutonium solution gamma
4 standards that were never documented anywhere. I
5 always turned off the criticality alarms during
6 testing of sources. The alarm sounds during a
7 prompt criticality and is meant to evacuate the
8 building and because we were doing experiments that
9 were meant to go critical we had to turn off the
10 alarm to the building. NIOSH cannot reconstruct
11 radiation doses at the Critical Mass Lab or in
12 Building 886. Thank you very much.

13 CHAIR MELIUS: Thank you. Okay.
14 Anybody else in the room want to make public
15 comments? Okay. Now anybody on -- oh, I am sorry.
16 You have to come to the mic and identify yourself
17 please.

18 MR. SALAZAR: Mark Salazar. I used to
19 work in LANL and I had cancer about three years ago.
20 I had oral cancer. 1988 to 1989 I worked in Los
21 Alamos as a contractor and then I started back in
22 about '90s until present. The problem I am having
23 and they keep on denying me because they cannot find

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1 records of me working up there.

2 Again, I have submitted dosimetry badge
3 issued to me in 1988 and it shows me there -- being
4 there from 1988 until present when I was really
5 there from '88, '89 roughly until '90, I think. So
6 it still showed me as an active employee up there
7 and I was wondering what's the solution to having,
8 you know, dosimeters that don't match employment
9 records. Because back then we used to get visitor
10 badges and I don't know if they are documented. I
11 am not sure about that.

12 CHAIRMAN MELIUS: Okay. If you talk
13 to somebody from NIOSH we can get the individual
14 information and then can follow up on -- I mean,
15 we can't answer --

16 MR. SALAZAR: Okay.

17 CHAIRMAN MELIUS: -- directly here and
18 I don't want that to -- LaVon Rutherford over there
19 will talk to you.

20 MR. SALAZAR: Alright. Thank you.

21 CHAIRMAN MELIUS: Thank you.
22 Appreciate it. Anybody else? Does anybody on the
23 phone wish to make public comments? You're

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1 shaking your head, Terrie. I can't --

2 MS. BARRIE: I am sorry. No. I have
3 a sidebar comment.

4 CHAIRMAN MELIUS: Yes. Okay. I
5 couldn't tell if you knew of somebody that was going
6 to call in and -

7 MS. BARRIE: No, I didn't.

8 **Adjourn**

9 CHAIRMAN MELIUS: Okay. Hearing no
10 one, then I will close the public comment period
11 and we will adjourn the meeting until tomorrow
12 morning. Thank you, all.

13 (Whereupon, the above-entitled matter
14 went off the record at 5:42 p.m.)