

This transcript of the Advisory Board on Radiation and Worker Health, Teleconference Board Meeting, has been reviewed for concerns under the Privacy Act (5 U.S.C. § 552a) and personally identifiable information has been redacted as necessary. The transcript, however, has not been reviewed and certified by the Chair of the Advisory Board for accuracy at this time. The reader should be cautioned that this transcript is for information only and is subject to change.

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UNITED STATES OF AMERICA

CENTERS FOR DISEASE CONTROL

+ + + + +

NATIONAL INSTITUTE FOR  
OCCUPATIONAL SAFETY AND HEALTH

+ + + + +

ADVISORY BOARD ON RADIATION AND  
WORKER HEALTH

+ + + + +

78th MEETING

+ + + + +

MONDAY,  
JULY 11, 2011

+ + + + +

The Advisory Board convened via teleconference at 11:00 a.m., James M. Melius, Chairman, presiding.

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PRESENT :

JAMES M. MELIUS, Chairman  
HENRY ANDERSON, Member  
JOSIE BEACH, Member  
BRADLEY P. CLAWSON, Member  
R. WILLIAM FIELD, Member  
JAMES E. LOCKEY, Member  
WANDA I. MUNN, Member  
ROBERT W. PRESLEY, Member  
DAVID B. RICHARDSON, Member  
GENEVIEVE S. ROESSLER, Member  
PHILLIP SCHOFIELD, Member  
PAUL L. ZIEMER, Member  
TED KATZ, Designated Federal Official

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REGISTERED AND/OR PUBLIC COMMENT PARTICIPANTS:

ADAMS, Nancy, NIOSH Contractor  
AL-NABULSI, ISAF, DOE  
BARRIE, TERRIE  
HINNEFELD, STU, DCAS  
KINMAN, JOSH, DCAS Contractor  
KOTSCH, JEFFREY, DOL  
LIN, JENNY, HHS  
MAKHIJANI, ARJUN, SC&A  
MAURO, JOHN, SC&A  
NETON, JIM, DCAS  
RUTHERFORD, LAVON, DCAS  
STIVER, JOHN, SC&A  
WADE, LEW, NIOSH Contractor

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

2 10:58 a.m.

3 MR. KATZ: Let's get started with  
4 roll call, beginning with Board Members, with  
5 the Chair.

6 (Roll call.)

7 MR. KATZ: Okay, then. Let me give  
8 this another go. This is Ted Katz, I am the  
9 Designated Federal Official. This is the  
10 Advisory Board on Radiation and Worker Health;  
11 we have a teleconference. We began roll call;  
12 I have five Members who have already  
13 registered, including the Chair, Dr. Melius.  
14 Any Board Members who have joined the call  
15 since roll call, you want to let us know?

16 (Roll call.)

17 MR. KATZ: Okay, then. Let us  
18 proceed to the agenda.

19 CHAIRMAN MELIUS: Okay. Welcome,  
20 everybody. This is Jim Melius. And, again,  
21 remind everybody when you are speaking to

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1 identify yourself for the Court Reporter.

2 And we'll start with -- Ted will  
3 update us on absent Member votes from the May  
4 meeting.

5 MR. KATZ: Yes. Thank you.

6 Just another reminder for  
7 everyone. Please mute your phone except when  
8 you are speaking to the group. And if you  
9 don't have a mute button, use \*6 and \*6 to  
10 take it off of mute.

11 So at the May meeting, we had two  
12 Members absent: Mr. Gibson and Dr.  
13 Richardson. So they missed the Sandia vote,  
14 which was a vote in favor of adding a Class at  
15 Sandia to the Special Exposure Cohort.

16 They have both voted since in the  
17 affirmative: Mr. Gibson on June 2nd, Dr.  
18 Richardson on July 7th. So it is unanimous in  
19 favor with two Members recused. And that will  
20 then go forward from the Board -- or actually,  
21 already has.

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1 CHAIRMAN MELIUS: Okay. Very  
2 good. Anybody have questions on that?

3 (No response.)

4 CHAIRMAN MELIUS: Okay. Moving  
5 along, the next is we were reviewing the COL  
6 proposed rulemaking. And Paul Ziemer, who is  
7 acting as Chair of the Science Issues Work  
8 Group, led the review of that.

9 So, Paul, do you want to present  
10 your report?

11 MEMBER ZIEMER: Yes. Thank you,  
12 Dr. Melius.

13 MEMBER ZIEMER: The Science Issues  
14 Work Group met a couple of weeks ago. I  
15 forget the exact date, actually, but basically  
16 what we did was to focus on the primary  
17 questions that were given in the Federal  
18 Register; that is, the questions that NIOSH  
19 asked the commenters to address.

20 Those questions are given in the  
21 Federal Register notice. And those were the

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1 basis for the comments that were generated by  
2 the group. I might take a moment and just  
3 tell you what those questions were. And  
4 these, for the record, occur on page 152-68 of  
5 the Federal Register, volume 76, number 54,  
6 dated Monday, March 21st, 2011.

7 Question 1 was, does  
8 epidemiological and other scientific research  
9 support finding that CLL is caused by  
10 radiation? And what are the major limitations  
11 of the determination, whether affirmative or  
12 negative?

13 The second question is, if CLL  
14 were to be covered under EEOICPA, does the  
15 risk model proposed by the National Institute  
16 for Occupational Safety and Health use the  
17 best available science and methodological  
18 approaches to express the dose-response  
19 relationship between radiation exposure and  
20 CLL?

21 I might add there is some

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1 additional narration on those questions.

2 Those are the two basic questions that we  
3 tried to focus on in our drafting of comments  
4 to send to the Secretary.

5 As a result of our discussions, we  
6 generated a draft suggested letter for the  
7 Chair to send to the Secretary. That draft  
8 went through a couple of iterations after the  
9 meeting, for both editorial comments as well  
10 as substantive comments.

11 And we subsequently distributed  
12 that draft to the full Board several days ago  
13 and also indicated that on that draft, there  
14 was one section, actually one sentence, that  
15 was the cause of considerable discussion in  
16 terms of wording. We all agreed on the sort  
17 of concept of what the sentence was trying to  
18 say, but we had differences in opinion as to  
19 how to properly state it.

20 With those preliminary comments,  
21 Mr. Chairman, I would offer that the draft be

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1 read into the record as a motion. And then  
2 perhaps from there, you may wish to take  
3 either amendment or discussion on the draft as  
4 it was distributed.

5 CHAIRMAN MELIUS: Okay. Thank  
6 you. Thank you, Paul. Thank you for doing  
7 that work. I would just add that the one  
8 sentence has also generated a fair amount of  
9 correspondence trying to come up with  
10 alternatives or understanding.

11 MEMBER ZIEMER: Right. And a  
12 number of comments by Board Members have been  
13 generated. And I think most of them have been  
14 distributed to the other Board Members as  
15 well, so I think the Board has a pretty good  
16 feel for what the issue is.

17 CHAIRMAN MELIUS: Okay.

18 MEMBER ZIEMER: Shall I proceed  
19 and read the document? How do you want to  
20 proceed or do we need to read it?

21 CHAIRMAN MELIUS: Yes. I think we

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1 do need to read it into the record. So go  
2 ahead, Paul.

3 MEMBER ZIEMER: Okay. So the  
4 motion is to present the following letter to  
5 the Secretary as the comments of the Board.  
6 The letter would be to the Honorable Kathleen  
7 Sebelius, Secretary of Health and Human  
8 Services.

9 "Dear Madam Secretary:  
10 "The Advisory Board on Radiation  
11 and Worker Health, ABRWH, is submitting  
12 comments to you pertaining to docket number  
13 NIOSH-209 (RIN 0920-AA39). These comments  
14 were approved by the Board at its recent  
15 meeting on July 11th, 2011.

16 "One, the ABRWH offers the  
17 following comments on the question 'Does  
18 epidemiological and other scientific research  
19 support finding that chronic lymphocytic  
20 leukemia, CLL, is caused by radiation?'"

21 Bullet point one, "Although most

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1 Members of this Board do not have expertise in  
2 epidemiological research, several do, and with  
3 their expertise we were able as a Board to  
4 assess the approach used by NIOSH to answer  
5 this specific question. That approach has  
6 been detailed in docket number NIOSH-209.

7 "Through the use of recognized  
8 experts, NIOSH has been able to demonstrate  
9 that the available epidemiological evidence is  
10 insufficient to rule out an association  
11 between ionizing radiation and CLL."

12 Bullet point two, "Including CLL  
13 as radiogenic is appropriate in that it  
14 follows NIOSH's approach of erring on the side  
15 of the claimant when scientific knowledge is  
16 lacking.

17 "Two, ABRWH agrees with the NIOSH  
18 position set forth in the docket as follows."

19 Bullet point, "Given that the law  
20 requires the use of the upper 99 percent  
21 credibility level in making compensation

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1 decisions, the inclusion of CLL, despite the  
2 limited evidence of radiogenicity, is  
3 considered appropriate by NIOSH.

4 "Three, the ABRWH offers the  
5 following comments on the question 'If CLL  
6 were to be covered under EEOICPA, does the  
7 risk model proposed by the National Institute  
8 for Occupational Safety and Health use the  
9 best available scientific and methodological  
10 approaches to express the dose-response  
11 relationship between radiation and CLL?'"

12 Bullet point one, "We agree that  
13 the use of the lymphoma and multiple myeloma  
14 risk models as a starting point is  
15 appropriate, given the fact that CLL is now  
16 classified by the National Cancer Institute  
17 and by the World Health Organization as a form  
18 of non-Hodgkin's lymphoma."

19 Bullet point two, "The proposed  
20 risk model makes use of the available  
21 scientific literature concerning the latency

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1 period for CLL and selects a conservative  
2 (claimant-favorable) value for the midpoint of  
3 the latency period and is, therefore,  
4 appropriate."

5 Bullet point three, "The proposed  
6 uncertainty band for the midpoint of the  
7 latency period is sufficiently large so as to  
8 fairly reflect the spread seen in the  
9 available studies."

10 Bullet point four, "We concur with  
11 the approach of using the weighted radiation  
12 dose to the B lymphocytes based on the dose to  
13 a given site and the probability that a B cell  
14 precursor for CLL will occupy that site.

15 "The Advisory Board appreciates  
16 the opportunity to comment on the proposed  
17 revision of the Guidelines for Determining  
18 Probability of Causation under the Federal  
19 Employees Occupational Illness Compensation  
20 Program Act of 2000.

21 "Sincerely, James M. Melius, MD,

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1 DPH, Chairman, Advisory Board on Radiation and  
2 Worker Health."

3 CHAIRMAN MELIUS: Thank you.

4 MEMBER ZIEMER: I move the  
5 adoption of this comment or these comments.

6 CHAIRMAN MELIUS: Okay. Thanks.  
7 Thanks, Paul, for doing that.

8 As a place to start in this  
9 process, I guess, do any Board Members have  
10 any comments or concerns about the letter  
11 other than that one sentence that has  
12 generated so much discussion? I don't want to  
13 lose track of other points. Yes? Go ahead.  
14 Somebody was going to say --

15 MEMBER ZIEMER: I was going to say  
16 that Dr. Lockey had proposed some alternate  
17 wording.

18 CHAIRMAN MELIUS: Yes.

19 MEMBER ZIEMER: And I know from  
20 the discussion that a number of people seemed  
21 to prefer that wording. I don't know if Dr.

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1       Lockey would like to move his wording as an  
2       amendment.

3                       CHAIRMAN MELIUS: That's fine. I  
4       was going to get there a little bit slower,  
5       but that --

6                       MEMBER ZIEMER: Oh, okay. It's  
7       just a comment. You're in charge.

8                       CHAIRMAN MELIUS: No, no. That's  
9       fine. Dr. Lockey, are you still on the line?

10                      (No response.)

11                      CHAIRMAN MELIUS: Let me move back  
12       a little bit. To clarify, any of the other  
13       Board Members who weren't Members of the Work  
14       Group, in particular haven't, had a chance to  
15       discuss this. Do they have any concerns other  
16       than that one particular sentence which has  
17       come up?

18                      (No response.)

19                      CHAIRMAN MELIUS: Okay. Assuming  
20       not, then I think the issue is the --

21                      MEMBER LOCKEY: Hey, Jim, I'm

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1       sorry. I cut myself off. Jim Lockey.

2                       CHAIRMAN MELIUS: So, then, the  
3       issue is, I guess, that one sentence. And I  
4       believe during the Work Group that Jim Lockey  
5       had offered some alternative wording. And I  
6       don't know if you want to offer that as an  
7       amendment would be the way to go now. Just as  
8       a way to get us into conversation on this.

9                       MEMBER LOCKEY: Right. I would  
10      like to offer that as an alternative  
11      amendment.

12                      CHAIRMAN MELIUS: Okay. Can you  
13      read that wording into the record?

14                      MEMBER LOCKEY: You know, I don't  
15      have it in front of me right now, Jim.

16                      CHAIRMAN MELIUS: Okay. I do.  
17      The wording is "Through the use of recognized  
18      experts, NIOSH has been able to demonstrate  
19      that the available limited epidemiological  
20      evidence is supportive of a possible  
21      association between ionizing radiation and

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1 CLL."

2 So I'll take that as the wording  
3 for the amendment. Do we have a second for  
4 the amendment?

5 MEMBER MUNN: I second. This is  
6 Wanda.

7 CHAIRMAN MELIUS: Okay. Now --

8 MEMBER MUNN: I also have a  
9 question.

10 CHAIRMAN MELIUS: I'll open up  
11 discussion. Yes?

12 MEMBER MUNN: And it doesn't have  
13 anything to do with the issue. Was Paul's  
14 phone cutting out from time to time or was it  
15 my system that was breaking up as he was  
16 reading the motion?

17 CHAIRMAN MELIUS: I could hear all  
18 of it. There was occasionally a break, but I  
19 didn't think it -- it didn't lose any of the  
20 wording.

21 MEMBER MUNN: No.

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1                   CHAIRMAN MELIUS:   And we can make  
2                   sure that the Court Reporter has a copy of the  
3                   written motion.

4                   MEMBER MUNN:   I was aware of what  
5                   he was reading, but I was missing major words  
6                   from time to time.

7                   CHAIRMAN MELIUS:   Were you?   Okay.  
8                   Well --

9                   MEMBER MUNN:   But that's all  
10                  right.

11                  MEMBER ZIEMER:   It could have been  
12                  my phone.   I'm having to be on a cell phone  
13                  today, and cell phones are sort of notorious  
14                  for that.

15                  MEMBER MUNN:   Yes, they are.

16                  MEMBER ZIEMER:   So that may be the  
17                  problem.

18                  MEMBER MUNN:   I'm sure that  
19                  explains it.   Thanks.

20                  CHAIRMAN MELIUS:   Thanks for  
21                  bringing that up, Wanda.

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1                   MEMBER ZIEMER:    Could I make one  
2                   comment on the amendment?   Paul Ziemer here.  
3                   Can you hear me?

4                   CHAIRMAN MELIUS:   Yes.   Go ahead,  
5                   Paul.

6                   MEMBER ZIEMER:    Okay.   I was just  
7                   going to say that, actually, the proposed  
8                   amendment actually wasn't presented at the  
9                   Work Group meeting.   Dr. Lockey provided it  
10                  afterwards because we knew we had some  
11                  differences on how to put that particular  
12                  sentence.   And we asked him to give it some  
13                  thought and then give us some feedback.

14                  And Dr. Lockey provided feedback a  
15                  day or two later, and I think it was the only  
16                  one who provided some alternate wording.   And  
17                  then there was some discussion back and forth  
18                  on that.

19                  I think Dr. Field, like the early  
20                  wording -- I might mention to you, in fact, in  
21                  case you are wondering where the early wording

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1 came from, since the early straw man document  
2 was one that I had developed.

3 I actually used the wording of one  
4 of the reviewers, Reviewer 1. And that  
5 actually is a quote from Reviewer 1 that said  
6 the "available evidence is insufficient to  
7 rule out any association." And I kind of  
8 adopted that ruling since I thought it  
9 captured the idea. But, nonetheless, I  
10 actually like Dr. Lockey's words there;  
11 instead of a double negative there, more  
12 positive.

13 And the only other thing I will  
14 mention is that NIOSH's actual sort of bottom  
15 line, which is on page 15-271 of the document,  
16 says that: "NIOSH no longer believes it is  
17 possible to state that the Probability of  
18 Causation equals zero." All of those are the  
19 same, different ways of saying the same thing.

20 CHAIRMAN MELIUS: Yes.

21 MEMBER ZIEMER: But certainly I am

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1 supportive of Dr. Lockey's proposed amendment,  
2 personally.

3 CHAIRMAN MELIUS: Yes.

4 MEMBER ROESSLER: This is Gen.  
5 You mentioned Dr. Field's comments. And I  
6 actually liked -- he added a few words to it.  
7 I think I am looking up the right thing here.  
8 He added the words that "some of the available  
9 limited epidemiological evidence" and so on  
10 and so forth.

11 Are we going to discuss that at  
12 all or am I misinterpreting what was said  
13 here?

14 CHAIRMAN MELIUS: No, we can. I  
15 am trying to figure out how we -- let's maybe  
16 discuss it in terms of Dr. Lockey's amendment,  
17 which we have out there with a second and so  
18 forth to move forward.

19 My personal comment on Bill  
20 Field's additional wording is that I did not  
21 think that that was necessary; I thought it

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1 was already captured in Dr. Lockey's  
2 amendment. It somewhat depends on whether you  
3 view "evidence" as referring to specific  
4 studies or how I would interpret it, referring  
5 to the overall body of scientific study that's  
6 reflected there.

7 MEMBER ANDERSON: It's kind of the  
8 weight of the evidence.

9 CHAIRMAN MELIUS: Yes. So you  
10 think, at least in the epidemiological side of  
11 the world, we tend to view it that way. So  
12 it's already -- his wording is, I think,  
13 redundant. It's already captured in that  
14 sentence, at least in my interpretation of  
15 that sentence.

16 MEMBER FIELD: Jim, this is Bill.  
17 My thinking is that if it is evidence that it  
18 is supportive is how I am reading what is  
19 written. So if there is any evidence at all,  
20 it is supportive.

21 But how I kind of look at evidence

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1 is I look at evidence as supporting evidence,  
2 evidence to the contrary, or evidence that  
3 does not support an association.

4 So if there is evidence that does  
5 not support an association, I also consider  
6 that evidence, but it is not positive  
7 evidence. That's why I recommended that we  
8 add that "demonstrate that some of the  
9 available evidence is supportive."

10 So I guess it is just how you view  
11 what you consider to be evidence because there  
12 is obviously evidence to the contrary in some  
13 cases if you don't find an association.

14 Now, does that mean there is lack  
15 of power or does that mean no association  
16 exists?

17 CHAIRMAN MELIUS: Well, it may be  
18 a combination of those. I think this is a  
19 hard body of evidence to summarize in one  
20 sentence.

21 MEMBER FIELD: I just didn't want

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1 to give the misimpression that the Board  
2 thinks that, really, all of the evidence that  
3 is out there is supportive.

4 CHAIRMAN MELIUS: Right.

5 MEMBER FIELD: From my view, there  
6 is evidence that it is not supportive.

7 CHAIRMAN MELIUS: Yes. And at  
8 least my interpretation of it would be that  
9 the weight of the evidence points to a  
10 possible association.

11 MEMBER FIELD: Right, right, but  
12 we're not saying that.

13 CHAIRMAN MELIUS: Well, I would  
14 say, again, my personal interpretation by the  
15 word "limited" in there, that sort of also  
16 captures that it's not, you know, all of the  
17 evidence.

18 MEMBER FIELD: Yes. I can live  
19 with it. I just wanted to bring up, you know,  
20 my concern as far as interpretation.

21 David, if you are online, I would

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1 like to hear your opinion on this

2 MR. KATZ: Actually, Bill, David  
3 is recused from this.

4 CHAIRMAN MELIUS: Yes.

5 MEMBER FIELD: Oh, okay. Never  
6 mind, then. Don't want to hear your opinion.

7 (Laughter.)

8 CHAIRMAN MELIUS: Yes. You'll  
9 have to do it offline or whatever.

10 MEMBER FIELD: Okay. I see. All  
11 right.

12 MEMBER LOCKEY: Jim Lockey. What  
13 I adapted was -- I'm used to IARC and that --

14 CHAIRMAN MELIUS: Yes.

15 MEMBER LOCKEY: And that is what  
16 this is sort of paralleled on or it's -- from  
17 an epi perspective, I agree with you, it's  
18 sort of the weight of the evidence. And that  
19 is their classification system. And I think  
20 a lot of people on a national as well as an  
21 international basis sort of recognize that.

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1                   CHAIRMAN MELIUS: Yes. And saying  
2                   that it's under the IARC classification,  
3                   saying something is a possible association is  
4                   not a strong statement of association.

5                   MEMBER LOCKEY: No, it's not.

6                   CHAIRMAN MELIUS: Yes.

7                   MEMBER MUNN: No, but -- this is  
8                   Wanda.

9                   CHAIRMAN MELIUS: Yes?

10                  MEMBER MUNN: The reason I  
11                  supported the original language and would  
12                  support the proposed amendment is a very  
13                  simple one. I would not anticipate most of  
14                  the people who would be reading this, assuming  
15                  that it's going to be a public document since  
16                  it's going to the Secretary. Most are  
17                  unfamiliar with epidemiological studies and  
18                  the language that is associated with them.

19                  Any language that attempts to show  
20                  that you can't disprove a negative is  
21                  difficult to formulate. I think the efforts

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1 that we have made here have been precisely  
2 struggling with that exact concept. We don't  
3 have a sure-fire thing, neither do we have --  
4 either in the positive or the negative.

5 And the original wording, even  
6 though it was considered by some of the  
7 readers to be a double negative, was, in fact,  
8 saying we can't prove a negative.

9 In addition, the alternative that  
10 has been proposed makes a point that not all  
11 of the evidence can support what we are  
12 attempting to relay here. So if we do not  
13 accept the original wording, then I would  
14 certainly support a proposed alternative.

15 MEMBER ZIEMER: This is Ziemer  
16 again. I think it is important to recognize  
17 that, in essence, what we are saying is that  
18 we agree with NIOSH's approach to this. And  
19 it all goes back to what they have put in the  
20 public record.

21 So the details on what is meant

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1 here, really, the basis is what is in that  
2 record. And that is pretty clearly outlined  
3 in terms of those studies, those individuals  
4 who assessed it and what they did and why  
5 NIOSH reached the conclusion it did.

6 And I might point out,  
7 incidentally, in my mind NIOSH's conclusion is  
8 also a double negative conclusion. It's not  
9 zero, so it's sort of a double negative  
10 conclusion.

11 But, in any event, I don't think  
12 we have to detail fully what is meant by this  
13 other than, in essence, we are saying we are  
14 agreeing with how NIOSH went about reaching  
15 its conclusion here and that basically we  
16 believe that they have reached the right  
17 conclusion based on what the assessments were.

18 MEMBER ROESSLER: This is Gen. I  
19 wanted to bring up Dr. Field's wording so we  
20 would put it on the table and discuss it, but,  
21 actually, I think any one of the three

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1 approaches is fine. Perhaps if I were voting,  
2 I would take Dr. Field's first and Dr.  
3 Lockey's second, but I have really no  
4 objection to moving on and accepting Dr.  
5 Lockey's.

6 CHAIRMAN MELIUS: Yes. Would  
7 anybody else like to speak?

8 (No response.)

9 CHAIRMAN MELIUS: I would just  
10 concur with Gen. I think any of the three we  
11 could live with and, as Dr. Ziemer said, it's  
12 sort of in the context, I think.

13 In fact, the latter parts, our  
14 other recommendations, I think, were support  
15 for NIOSH's moving forward in terms of the  
16 risk model and so forth are probably more  
17 important and more associated with sort of the  
18 usual part of the mandate of the Board and  
19 what we have been providing input on.

20 So why don't we just call a vote  
21 on Dr. Lockey's amendment? And I'll let Ted

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1 just read the roll call. And then we'll move  
2 from there.

3 MR. KATZ: Okay. Dr. Anderson?

4 MEMBER ANDERSON: Yes.

5 MR. KATZ: Ms. Beach?

6 MEMBER BEACH: Yes.

7 MR. KATZ: Mr. Clawson?

8 MEMBER CLAWSON: Yes.

9 MR. KATZ: Dr. Field?

10 MEMBER FIELD: Yes.

11 MR. KATZ: I'm going to check. He  
12 hasn't checked in, but, Mr. Gibson, are you on  
13 the line?

14 (No response.)

15 MR. KATZ: Okay. He's still  
16 absent. And Mr. Griffon, I assume, is still  
17 absent. Okay. And then Lemen is absent. Dr.  
18 Lockey?

19 MEMBER LOCKEY: Yes.

20 MR. KATZ: Dr. Melius?

21 CHAIRMAN MELIUS: Yes.

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1 MR. KATZ: Ms. Munn?

2 MEMBER MUNN: Yes.

3 MR. KATZ: Dr. Poston, I believe,  
4 is absent. But Dr. Poston, are you with us?

5 (No response.)

6 MR. KATZ: Okay. Absent. Mr.  
7 Presley?

8 MEMBER PRESLEY: Yes.

9 MR. KATZ: And then Dr. Richardson  
10 is recused. Dr. Roessler?

11 MEMBER ROESSLER: Yes.

12 MR. KATZ: Mr. Schofield?

13 MEMBER SCHOFIELD: Yes.

14 MR. KATZ: And Dr. Ziemer?

15 MEMBER ZIEMER: Yes.

16 MR. KATZ: So it is unanimous. We  
17 have a couple of Members' vote who are absent,  
18 but it is unanimous among -- and there is a  
19 quorum. So it passes.

20 CHAIRMAN MELIUS: Okay. And then  
21 are there any other further comments on the

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1 letter? Because we need to go back to the  
2 original motion, which was Dr. Ziemer's, as it  
3 is now amended. So, Ted, do it again.

4 MR. KATZ: I'm sorry. So I  
5 thought that vote included the amendment.

6 CHAIRMAN MELIUS: No. The vote  
7 was just --

8 MEMBER ZIEMER: No. We were  
9 voting on the amendment.

10 MR. KATZ: Okay. I'm sorry. I  
11 thought we were voting that as the first  
12 option.

13 CHAIRMAN MELIUS: No, no. We have  
14 to vote again now on the whole motion --

15 MR. KATZ: Okay. Thank you.

16 CHAIRMAN MELIUS: -- as amended.

17 MR. KATZ: Okay. Very good. Dr.  
18 Anderson?

19 MEMBER ANDERSON: Yes.

20 MR. KATZ: Beach?

21 MEMBER BEACH: Yes.

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1 MR. KATZ: Mr. Clawson?  
2 MEMBER CLAWSON: Yes.  
3 MR. KATZ: Dr. Field?  
4 MEMBER FIELD: Yes.  
5 MR. KATZ: Dr. Lockey?  
6 MEMBER LOCKEY: Yes.  
7 MR. KATZ: Dr. Melius?  
8 CHAIRMAN MELIUS: Yes.  
9 MR. KATZ: Ms. Munn?  
10 MEMBER MUNN: Yes.  
11 MR. KATZ: Mr. Presley?  
12 MEMBER PRESLEY: Yes.  
13 MR. KATZ: Dr. Roessler?  
14 MEMBER ROESSLER: Yes.  
15 MR. KATZ: Mr. Schofield?  
16 MEMBER SCHOFIELD: Yes.  
17 MR. KATZ: And Dr. Ziemer?  
18 MEMBER ZIEMER: Yes.  
19 MR. KATZ: So it remains unanimous  
20 and passes.  
21 CHAIRMAN MELIUS: Okay. Very

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1 good. Thanks. And thanks, Paul and the  
2 Science Issues Work Group, for putting  
3 together the letter and the comments and  
4 discussing this.

5 The next item on our agenda is the  
6 Ames SEC petition and LaVon?

7 MR. RUTHERFORD: Yes. This is  
8 LaVon Rutherford. I am on. And I have  
9 provided the Board a presentation. And that  
10 presentation has also been put on our website.  
11 It's under the Advisory Board section under  
12 meetings, 2011 meetings, and for this date.  
13 And you can find that presentation. There is  
14 also a printer-friendly version there as well.

15 I am going to discuss the Ames  
16 Laboratory SEC petition. This is an 83.14.  
17 If you go to slide 2, on March 31st, we  
18 informed an Ames Laboratory claimant that we  
19 were unable to reconstruct the radiation dose  
20 for the claim. On April 7th of this year, we  
21 received an 83.14 SEC petition. And then on

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1 April 13, we qualified that petition for  
2 evaluation, and we issued our Evaluation  
3 Report on June 9th.

4 Next slide. We are proposing a  
5 Class under this 83.14 of all Department of  
6 Energy employees, its predecessor agencies,  
7 its contractors and subcontractors who worked  
8 in any area of the Ames Laboratory at Iowa  
9 State University during the period from  
10 January 1, 1942 through December 31st, 1970.  
11 And there is standard language after that.

12 Next slide. A little background  
13 information on Ames. Ames Laboratory is  
14 located at Iowa State University in Ames,  
15 Iowa. It is a DOE facility, with operations  
16 beginning in 1942 and continuing to the  
17 present day.

18 During the World War II years and  
19 shortly thereafter, their primary mission at  
20 the Ames Laboratory was the process  
21 development and production of uranium and

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1 thorium metal in support of the war effort.

2 After the war, the mission -- really,  
3 actually, early 1950s, it really shifted, but  
4 after the war, the mission of the Ames  
5 Laboratory shifted to mainly research and  
6 development.

7                   Next slide. Currently we have  
8 three SEC Classes associated with the Ames  
9 Laboratory. And that's ultimately going to go  
10 through. And I'll explain why we're getting  
11 to this one.

12                   The first Class Definition was an  
13 early Class, SEC-38. And we were in the  
14 infancy stages of the SEC program. It was a  
15 facility-specific Class Definition: all DOE  
16 employees or contractors who worked at one of  
17 the following facilities. So it was very  
18 facility-specific. However, it covers all of  
19 the buildings at Ames Laboratory. And it's  
20 from January 1, 1942 through December 31st,  
21 1954.

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1                   The second Class is a very  
2           job-specific Class Definition. And it's sheet  
3           metal workers, physical plant maintenance  
4           workers, and associated support staff, and  
5           supervisory staff who were monitored or should  
6           have been monitored for potential internal  
7           radiation exposures associated with the  
8           maintenance and renovation activities of the  
9           thorium production areas in Wilhelm Hall. So  
10          we have a job-specific Class Definition. It's  
11          monitored or should have been monitored for  
12          thorium exposures and at Wilhelm Hall or  
13          Metallurgy Lab from 1955 through 1970. So  
14          SEC-38 and SEC-75, you combine them together,  
15          you cover a period of 1942 up through 1970.

16                   Then we have a very recent Class  
17          Definition from last year for all employees of  
18          the Department of Energy, its predecessor  
19          agencies, and its contractors and  
20          subcontractors who worked in any area from  
21          January 1, 1955 through December 31st, 1960.

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1 And that's for SEC-166. SEC-166 is a more --  
2 I mean, it's obviously closer to how we would  
3 define Classes, have been defining Classes  
4 today.

5 Next slide. Those of you who will  
6 remember that in November of last year, we did  
7 a review. Actually, we issued a report in  
8 November of last year, but last year we  
9 actually went back, we reviewed all of our  
10 existing SEC Class Definitions, you know, from  
11 the first ones, like Mallinckrodt in Y-12,  
12 early years, all the way up to our present  
13 Class Definitions. And we reviewed the Class  
14 Definitions.

15 Basically, we were looking at the  
16 criteria that was used in development. So we  
17 were looking for our consistency, our  
18 applicability, and whether we needed to take  
19 any actions to correct any of the existing  
20 Class Definitions because of possible problems  
21 with implementation of the Class Definition

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1 and so on.

2 The review was specific to the  
3 criteria used in the SEC Evaluation Report to  
4 develop the Class Definition. So what we were  
5 looking at was did we base our time periods on  
6 the feasibility time period, our access  
7 controls, our DOL implementation?

8 Okay. Next slide. Our findings  
9 from that were: most of the issues and  
10 discrepancies identified in the report were  
11 associated with the evolution of the process  
12 of defining a Class.

13 Early Classes, we tended to try to  
14 use a lot of the language that was in the  
15 proposed Class Definition by the petitioners.  
16 And our limitations that we put on our Classes  
17 were sometimes perceived limitations. And we  
18 also did not get -- on some of the early Class  
19 Definitions, we did not get Department of  
20 Labor's review on those to ensure that they  
21 could be implemented as written.

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1                   So over time, the need to expand  
2                   and/or adjust the proposed Class to address  
3                   DOL Class implementation issues was recognized  
4                   to ensure claimants were not inadvertently  
5                   excluded.

6                   Next slide. With the Ames, the  
7                   report identified a couple of issues  
8                   associated with the Classes at Ames  
9                   Laboratory. Again, SEC-38 is a  
10                  facility-specific Class Definition. It does  
11                  list all of the facilities that would be part  
12                  of the Ames Laboratory from 1942 through 1954.

13                  And when we actually reviewed this  
14                  Class Definition and looked at DOL's  
15                  implementation, we recognized that DOL  
16                  implements this Class as if it were all  
17                  employees. So although the language is not  
18                  language we would use today for that SEC-38,  
19                  it does identify facility-specific language.  
20                  And it seems that DOL implements this as all  
21                  employees.

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1                   Now, SEC-75, it, as I mentioned,  
2                   included job-specific requirements and  
3                   monitored or should have been monitored. That  
4                   language, "monitored or should have been  
5                   monitored," we stopped using that language  
6                   because of issues with DOL. And it had  
7                   criteria from 1955 through 1970.

8                   We went back, and we looked at the  
9                   -- yes, we identified job-specific and  
10                  area-specific, facility-specific. However, we  
11                  looked at the access control issues and such  
12                  associated with that Class Definition, and we  
13                  would have not defined that Class that way  
14                  today.

15                  All right. Next slide. The third  
16                  issue that kind of rolls into this Evaluation  
17                  Report is SEC-166. That's the third Class  
18                  Definition, the one that's more of a standard  
19                  Class Definition that we would use today.

20                  When we presented that report at  
21                  the August Board meeting in 2010, we

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1 identified the Class Period of 1955 through  
2 1960. The 1960 end date was a date proposed  
3 by the petitioner. Those of you who may  
4 remember that Board meeting, we identified at  
5 that time we were going to continue our  
6 evaluation of that end date of 1960 and  
7 provide a proper end date. If the 1960 date  
8 was not proper, we would come back with an  
9 83.14 to modify that end date to a better end  
10 date associated with our feasibility  
11 determination.

12 Our next slide. So, again, this  
13 Evaluation Report actually resolves a couple  
14 of issues. It resolves the issues of the  
15 Class Definitions of SEC-38 and SEC-75. And  
16 it also establishes a proper -- it works to  
17 close out the issues associated with SEC-166  
18 of a proper end date.

19 Next slide. As for the  
20 feasibility of dose reconstruction, again SEC-  
21 38 and 75 encompassed that 1942 to 1970

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1 period. And SEC-166 was kind of in the middle  
2 of that.

3 SEC-38 infeasibility was driven by  
4 our inability to bound internal exposures from  
5 thorium operations. SEC-75 -- this was after  
6 thorium operations stopped, beginning in 1955.  
7 It focused on our inability to bound thorium  
8 exposures during routine maintenance and  
9 renovation activities at Wilhelm Hall. And  
10 those were associated with thorium exposures  
11 from that.

12 And then SEC-166, our infusibility  
13 centered around the inability to bound  
14 internal exposures from other radionuclides in  
15 the Research Building hot cave. The hot cave,  
16 there was a lot of work, hot cell work and  
17 stuff that was going on.

18 We could not bound our internal  
19 exposures. We had identified 1960 as our end  
20 date during that. After review of --  
21 continued evaluation of that 1960 end date, we

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1 found that the hot cave continued operations  
2 up until around the middle of 1960, '65-'66  
3 period, and then was used for mainly tours and  
4 such afterwards. So the actual end date for  
5 the hot cave operations should have probably  
6 been around the mid '60s.

7 Our next slide, please. So our  
8 feasibility findings for SEC-185 is: internal  
9 exposures cannot be reconstructed for the 1942  
10 to 1970 period, and external exposures can,  
11 including medical X-rays.

12 Our next slide is our standard  
13 health endangerment. The evidence reviewed in  
14 the evaluation indicates that some workers in  
15 the Class may have accumulated chronic  
16 radiation exposures through intake of  
17 radionuclides and direct exposure to  
18 radioactive material. And, consequently, we  
19 find that health may have been endangered.

20 Next slide. So, again, our  
21 proposed Class is all Department of Energy

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1 employees, its predecessor agencies, and its  
2 contractors and subcontractors who worked in  
3 any area of the Ames Laboratory at Iowa State  
4 University during the period of January 1,  
5 1942 through December 31st of 1970 and then  
6 the standard language that follows.

7 And the next slide is our final,  
8 our recommendation again. And the feasibility  
9 is a no. Our health endangerment is yes for  
10 1942 through 1970 period. And that's it.

11 CHAIRMAN MELIUS: Thank you,  
12 LaVon.

13 Just to inform the Board, SEC  
14 Review Work Group had a conference call  
15 meeting on Friday, mostly to talk about the  
16 General Electric petition, which is coming up  
17 next, but we also added on a brief discussion  
18 of this just to help clarify this sort of  
19 combination of three SECs and to make sure we  
20 understood, the Work Group understood, what  
21 changes were being made in the Class

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1 Definitions.

2 We did not take any action one way  
3 or the other on it, partly because it was  
4 added to the agenda just a few days earlier.  
5 Not everybody had had a chance to review all  
6 of the materials, but we certainly found the  
7 information helpful. And we also asked for  
8 some further clarification on the issues  
9 related to why -- what was happening with the  
10 implementation of the Class Definitions. I  
11 think LaVon has outlined those. He basically  
12 went through the same presentation with us,  
13 and the Work Group asked questions.

14 So, with that, any of the Board  
15 Members have questions on this?

16 (No response.)

17 CHAIRMAN MELIUS: Hearing no  
18 questions, do I hear a motion?

19 MEMBER CLAWSON: Jim, this is  
20 Brad. I make a motion to accept as LaVon  
21 portrayed.

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1                   MEMBER BEACH: This is Josie.

2                   I'll second that.

3                   CHAIRMAN MELIUS: So that would be  
4                   a motion to approve the recommendation from  
5                   NIOSH for their recommendation, including the  
6                   Class Definition -- proposed Class Definition,  
7                   that NIOSH laid out in their report. Any  
8                   further --

9                   MEMBER RICHARDSON: Could I ask  
10                  LaVon to just talk for a second about -- there  
11                  was a period at Ames where there was  
12                  production going on. For uranium, it ended  
13                  very early, right, like '45 or something.

14                  MR. RUTHERFORD: Yes. Actually,  
15                  the uranium production period -- and I can't  
16                  remember the exact date, but it was shifted to  
17                  industry around '45 time period roughly, 1945  
18                  time period. And thorium work continued up  
19                  until actually 1952-53, the renovation  
20                  activities and tear-down of equipment in that  
21                  time period.

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1                   And then '54, I mean, the actual  
2                   stop of the work, '54 time frame, was there.  
3                   And then the '55 through '70 period was purely  
4                   renovation activities and maintenance  
5                   activities.

6                   MEMBER RICHARDSON: Okay. So this  
7                   Class, then, for those people in '55 through  
8                   '70, after the thorium work has stopped and  
9                   the uranium work has stopped probably almost  
10                  a decade earlier, is people who were involved  
11                  in -- not in research activities anymore at  
12                  Ames but in the decontamination and --

13                  MR. RUTHERFORD: Yes. Part of  
14                  that was, yes. '55 through '70 was the  
15                  renovation and decontamination. However,  
16                  recognize there was another Class that was  
17                  added thereafter. That included all  
18                  employees, '55 through '60. And then  
19                  ultimately we're expanding that because of the  
20                  hot cave work. And that is more associated  
21                  with the research activities within the hot

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1 cave.

2 So you had kind of two different  
3 Classes there, but the one Class, actually,  
4 the most recent one, encompassed all of them.

5 CHAIRMAN MELIUS: And, Dave, I  
6 think one of the issues is that the records  
7 also don't support separating out people by  
8 job task or location or --

9 MR. RUTHERFORD: Yes. And that  
10 brings up another good point that I forgot to  
11 mention. I apologize. In our process of  
12 doing the Class Definition last year for SEC-  
13 166, Department of Labor, we sent them a  
14 proposed Class Definition. And in their  
15 response to us in that Class Definition, they  
16 -- and I'll read some of the language directly  
17 from it. It says, "We contacted staff at the  
18 Ames Laboratory to discuss employment  
19 information and whether it contains specific  
20 information on buildings. They indicated that  
21 the employment data rarely contain information

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1 on room or building location. Consequently,  
2 we would be unable to place employees in the  
3 research building, as indicated in the first  
4 proposed SEC Class Definition."

5 So we had actually looked at  
6 limiting it to the research building. And  
7 based on DOL's response that they could not  
8 identify specific locations and work locations  
9 for workers, we expanded that.

10 MEMBER RICHARDSON: Yes. I mean,  
11 that's what I was thinking about. So I'm  
12 looking at this campus map. And, you know,  
13 nothing like that could happen at North  
14 Carolina either. You've hired people. And  
15 then you've got chemistry next to agriculture  
16 next to the science hall and not very far away  
17 from the library.

18 What does it mean to be an  
19 employee or a subcontractor employee or  
20 anything like that in, let's say, 1969-1970 on  
21 this campus? How is this going to be

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1 implemented?

2 MR. RUTHERFORD: Well, I think the  
3 way I understand it -- and this is pretty much  
4 the same discussions we have had in the past  
5 on this subject -- is if a claim is submitted  
6 to the Department of Labor and the Department  
7 of Labor accepts that claim, then it would be  
8 administered as long as they had one of the 22  
9 specified cancers that would be accepted.

10 I can't speak for Labor on how  
11 Labor defines who is accepted or not.

12 MEMBER RICHARDSON: Yes. I mean,  
13 again, it's just kind of difficult for me to  
14 imagine. Anybody at housekeeping on the  
15 campus, for example, has the potential that  
16 they went through these buildings. I mean,  
17 that's how it would be at our campus. You  
18 know, whoever the supervisor says, you know,  
19 one day may go in and clean chemistry, I would  
20 suspect.

21 CHAIRMAN MELIUS: I think, given

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1 the nature of this site, it's hard to -- and  
2 the nature of how the university kept records  
3 and so forth, which is probably the same as  
4 other universities, it would be hard to -- you  
5 know, it does tend to be broad in that way.

6 MEMBER ZIEMER: Well, the  
7 individuals involved have to be on the  
8 contract, though, right, or is the university  
9 itself considered a subcontractor?

10 CHAIRMAN MELIUS: You know, I  
11 can't answer that. Again, I would have to  
12 defer back to the Department of Labor.

13 MEMBER ZIEMER: I mean, there is a  
14 defined group of people who were on the  
15 project. They get paid. I mean, you can  
16 identify people who get paid by the contract.

17 MEMBER RICHARDSON: Right, Paul.  
18 I guess that is what I was getting at. I  
19 mean, that's a small list of people in the  
20 1970s. But if we're talking about -- what  
21 we're saying is we're covering basically

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1 anybody in the campus who has got any of these  
2 vast number of jobs that you're not going to  
3 be able to place in these buildings,  
4 secretaries, housekeeping, I mean, anybody in  
5 the physics department, then it's huge.

6 MEMBER ZIEMER: Well, they still  
7 have to be a subcontractor or a contractor of  
8 the project.

9 MEMBER RICHARDSON: Yes, but what  
10 does that mean, I guess, is the question?  
11 Does it mean they're a state employee on the  
12 campus at that time?

13 MEMBER MUNN: Once again, this is  
14 one more instance of the how can you prove a  
15 negative. And, in any case, this is a  
16 headache that DOL has to face. Their  
17 interpretation of what does and does not  
18 constitute the subcontractor is hopefully  
19 outside our purview. I hope we don't have to  
20 address that.

21 MEMBER ZIEMER: Well, I think it

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1 would be fairly easy to show that a lot of  
2 people on the campus are not paid out of that  
3 contract.

4 MEMBER RICHARDSON: But is the  
5 university the contractor maybe? They're not  
6 even a subcontractor. The university between  
7 --

8 MEMBER MUNN: Well, again, that's  
9 the Department of Labor's definitions.

10 MEMBER RICHARDSON: Well, I guess  
11 I would like just a clear idea of what we are  
12 saying this Class is. I mean, we can punt it,  
13 but --

14 MR. RUTHERFORD: The only thing I  
15 can say, I mean, from our perspective is that  
16 we are defining the Class based on the  
17 facility database, covered facility  
18 description, as all employees under that  
19 covered facility.

20 And, again, that becomes a Labor  
21 issue beyond that. And I'm not sure if you

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1 want to get Labor involved or not. But I will  
2 say that this is consistent with how we have  
3 been defining Classes over the last few years.

4 MEMBER MUNN: I think it's the way  
5 we must define Classes.

6 CHAIRMAN MELIUS: Well, this  
7 doesn't necessarily help, but I have actually  
8 looked at the copy of the letter from DOL.  
9 It's referenced in the report. It's dated  
10 July 2010. And it really doesn't address the  
11 question that Dave raised.

12 My recollection is that we did  
13 discuss this with the Department of Labor at  
14 some point as to how this was being done.  
15 Maybe it's a different university I'm thinking  
16 of, but I thought we had discussed this.

17 And I think if Board Members are  
18 not comfortable, would like to have more  
19 information, I think that's appropriate. And  
20 we can ask DOL to address it at the August  
21 meeting.

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1 I believe that it's late in the  
2 schedule to be there. So we can ask her to  
3 address it before we take action.

4 MEMBER ZIEMER: This is Ziemer. I  
5 would like some degree of assurance that we're  
6 not saying that, okay, if the head of the  
7 English Department in Ames, Iowa gets cancer,  
8 that he is eligible or that she is eligible.

9 It's not that difficult for a  
10 university to tell you exactly who got paid by  
11 what funds and who, therefore, was on a  
12 contract. I mean, I think all universities  
13 have the records of who was on what contract  
14 over what time period.

15 And so, I mean, if a university  
16 itself and any of their employees are  
17 considered subcontractors of this activity,  
18 then we have got the wrong definition. It's  
19 got to be people who are on the payroll where  
20 the funds are these project funds.

21 MEMBER RICHARDSON: Yes. This is

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1 David Richardson. But I think the university  
2 -- let's say they take 50 to 70 percent  
3 indirect and they use that for all the  
4 facility support that support those  
5 activities. And that's where you get the  
6 librarians, the housekeepers, the secretarial  
7 staff. They're not paid directly off funds,  
8 but they may or may not be in those buildings.  
9 And that's an enormous sort of number of  
10 people on a campus like that.

11 CHAIRMAN MELIUS: This is Jim  
12 Melius. There may be some of them that could  
13 be involved because housekeeping --

14 MEMBER RICHARDSON: Right.

15 CHAIRMAN MELIUS: -- and so forth,  
16 you know, could be working and could be  
17 working fairly full-time in those buildings.  
18 So it's difficult.

19 MEMBER RICHARDSON: Right. You  
20 know, I just started from the position of  
21 thinking, "Well, okay. Production activities

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1 stopped in the 1950s. Are we then kind of  
2 considering this Class as basically almost all  
3 the support staff at this university up  
4 through the 1970s because we can't do better?"

5 I mean, I guess that could be, and  
6 we may say that is fine. It's just not clear  
7 to me what the Class actually is at this  
8 point.

9 MR. RUTHERFORD: This is LaVon  
10 again. I mean, the only question, really, is  
11 how DOL can administer the Class because what  
12 happens is -- and we have been through this  
13 battle with GE, and we can go through the  
14 battle with this one as well. But we are  
15 going to go down. And we are going to look at  
16 access controls into areas.

17 We're going to look at trying to  
18 see what workforce we can break it down to,  
19 what the data will allow us to do. And the  
20 problem is unless you've got good access  
21 controls, unless you've got really good data

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1 that tells who worked in what building and  
2 that type of information, we at NIOSH can do  
3 nothing else. We've got to define it as all  
4 employees. And then DOL will have to  
5 implement it.

6 CHAIRMAN MELIUS: Well, I think  
7 it's a bigger issue. And you're asking the  
8 Board to make the recommendation regarding  
9 this. And it's difficult because the Board is  
10 not implementing the Class Definition. We try  
11 to recommend a Class Definition to DOL, as  
12 does NIOSH, that can be implemented, but we  
13 also have to take other issues into account in  
14 making our recommendation to the Secretary.  
15 So I think this issue deserves follow-up, and  
16 I think we should continue that.

17 So is there any objection to  
18 asking for a clarification from Department of  
19 Labor as part of our discussions at the next  
20 Board meeting and that we add this to the  
21 agenda for the next Board meeting in August?

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1                   MEMBER PRESLEY: Hey, Jim. This  
2 is Bob Presley. I think that's a good idea.

3                   CHAIRMAN MELIUS: Okay.

4                   MEMBER ZIEMER: I agree.

5                   CHAIRMAN MELIUS: Okay. I don't  
6 think we need a vote on that. Well, I guess  
7 we do. We have a motion. I take that back.  
8 We do have a motion. It's been seconded. And  
9 I guess we are asking for a motion to postpone  
10 consideration of this, of that motion until  
11 the August meeting, when we have had a chance  
12 to discuss this issue with Department of  
13 Labor.

14                   MEMBER PRESLEY: This is Bob  
15 Presley. I'll make that motion.

16                   CHAIRMAN MELIUS: Do I hear a  
17 second?

18                   MEMBER BEACH: Jim, can we just  
19 vote to table the motion that's currently on  
20 --

21                   MEMBER PRESLEY: There you go.

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1                           CHAIRMAN MELIUS: Postpone or

2 table is the same.

3                           MEMBER BEACH: Okay. I'll second

4 it.

5                           CHAIRMAN MELIUS: Yes. Okay. All

6 in favor, say aye.

7                           (Chorus of ayes.)

8                           CHAIRMAN MELIUS: Anybody opposed?

9                           (No response.)

10                          CHAIRMAN MELIUS: Okay. Good.

11 Okay. LaVon, General Electric Evendale.

12                          MR. RUTHERFORD: Okay. Refocus

13 here. All right. I'm going to kind of go

14 over the work activities. I'm going to try to

15 get everybody back up to speed as much as

16 possible on this one and then ultimately get

17 down to where we have defined the Class and

18 why.

19                          Work activities during the 1961 to

20 1970 period. Again, GE is covered from

21 January 1, 1961 through 1970. At the time in

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1 that period, the Aircraft Nuclear Propulsion  
2 Project stopped in 1961. And then the  
3 activity shifted to other AEC programs. They  
4 were testing fuel element materials and  
5 high-temperature reactor materials, testing  
6 the effects of radiation on refractory  
7 materials and alloys, examining radiation  
8 effects in beryllium oxide, examining fission  
9 product transport processes in reactor fuels.  
10 They were testing the effects of clad uranium  
11 oxide fuels and meltdown environments and  
12 developing a densification process for thoria.  
13 And they were calcining thorium in  
14 high-temperature furnaces. So they were doing  
15 a broad array of activities at the time.

16 The monitoring data. I'm going to  
17 talk mainly about the internal monitoring data  
18 for that period. Personal monitoring data, we  
19 have no internal bioassay data from 1961 to  
20 1964. We have some thorium urine samples from  
21 1964 through 1967. We have approximately --

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1 over 400 urine samples for uranium for 1965  
2 through 1967. And we have no internal  
3 monitoring, personal monitoring, from 1968 and  
4 '69 and two uranium urine samples in 1970.

5 We talked to the health and safety  
6 manager. He indicated that bioassay samples  
7 were taken when workers were exposed. This  
8 kind of implies to us this is more an  
9 incident-driven program.

10 Area monitoring data. We have  
11 some air sample data for the first part of  
12 1961. We believe that is part of the Aircraft  
13 Nuclear Propulsion Program, which is not  
14 covered under this program. The reason we  
15 believe that is part of that Aircraft Nuclear  
16 Propulsion Program is because the data  
17 actually started in 1956, when the Aircraft  
18 Nuclear Propulsion Program was kind of at its  
19 peak. And it stopped in the early '60s, when  
20 the Aircraft Nuclear Propulsion Program  
21 stopped.

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1                   So we have no air sample data for  
2                   the second half of 1961 through 1970. And the  
3                   health and safety manager for that period  
4                   indicated that air sampling was performed, but  
5                   no data has been found to date.

6                   The health and safety manager also  
7                   indicated they rarely perform radiological  
8                   monitoring in non-radiological areas. And I  
9                   think this is important because if they had  
10                  good access controls to radiological areas, if  
11                  we had boundary air monitoring data, those  
12                  types of information are information that we  
13                  would use to limit the Class.

14                  As for surface contamination, we  
15                  have a good survey that was taken, radiation  
16                  survey, in 1969. However, that survey was  
17                  mainly alpha/beta and was not  
18                  isotopic-specific.

19                  Our feasibility determination was  
20                  that we could not draw conclusions about the  
21                  magnitude of internal dose from exposure to

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1 uranium, thorium, or fission products for the  
2 entire period. If you looked at it, we had  
3 gaps in monitoring data. The early years, '61  
4 to '64, we had no internal monitoring data.  
5 And then the '64 to '67 period, we have a few  
6 thorium -- some thorium bioassay samples.  
7 However, the majority of the thorium work  
8 really didn't begin until '67.

9                   So we have breaks in data over the  
10 time period. The uranium and thorium bioassay  
11 data do not represent potential exposures  
12 during the entire operational period, as I had  
13 mentioned. We have little to no air  
14 monitoring data for the operational period.  
15 And we have a workplace survey. It's  
16 comprehensive, but it's at the end of  
17 operations or the end of the operational time  
18 period. And we don't have, really, any  
19 isotopic-specific data for that.

20                   Our external exposure, we have a  
21 lot of film badge data over the time period.

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1 We do not feel that this film badge data can  
2 be used to develop a coworker model. We have  
3 evaluated the external data.

4 As I mentioned to the Work Group  
5 yesterday, there's a broad exposure potential  
6 between the various projects that GE was  
7 involved with. There are significant exposure  
8 differences between working with uranium and  
9 doing high-intensity radiation studies on  
10 materials. And it is also difficult to know  
11 how many people were involved in each of these  
12 operations and where the work occurred when 95  
13 percent of the data does not indicate work  
14 location or activities.

15 Adequate reconstruction of medical  
16 dose is feasible.

17 Access controls. The majority of  
18 the radiological work occurred in buildings C  
19 and D. We know that there was a storage area  
20 just north of D that stored drums and other  
21 radioactive material.

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1                   Air Force Plant 36 was not  
2                   physically separated from the rest of the  
3                   plant. There was no fence around it. There  
4                   was a guard that guarded the access gate to  
5                   the sites in that area, and we do have  
6                   indications that the hot cells were locked as  
7                   well.

8                   The health and safety manager  
9                   indicated that non-radiological workers were  
10                  not permitted into radiological areas. This  
11                  was controlled by postings. And, again, as I  
12                  mentioned, hot cells were locked.

13                  Worker interviews indicate that  
14                  there were no access control requirements for  
15                  entering the buildings. And they also pointed  
16                  out that the hot cells were locked.

17                  I also want to point out  
18                  non-radiological workers worked in the same  
19                  area as radiological workers. Building C was  
20                  split into operations at one part of the  
21                  facility and administration activities in the

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1 other part of the facility, as well as we know  
2 that there was a mezzanine that the health and  
3 safety manager had indicated that  
4 administrative support staff worked on the  
5 mezzanine that were not radiological workers,  
6 just above the work that was going on in the  
7 operations area.

8 We went to the Department of Labor  
9 in November of last year looking at ways to  
10 implement this Class and ways to define this  
11 Class. And in a letter dated November 12th,  
12 2010, DOL indicated they were unaware of any  
13 records in their possession or in the  
14 possession of DOE that would allow them to  
15 determine whether a worker at GE Evendale  
16 worked specifically at Air Force Plant 36  
17 versus other parts of the plant.

18 So there were no records that  
19 actually came out and said, "Okay. You were  
20 under the AEC contract for Air Force Plant 36  
21 and we could identify you from that." So they

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1 don't have that information.

2           The last Work Group meeting, one  
3 of the biggest things, prior to Friday's Work  
4 Group meeting, one of the issues, action items  
5 that came up was this POPSEE list. The POPSEE  
6 list is an actual -- it's a name that was  
7 derived from acronyms or other projects that  
8 occurred under the AEC time period or the AEC  
9 work. And this list was developed of workers  
10 who were part of that, one of those programs  
11 under that AEC contract.

12           And so what we were tasked to do  
13 was to go back, interview personnel to  
14 determine the purpose and how the personnel on  
15 the POPSEE list were related to the covered  
16 activities. And does the POPSEE list contain  
17 everyone who was potentially exposed during  
18 the period?

19           And the thought was, can we define  
20 this Class around the POPSEE list? Ultimately  
21 we interviewed, we only interviewed one

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1 person. That was the health and safety  
2 manager at that time period. And the reason  
3 why we only interviewed him was because he  
4 gave us good information and we felt we really  
5 didn't need any more.

6 The term "POPSEE" again is not an  
7 acronym. It's a compilation of the letters  
8 comprising the various programs, names during  
9 GE, Nuclear Propulsion, AEC era. It's a  
10 compilation with no real meaning. They had  
11 ANPO, ENPO, all of these different acronyms of  
12 programs that were occurring at that time.

13 The POPSEE organization was a  
14 social organization that consisted of workers  
15 over various years from various programs  
16 listed in bullet 1 or listed above. POPSEE  
17 included only those workers that wished to  
18 participate in the organization.

19 So they went out. They talked to  
20 workers and people, professionals and so on,  
21 that were involved in the programs. They were

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1 gathering this, basically this reunion  
2 organization, and putting names on this list.  
3 But if you did not want to be on the list, you  
4 were not on the list.

5 So the POPSEE roster included  
6 employees that never worked in buildings C and  
7 D. So individuals, engineers and such that  
8 weren't part of the production processes but  
9 played a role in these various programs ended  
10 up on that POPSEE list, even though they  
11 didn't work in C and D. And, again, it would  
12 not necessarily include all employees that did  
13 work in C and D.

14 Also, what we did was we took that  
15 POPSEE list, and we put it in an Excel  
16 spreadsheet. We took our list of claims that  
17 we had in NOCTS. And we laid them out. We  
18 wanted to do a comparison, how many names of  
19 the claims that we have are on the POPSEE  
20 list.

21 And let's not limit it to that.

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1 Let's take and list all our claims and list  
2 whether they have internal or external  
3 monitoring and then see how many of those  
4 claimants, the ones with personal monitoring  
5 data, actually show up on the POPSEE list.

6 That Excel spreadsheet is in the  
7 Board's directory. And we did talk about it  
8 a little bit on Friday.

9 We only found six names of the  
10 claimants, of our existing claimants, that are  
11 actually on the POPSEE list. And we have a  
12 number of claimants with external monitoring  
13 data that were not on the POPSEE list.

14 What we concluded from that was  
15 the POPSEE list could not be used as a  
16 mechanism for limiting our Class Definition.  
17 So ultimately, at the end of the day, we've  
18 come back with the same Class Definition that  
19 we had, which was all employees. And that's  
20 pretty much it.

21 CHAIRMAN MELIUS: Okay. Thank

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1 you, LaVon.

2 I'll just add the SEC Review Work  
3 Group met on Friday. We had been following  
4 up on this. And it was our group that had  
5 actually asked for some of the risk  
6 comparisons that LaVon just went through.

7 And so the Work Group went through  
8 this review of this information. At least I,  
9 maybe other Members of the Work Group had also  
10 looked at the O: drive information, where the  
11 spreadsheets were set up to look at.

12 And I think we reached agreement  
13 that there really was no list. Neither the  
14 POPSEE list, nor list of monitored workers  
15 would be satisfactory in terms of defining who  
16 was at risk because of their work during this  
17 time period.

18 So based on that review, our  
19 previous work on this, the Work Group is  
20 recommending that we accept the NIOSH  
21 evaluation and that it be implemented through

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1 the Class Definition that is in the report.

2 And so we'll enter that as a motion to the  
3 Board.

4 Are there questions on the  
5 information that LaVon provided or on the  
6 overall evaluation?

7 (No response.)

8 CHAIRMAN MELIUS: If not, I think  
9 we need a vote on the motion.

10 MEMBER BEACH: Jim, I'll second  
11 your motion.

12 CHAIRMAN MELIUS: Okay. I'm  
13 sorry. I forgot the second. Thank you.

14 MR. KATZ: Very good. This is  
15 Ted. I'll take a roll call vote. Dr.  
16 Anderson?

17 MEMBER ANDERSON: Yes.

18 MR. KATZ: Ms. Beach?

19 MEMBER BEACH: Yes.

20 MR. KATZ: Mr. Clawson?

21 MEMBER CLAWSON: Yes.

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1 MR. KATZ: Dr. Field?

2 MEMBER FIELD: Yes.

3 MR. KATZ: I'm just going to check  
4 again. I don't believe Mr. Gibson is here,  
5 but Mr. Gibson?

6 (No response.)

7 MR. KATZ: Okay. And Mr. Griffon?

8 (No response.)

9 MR. KATZ: No. Okay. Dr. Lockey?

10 MEMBER LOCKEY: Yes.

11 MR. KATZ: Dr. Melius?

12 CHAIRMAN MELIUS: Yes.

13 MR. KATZ: Ms. Munn?

14 MEMBER MUNN: Yes.

15 MR. KATZ: I'll check again. Dr.  
16 Poston, are you on the line?

17 (No response.)

18 MR. KATZ: Okay. No. Mr.  
19 Presley?

20 MEMBER PRESLEY: Yes.

21 MR. KATZ: Dr. Richardson?

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1 MEMBER RICHARDSON: Yes.

2 MR. KATZ: Dr. Roessler?

3 MEMBER ROESSLER: Yes.

4 MR. KATZ: Mr. Schofield? Mr.

5 Schofield? No? You might be on mute.

6 MEMBER SCHOFIELD: Yes. Sorry. I

7 had it on mute.

8 MR. KATZ: Thank you.

9 Dr. Ziemer?

10 MEMBER ZIEMER: Yes.

11 MR. KATZ: Okay. Then it's

12 unanimous. I have four Board Members, though,

13 who are absent. I'll need to collect their

14 votes after this.

15 CHAIRMAN MELIUS: Okay.

16 MR. KATZ: The motion passes.

17 CHAIRMAN MELIUS: Good. Okay.

18 Thank you.

19 The next item on our agenda is the

20 NIOSH ten-year program review.

21 DR. WADE: Yes. This is Lew Wade.

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1 I trust you can hear me.

2 CHAIRMAN MELIUS: Yes.

3 DR. WADE: The program review  
4 continues to move along. My purpose today is  
5 to continue the practice of updating the Board  
6 at each of the Board's meetings as to the  
7 progress being made and, as always, give Board  
8 Members or the Board as an entity an  
9 opportunity to provide input.

10 As you remember, the program  
11 review really was divided into two phases:  
12 the first phase, data-driven look at aspects  
13 of NIOSH's performance, looking at science,  
14 timing, dose reconstructions, SEC petitions,  
15 customer service, and the like. You have  
16 reviewed those reports.

17 At the last meeting of the  
18 Advisory Board, I shared with you the  
19 recommendations from those five reports and  
20 gave you a sense of the priority  
21 recommendations that were being looked at by

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1 NIOSH.

2                   What happened subsequent to that  
3 last Board meeting is the NIOSH Director  
4 convened a meeting of NIOSH leaders and DCAS  
5 staff and looked at those high-priority  
6 recommendations, debated what should be added  
7 to them or what should stand from them, and  
8 then began to look at the development of an  
9 action plan for each of the high-priority  
10 recommendations.

11                   On Friday, I asked Zaida to share  
12 with you all the report that resulted from the  
13 NIOSH Director's meeting on high-priority  
14 recommendation and action items. And I trust  
15 all of you have received that e-mail.

16                   I won't go through all of the  
17 action plans. Again, it is a draft list. I  
18 will just walk you through some of them to  
19 give you the flavor of it.

20                   If you look at the first page,  
21 where we are looking at dose reconstruction,

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1 one of the high-priority recommendations was  
2 to look at the QA/QC efforts. This is driven  
3 by the fact that the Board finds issues when  
4 it reviews NIOSH work. And the question is,  
5 what does this speak to in terms of NIOSH's  
6 internal QA/QC program? And you can see the  
7 actions that result from that, the use of  
8 efficiency measures and the actions that  
9 result from that.

10 The quality of service, a number  
11 of recommendations. One I will highlight to  
12 you is to see that prior to Board meeting and  
13 Work Group meetings, that work products are  
14 posted so that members of the public can have  
15 access to the same material, assuming that the  
16 Privacy Act doesn't intervene as those are  
17 discussing it. And you can read the others.

18 With regard to timing, the  
19 aggressive limits on DR. Stu talks to you  
20 often about that. More aggressive limits on  
21 SEC petitions. There Ted and Stu really need

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1 to start to interact with the Board Chair and  
2 the Board to decide how we can together work  
3 on that issue. Again, the Board is a partner  
4 with us in terms of that effort.

5 When you look at the SEC petition  
6 recommendations, those were the most  
7 interesting to discuss, I believe. The first  
8 one really speaks to the fact that if you look  
9 at a Petition Evaluation Report, there is a  
10 blurring between policy issues and science  
11 issues. And John Howard felt particularly  
12 that the distinction needs to be clearly laid  
13 out.

14 So he did ask that Petition  
15 Evaluation Report, we pick one and we  
16 deconstruct it looking at key decision points  
17 that are spoken to in that report and that we  
18 clearly identify those that are policy and  
19 those that are science. And then we see that  
20 the right level of NIOSH is weighing in on the  
21 policy decisions.

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1                   You can look at surrogate data and  
2                   aspects of it really represent the policy  
3                   judgment on the part of the agency, and others  
4                   represent the scientific determination.  
5                   Having the differences between policy and  
6                   science clearly identified, was thought to be  
7                   an important step forward.

8                   With regard to sufficient  
9                   accuracy, the second there, we have all lived  
10                  in a world that has long debated what does  
11                  sufficient accuracy mean? And there are  
12                  action items developed to try and hone in on  
13                  that, at least within NIOSH's own discussion.  
14                  I am sure the Board would take great interest  
15                  in what NIOSH prepared there.

16                  There was this issue of health  
17                  physicists' bias. And attempts are made in  
18                  the action items to try and bring in voices of  
19                  other than health physicists to comment upon  
20                  various work products being developed, both  
21                  here in number 3 on SEC petitions. It also

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1 comes up again in the quality of science  
2 debates.

3 Relative to quality of science,  
4 this issue of indirect exposure assessment and  
5 trying to ground truth NIOSH's indirect  
6 exposure assessments in ways that will allow  
7 for those to be carefully and critically  
8 looked at.

9 If we remember, the quality of  
10 science report attempted to do that for the  
11 Savannah River Site. The action item really  
12 suggests that we do that more frequently and  
13 then apply the lessons learned towards NIOSH's  
14 indirect exposure assessment activities.

15 So you can read it in detail. As  
16 always, individual Board Members' comments are  
17 welcome, better made to the docket, which will  
18 remain open.

19 What will happen now is that Stu  
20 and his staff will put together a detailed  
21 timeline for each of the action items

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1 specified here. And on a weekly basis, we  
2 will start to report progress to the NIOSH  
3 leadership.

4 At the August meeting, we will be  
5 before the Board again to present progress and  
6 also engage in any interactive dialogue the  
7 Board would like to have on any part of this,  
8 the nature of the high-priority  
9 recommendations, the action items that are  
10 laid out, the progress on those action items.

11 So that's where we are. And,  
12 again, the Board's views are always valued in  
13 this process. So thank you for your time.

14 CHAIRMAN MELIUS: Okay. Thank  
15 you, Lew.

16 I might have missed it, but is  
17 this document going to be posted on the  
18 website, too, or what is the plan?

19 DR. WADE: It is all right to do  
20 that, yes.

21 CHAIRMAN MELIUS: You might have

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1 said it. I might have --

2 DR. WADE: I don't think I did, as  
3 a matter of fact.

4 CHAIRMAN MELIUS: Okay. Any Board  
5 Members have questions or comments?

6 MEMBER MUNN: Yes. This is Wanda.  
7 Lew, thank you for all the work that is going  
8 into this. This is very interesting work.  
9 And I personally am appalled that I have not  
10 had more of an opportunity to devote my time  
11 to getting into the real detail of what you  
12 have been doing and what you have been  
13 writing.

14 I certainly applaud your concept  
15 of strengthening the idea of peer review  
16 inside the agency. That is always a good  
17 idea, I think, for any group that deals with  
18 scientific material and with the kind of  
19 technical mechanics that are involved in what  
20 the agency has to do.

21 I wondered a couple of things.

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1       When you are talking about involving more  
2       people who are not health physicists in what  
3       you are doing, could you be a little more  
4       clear? I don't know whether the material that  
5       you have given us recently that I have not  
6       read might be more prescriptive in that, but  
7       I wasn't sure exactly what sort of people,  
8       what sort of expertise, what broad scope you  
9       had in mind when you were talking about  
10      additional involvement in these -- what to me  
11      are very specific and very limited kinds of  
12      calculations.

13                   DR. WADE: Wanda, I think we would  
14      point to epidemiologists. And we're really  
15      not trying to limit ourselves only to that but  
16      to take our documents and show them to a  
17      variety of people starting across NIOSH,  
18      people involved in modeling and a variety of  
19      health assessments, and trying to get a very  
20      diverse reaction to what we are doing.

21                   So I would offer epidemiologists

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1 as an illustrative example, but I wouldn't  
2 want to limit it only to that.

3 MEMBER MUNN: But you are talking  
4 about people inside the HHS framework.

5 DR. WADE: Only as a starting  
6 point. I think, you know, that the early  
7 attempts I think we would attempt internally,  
8 but once we understood the breadth and the way  
9 to engage the tasks, I think we would quickly  
10 try and move outside of the agency.

11 MEMBER MUNN: I am a little  
12 concerned about how one identifies bias, both  
13 inside and outside the agency. There are  
14 times when it is obvious, other times when  
15 it's not so.

16 I understand, as I think we all  
17 do, how those biases affect everything that we  
18 do in one way or another. But dealing with it  
19 is a difficult subject. And that is why I  
20 think it is important if we are going to be  
21 choosing individuals outside of our already

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1 familiar and prescribed boundaries, that we  
2 have a decent idea, that the Board have a  
3 decent idea, of where we are going with that.

4 DR. WADE: That's reasonable. I  
5 would commit to, really, not taking this  
6 outside the boundaries of HHS without coming  
7 back to the Board and sharing a more detailed  
8 plan with you. We might do some  
9 experimentation inside those boundaries as we  
10 decide ourselves on an action plan, but I will  
11 come back to the Board before we leave the  
12 boundaries of HHS.

13 MEMBER MUNN: That would be  
14 helpful. I'm sure several of us would be very  
15 interested in being updated on a regular basis  
16 on that particular aspect of your efforts.

17 One last question. The final  
18 statement that you had in your material that  
19 you gave us was an action relative to  
20 surrogate data. You indicated you had  
21 undertaken a detailed review of the EPA

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1 methodology. And EPA was not spelled out in  
2 my mind.

3 Are you talking about the  
4 Environmental Protection Agency?

5 DR. WADE: Yes. I'm sorry. It  
6 was a specific report referred to in the  
7 quality of science report, where the  
8 recommendation was to look at a particular EPA  
9 methodology. I'm sorry for the use of the  
10 shorthand, but --

11 MEMBER MUNN: No, that's quite all  
12 right. I just wanted to make very sure that  
13 that was the reference and that it was not  
14 something else.

15 DR. WADE: Sorry for not spelling  
16 it out.

17 MEMBER MUNN: All right. Thank  
18 you very much.

19 CHAIRMAN MELIUS: Anybody else  
20 have questions or comments?

21 (No response.)

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1                   CHAIRMAN MELIUS:  If not, I again  
2                   would urge everyone, if you have comments, you  
3                   have time to review this document as well as  
4                   the other documents that are part of the  
5                   ten-year review with recommendations, I would  
6                   urge you to make them to the docket that's  
7                   still open.  And we will have time to discuss  
8                   this more on the agenda for our August Board  
9                   meeting.

10                   Thank you very much, Lew, for the  
11                   update.

12                   DR. WADE:  Yes.  Thank you.

13                   CHAIRMAN MELIUS:  Now we'll hear  
14                   from someone we haven't heard from in a while,  
15                   about ten minutes, Special Exposure Cohort  
16                   Petition Status Update.  LaVon?

17                   MR. RUTHERFORD:  Hopefully, this  
18                   one will be much shorter than the previous  
19                   two.

20                   CHAIRMAN MELIUS:  Well, we'll see.

21                   MR. RUTHERFORD:  Yes.  Actually, I

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1 am just going to talk about the petitions and  
2 evaluations that we are going to present at  
3 the August Board meeting.

4 We are going to present an 83.14  
5 for Y-12. We have an 83.13, W. R. Grace in  
6 Curtis Bay, Maryland, that we will be  
7 presenting. We have an addendum for Vitro  
8 Manufacturing.

9 If you might remember, we had  
10 actually added a Class for Vitro some time  
11 back. And at the time, we had reserved -- and  
12 I believe it's the post-1960 period. We had  
13 reserved that period because we were trying to  
14 determine whether the Fort Hope piles that  
15 were at Vitro were covered exposures under the  
16 program. We have got that determination, and  
17 they are. And so we have put together an  
18 addendum for that, and we are going to present  
19 that.

20 Savannah River Site. We plan to  
21 present a second addendum for the thorium

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1 operations and, as well, as we are going to  
2 follow up on hangar 481 and hopefully be able  
3 to give the Board enough information to close  
4 out that or make a recommendation one way or  
5 the other on that one as well.

6 I know that there are a number of  
7 Work Groups that may be presenting on top of  
8 that, but those are the main SEC new stuff  
9 that we will be bringing to the table.

10 That's it.

11 CHAIRMAN MELIUS: Okay. Thanks,  
12 LaVon.

13 Questions for LaVon?

14 (No response.)

15 CHAIRMAN MELIUS: Okay. Updates  
16 from Work Groups and Subcommittees? I know  
17 people have been busy meeting. And there are  
18 several meetings, Work Group meetings,  
19 scheduled between now and the Board meeting in  
20 August. I don't know if anybody has anything  
21 special to report.

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1                   MEMBER BEACH: Jim, this is Josie.

2                   I have a quick update for Brookhaven.

3                   CHAIRMAN MELIUS: Go ahead.

4                   MEMBER BEACH: We canceled our  
5                   July 7th meeting. NIOSH is in the process of  
6                   evaluating some significant information for  
7                   its impact on the currently proposed Class or  
8                   they're going to be writing an 83.14. So the  
9                   Work Group is waiting to hear from NIOSH on  
10                  that new development for Brookhaven.

11                  CHAIRMAN MELIUS: Okay.

12                  MEMBER ROESSLER: This is Gen.

13                  CHAIRMAN MELIUS: Yes?

14                  MEMBER ROESSLER: We also canceled  
15                  our July meeting for the Linde Work Group. It  
16                  was the same day as the Brookhaven, canceled  
17                  for similar reasons, but we are now  
18                  rescheduled to meet August 15th at 9:00,  
19                  Cincinnati Airport Marriott. I was hoping  
20                  that this meeting will be over by 1:30 because  
21                  Josie and I both have asked for flights that

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1 leave later that afternoon.

2 CHAIRMAN MELIUS: Okay. Good  
3 reminder, Gen.

4 Any other Work Group Chairs or  
5 Subcommittee Chairs have updates?

6 MEMBER MUNN: This is Wanda. I  
7 can give a brief report on where we are with  
8 the Procedures Subcommittee. We have not met  
9 since March, so we have had a long hiatus for  
10 a number of reasons, not the least of which is  
11 the other activities that were involving key  
12 personnel that are involved.

13 We have a fairly packed schedule  
14 ahead of us for our Work Group meeting, which  
15 will occur on Thursday, the 14th, the agenda  
16 for which will be posted today. Not having  
17 had any additional information from others,  
18 with a couple of exceptions, we will move  
19 forward with that agenda.

20 We anticipate a full day of  
21 activity. And, as usual, I urge the Members

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1 of the Subcommittee to plan on staying the  
2 full day because we have a full day of work to  
3 do.

4 CHAIRMAN MELIUS: Okay. Good.  
5 Any other Work Group or Subcommittee chairs?

6 MEMBER CLAWSON: Yes, Jim. This  
7 is Brad. I just wanted to remind the Board  
8 that we should be having something brought  
9 before the Board on Fernald and also probably  
10 Pantex at this next full Board meeting.

11 CHAIRMAN MELIUS: And I believe  
12 there are Work Group meetings scheduled for  
13 both of those.

14 MEMBER CLAWSON: Right. There is.  
15 August 10th and 11th, yes.

16 MEMBER SCHOFIELD: Jim, this is  
17 Phil. Just a quick, brief update. We met for  
18 the INL Work Group in June. We got a number  
19 of things accomplished.

20 Then on the 6th of July, we had  
21 the Gaseous Diffusion Plants. And we made

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1 significant progress on the matrices, closed  
2 out a number of items. And then we have some  
3 other items that we still have to come back  
4 and look at again. So that's where we stand.

5 CHAIRMAN MELIUS: Good. Anybody  
6 else?

7 DR. MAKHIJANI: Jim, this is  
8 Arjun.

9 CHAIRMAN MELIUS: Yes, Arjun?

10 DR. MAKHIJANI: If it is  
11 appropriate for me to say a word?

12 CHAIRMAN MELIUS: Yes, maybe. One  
13 word. One word at a time. No. Go ahead,  
14 Arjun.

15 MEMBER MUNN: As long as it's not a  
16 discouraging word.

17 (Laughter.)

18 DR. MAKHIJANI: You asked me to  
19 prepare a matrix based on the review we have  
20 done of NIOSH's updated TBD. The review, of  
21 course, is finished. We have had a little bit

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1 of a logjam with typesetting. And it will go  
2 to the DOE soon. Part of it has gone to the  
3 DOE, the appendix.

4 As you asked me, I prepared the  
5 matrix, updated matrix, based on our review.  
6 And that has just gone out to the Working  
7 Group today. That is available for people who  
8 want to look at it.

9 CHAIRMAN MELIUS: And we are going  
10 to try to schedule a conference call of the  
11 Work Group, Hanson Work Group, to review that  
12 and talk about it.

13 MEMBER MUNN: I don't want to  
14 surprise anybody, but, Josie, should there be  
15 a brief report on the Worker Outreach meeting?

16 MEMBER BEACH: Oh. Well, there  
17 should be, but I wasn't even thinking about  
18 that. So go ahead.

19 MEMBER MUNN: Well, no. I'm sorry  
20 about that.

21 CHAIRMAN MELIUS: Since no one is

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1 ready and the Chair of the Work Group isn't  
2 here, why don't we just hold that until  
3 August?

4 MEMBER MUNN: All right.

5 CHAIRMAN MELIUS: I don't think  
6 there is anything urgent. My understanding is  
7 the group did meet.

8 MEMBER MUNN: Yes, it did, as  
9 scheduled and was ably chaired by Ms. Beach.

10 CHAIRMAN MELIUS: Yes. Thank you,  
11 Josie.

12 Any other updates?

13 (No response.)

14 CHAIRMAN MELIUS: Okay. I don't  
15 think we have any Board correspondence to deal  
16 with.

17 CHAIRMAN MELIUS: August Board  
18 meeting. Ted?

19 MR. KATZ: So no need to update it  
20 now because we have another agenda item, but  
21 I have sent everybody a draft annotated

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1 version for your comment and ask for your  
2 responses by next Monday.

3 It is full but not deadly. It's a  
4 two and a half-day agenda starting on the  
5 23rd. So you should all have it in your  
6 emails. And you can email me back issues as  
7 to whether there is anything else you want to  
8 see on that agenda as well as whether I've  
9 allotted the right times to some of these.

10 And the Ames, I probably can fit  
11 that in on the third day.

12 CHAIRMAN MELIUS: Okay. So it is  
13 full, and there are a number of things to do  
14 there. So we will be busy out there.

15 Anybody have, any Board Members  
16 have, questions or comments? We are planning  
17 to try to finish up, though, before noon on  
18 the Thursday, the 25th. So that helps people  
19 with their travel plans.

20 MEMBER MUNN: Travel plans are  
21 difficult, I hear.

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1                   CHAIRMAN MELIUS: I know. You  
2 just like us to stay.

3                   MEMBER MUNN: Yes, I know.  
4 There's always something fun to do.

5                   CHAIRMAN MELIUS: Good. And I  
6 believe there is a tour of the facility  
7 scheduled for Monday. July 29, 2011

8                   MEMBER MUNN: Monday, as I  
9 understand it. I think Brad is setting that  
10 all up.

11                  CHAIRMAN MELIUS: Okay. No  
12 further questions or business. I believe we  
13 can adjourn. Thank you.

14                  MR. KATZ: Thank you, everyone.

15                               (Whereupon, the above-entitled  
16 matter was concluded at 12:40 p.m.)

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19  
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This transcript of the Advisory Board on Radiation and Worker Health, Teleconference Board Meeting, has been reviewed for concerns under the Privacy Act (5 U.S.C. § 552a) and personally identifiable information has been redacted as necessary. The transcript, however, has not been reviewed and certified by the Chair of the Advisory Board for accuracy at this time. The reader should be cautioned that this transcript is for information only and is subject to change.

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