

1 U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
2 CENTERS FOR DISEASE CONTROL
3 NATIONAL INSTITUTE FOR OCCUPATIONAL
4 SAFETY AND HEALTH

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8 ADVISORY BOARD ON RADIATION AND
9 WORKER HEALTH

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13 WORK GROUP ON SEC ISSUES

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17 FRIDAY
18 MAY 13, 2011
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22 The Work Group convened via
23 teleconference at 10:00 a.m., James M. Melius,
24 Chairman, presiding.

25
26 PRESENT:

27
28 JAMES M. MELIUS, Chairman
29 JOSIE BEACH, Member
30 JAMES E. LOCKEY, Member
31 GENEVIEVE S. ROESSLER, Member
32 PAUL L. ZIEMER, Member
33
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35

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1 ALSO PRESENT:
2
3 TED KATZ, Designated Federal Official
4 PETE DARNELL, DCAS
5 JANICE FEENEY
6 STU HINNEFELD, DCAS
7 JOSH KINMAN, DCAS Contractor
8 JENNY LIN, HHS
9 JOHN MAURO, SC&A
10 JIM NETON, DCAS
11 MICHAEL RAFKY, HHS
12 LAVON RUTHERFORD, DCAS
13

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1		C-O-N-T-E-N-T-S	
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3	Welcome and roll-call/Introductions.....		4
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5	Work Group Discussion		
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7	DCAS presentation of revised GE.....		8
8	Ewendale SEC Petition Evaluation		
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1 P-R-O-C-E-E-D-I-N-G-S

2 (10:00 a.m.)

3 MR. KATZ: This is the Advisory
4 Board on Radiation and Worker Health, the SEC
5 Issues Work Group. We're going to be speaking
6 about GE Evendale today, just that, for the
7 agenda. The agenda is posted on the web.

8 So when everyone responds to roll
9 call, please also indicate your conflict of
10 interest situation with respect to GE
11 Evendale. So let's begin with the Board
12 Members and the Chair.

13 CHAIRMAN MELIUS: Jim Melius, no
14 conflicts.

15 MEMBER BEACH: Josie Beach, no
16 conflicts.

17 MEMBER ZIEMER: Paul Ziemer, no
18 conflict.

19 MEMBER ROESSLER: Gen Roessler, no
20 conflict.

21 MR. KATZ: Okay, and I got Josie
22 Beach. Any other Board Members on the line?

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1 Okay, NIOSH ORAU team?

2 MR. HINNEFELD: Stu Hinnefeld, no
3 conflict.

4 DR. NETON: Jim Neton, no conflict.

5 MR. RUTHERFORD: LaVon Rutherford,
6 no conflict.

7 MR. DARNELL: Pete Darnell, no
8 conflict.

9 MR. KINMAN: This is Josh Kinman,
10 no conflict.

11 MR. KATZ: Before Josh, can you
12 repeat your name, please?

13 MR. DARNELL: Pete Darnell.

14 MR. KINMAN: Before Josh, you said?

15 MR. KATZ: Yes.

16 MR. KINMAN: That's Pete, right?

17 MR. KATZ: Oh, Pete Darnell. Thank
18 you. Sorry. It was muddled in my -- how
19 about SC&A? Do we have any members of SC&A on
20 the line?

21 CHAIRMAN MELIUS: I think John was
22 going to -- Mauro was going to try to join us.

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1 I don't know.

2 MR. KATZ: Okay. Yes, I thought he
3 was planning to join us.

4 CHAIRMAN MELIUS: Yes. It's not
5 necessary. We don't need him.

6 MR. KATZ: I understand. I just
7 was checking. So let's carry on. Federal
8 officials or contractors for the feds on the
9 line?

10 MS. LIN: Jenny Lin, HHS.

11 MR. RAFKY: Michael Rafky, HHS.

12 MR. KATZ: Very good, then. This
13 is Ted Katz. I'm the Designated Federal
14 Official of the Advisory Board, also no
15 conflict. Do we have any members of the
16 public on the line?

17 MS. FEENEY: Yes, Janice Feeney.

18 MR. KATZ: Yes, Janice Feeney.
19 Welcome.

20 MS. FEENEY: Thank you.

21 MR. KATZ: Any others? All right.

22 So, then, let me just remind everyone on the

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1 line, please mute your phones. If you don't
2 have a mute button, use *6, and then you can
3 come off mute only when you're addressing the
4 group, and the agenda is yours, Jim.

5 DR. MAURO: Ted, this is John
6 Mauro. Sorry to interrupt. I was a little
7 delayed getting online, just wanted to let you
8 know I'm online.

9 MR. KATZ: Good. Thank you, John.

10 DR. MAURO: Okay.

11 CHAIRMAN MELIUS: We'll call off
12 the search parties. Okay, I think first we'll
13 hear from -- I'm not sure who's speaking for
14 DCAS, but at least a short update on how
15 you've updated the report.

16 MR. HINNEFELD: I think LaVon was
17 going to introduce the subject, and then I
18 think Pete will probably be doing most of the
19 details.

20 CHAIRMAN MELIUS: Okay.

21 MR. RUTHERFORD: All right. This
22 is LaVon Rutherford. Basically, what we're

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1 going to do is just kind of summarize the
2 changes in the report. Pete's going to go
3 over that technically, the additional data
4 that we've found, the information on work
5 locations and all the information that the
6 Board was in question in their earlier review.

7 So I'm going to turn it over to
8 Pete and let Pete -- I think it's probably
9 easiest just to use that summary of changes
10 that we provided when we sent it over
11 electronically, and then Pete can go into
12 additional detail as needed.

13 MEMBER LOCKEY: Hey, Ted?

14 MR. KATZ: Yes.

15 MEMBER LOCKEY: Jim Lockey. I'll be
16 able to join you intermittently today.

17 MR. KATZ: Okay. Very good. I
18 don't think this is going to be a very long
19 call, but okay, great. Thanks, Jim.

20 MEMBER LOCKEY: You're welcome.

21 MR. DARNELL: This is Pete Darnell.

22 I don't know what the best way to handle this

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1 is, if you want me to read the summary -- if
2 you want me to read the summary changes or if
3 we just want to get into questions about it,
4 since this has already been provided.

5 CHAIRMAN MELIUS: I'd like you to
6 summarize what you've done and --

7 MR. DARNELL: Okay.

8 CHAIRMAN MELIUS: -- what the
9 changes are. You don't have to read each
10 change to us, but a summary would be helpful.

11 MR. DARNELL: Since the November
12 2010 meeting in Santa Fe, we finished the data
13 capture effort with General Electric Ohio
14 posted in another 24 documents.

15 We posted some information
16 regarding contracts with the Atomic Energy
17 Commission and General Electric and went
18 through the data that was found for internal
19 and external dosimetry in the past few months
20 and placed that information inside the GE
21 Evendale report.

22 Specific spots where you can find

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1 that are on page three, where we talk about
2 feasibility of dose reconstruction. We added
3 a little more information on the operation
4 description, had some more information added
5 so we could clarify some exposure sources and
6 update the site locations.

7 The data capture you see has a lot
8 of external monitoring data and a little bit
9 more information on internal monitoring data.

10 Unfortunately, the same case has gone on
11 where we have 20 sets of dosimetry data that
12 are actually linked to a person and over 1,200
13 sets of external dosimetry data that's just
14 dosimetry data.

15 We haven't done a full review on
16 that data, because we cannot find anything
17 pertaining to source terms on the internal
18 data, which basically makes the data set
19 unusable for performance of full dose
20 reconstruction.

21 We did have some updates in
22 workplace monitoring data where we found some

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1 contamination levels during a 1969 survey. We
2 basically took that information, updated the
3 feasibility sections, so basically there is no
4 change on the Evaluation Report findings. We
5 basically feel that the same Class that was
6 defined in the November Board meeting,
7 November last year Board meeting, is the same.

8 Just a quick update on the claim
9 status. We have 12 claims that are over seven
10 years old, 23 that are five to six years old,
11 43 that are three to four years old, 56 that
12 are one to two years old, and 18 claims that
13 have been submitted within the past year.
14 This data is accurate up until April 15.

15 That's basically it. There's no
16 real changes, no change in the thought of
17 whether we can do dose reconstruction, and our
18 recommendation is still that General Electric
19 become an SEC.

20 MR. HINNEFELD: This is Stu. If I
21 can just offer a little bit more, maybe ask
22 Pete for some additional explanation, too, I

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1 think the key fact here or the key finding
2 here is that GE provided to us all of their
3 dosimetry records. Regardless of whether it
4 was a claimant or not, they provided it to us
5 for the GE Evendale plant, all the dosimetry
6 records they had on file.

7 For the period of the AEC work for
8 '60 to '69 or whichever, whatever those exact
9 years are, that was the data we looked at.
10 You know, that was the data that would be
11 relevant to us, and while there is a fair
12 amount of external radiation monitoring data,
13 there is a real paucity of internal monitoring
14 data. You say some 20 -- is that like 20 data
15 points, Pete?

16 MR. DARNELL: We have 20 claims
17 that we have been able to link external
18 monitoring data to.

19 MR. HINNEFELD: That's internal,
20 right, internal monitoring data?

21 MR. DARNELL: External.

22 MR. HINNEFELD: Oh, 20 claims have

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1 external data, and we have just a handful of
2 internal data monitoring points or what?

3 MR. DARNELL: One claim is fully
4 linked to internal monitoring data, and the
5 rest of the data is just data that we can't
6 link to a process, we can't link to a person,
7 we can't link to anything.

8 MR. HINNEFELD: Okay. So, in other
9 words, we have almost no internal data is what
10 you're saying --

11 MR. DARNELL: Correct.

12 MR. HINNEFELD: -- that's
13 identified with a person. Okay. So, based on
14 this paucity of internal data, our conclusion
15 is that it's not feasible for us to do
16 internal dose reconstruction, and so that's
17 why our recommendation remains to add the
18 Class for the entire employment period.

19 The external data situation will be
20 such that we will certainly use external data
21 in partial dose reconstructions for claimants,
22 if the claimant has it, and the question about

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1 whether we have sufficient external data to
2 form a coworker model that we would then apply
3 to claimants who do not have their own
4 exposure record, that question is about ready.

5 You know, we're about ready to reach a
6 conclusion on that, but we don't have it
7 today, but it's not really relevant to the
8 decision on whether to add a Class or not.

9 MR. DARNELL: I did want to point
10 out, Stu, that we had 4,451 external results
11 for this period, January 1 of '61 through June
12 30, 1970, and less than five percent of that
13 data are able to be linked to work locations.

14 MR. HINNEFELD: Okay, but, I mean,
15 are most of them -- do most of them have a
16 person's name on it, but those people just
17 tend not to be claimants?

18 MR. DARNELL: They have names, but
19 that's about all the information we get.

20 MR. HINNEFELD: Okay, so then
21 that's where we are in terms of the bulk of
22 the -- you know, how much -- there's a lot of

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1 external monitoring information that appears
2 to be from people not claimants, and so that's
3 the consideration.

4 That's the question we need to
5 answer that we should have an answer on very
6 shortly as to whether or not we think we can
7 do a coworker study, but we, at the very
8 least, for claimants who have external data,
9 we will use that data in a partial dose --
10 data in a partial dose reconstruction.

11 Now, I think, Ted, the -- or, Pete,
12 the other question has to do with the size of
13 the Class and the Definition of the Class in
14 terms of, because we have this monitored
15 population, should we conclude that that
16 should define the people who were exposed to
17 radiation and what information -- It would be
18 helpful to recap information that we have that
19 would draw -- leads us to the conclusion that,
20 just because we did not receive an exposure
21 record for someone, that does not mean that
22 they did not have the potential for exposure.

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1 Can you maybe go through that?

2 MR. DARNELL: Are you talking about
3 how the site was physically set up and the
4 personnel that had --

5 MR. HINNEFELD: Well, yes, however
6 you wanted to explain the question of, why do
7 we conclude that people who do not have
8 exposure, that we don't have enough solid
9 evidence to feel confident saying that just
10 because we don't have an exposure record for
11 this person, they still could have been
12 exposed to radiation.

13 MR. DARNELL: Well, we did several
14 interviews over the past few years with both
15 retirees and health and safety personnel,
16 including the Health and Safety Officer that
17 was at the site during the AEC period, workers
18 that were at the site during the AEC period.

19 Basically, what we've been told is
20 people met for lunch in the building, several
21 people that were not monitored working in the
22 lofts above the areas where the radiological

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1 work was going on. The doors were not locked,
2 nor were they secured in any manner. People
3 used the buildings as passageways to walk
4 through.

5 There was essential site
6 maintenance that basically anything that was
7 used anywhere could be shipped anywhere else
8 on the site and be used. There was not a lot
9 of control that was going on.

10 MR. HINNEFELD: Okay. Thanks,
11 Steve.

12 MR. DARNELL: Okay.

13 CHAIRMAN MELIUS: Okay, any Board
14 Members have questions? If not, then I'll
15 start.

16 MEMBER ZIEMER: Yes, this is
17 Ziemer. I have a couple of general questions.
18 I'm just trying to, for clarity, these 3,500
19 film badge records right now, simply because
20 of the limited number of claimants, we don't
21 even know if those are part of the processes
22 that are covered, or what would lead us to

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1 conclude that those, perhaps, would not be
2 relevant or would be relevant, either way, to
3 a coworker model of some sort for the
4 external?

5 MR. HINNEFELD: Well, I think -- I
6 think --

7 MEMBER ZIEMER: Or are we just
8 saying that because of the internal issue,
9 that we're going to end up here with only
10 partials for those who don't meet the SEC
11 requirement? Is that where we're ending up?

12 MR. HINNEFELD: Yes, that's the
13 firm position we have today is that, because
14 of the lack of internal data, there will be a
15 Class because of the inability to reconstruct
16 internal dose.

17 MEMBER ZIEMER: Right.

18 MR. HINNEFELD: The question about
19 the utility of the external data for a
20 coworker study for partial dose -- to do
21 partials is a decision that we expect to
22 arrive at a conclusion on pretty soon, and, as

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1 you say, if there were other -- if there was
2 other radiological work going on during this
3 period not in that area, that those data may
4 pertain to -- and we can't tell which is which
5 -- so that would disqualify a lot of it.

6 MR. RUTHERFORD: Stu, and I'd like
7 to add a significant -- this is LaVon again.
8 A significant portion of that data has no
9 location tie to it, and that is our biggest
10 trouble right now with whether we can do an
11 external coworker model or not.

12 MR. HINNEFELD: Okay.

13 CHAIRMAN MELIUS: Paul, you had
14 another question?

15 MEMBER ZIEMER: No, I think that
16 clears that up. I just wanted to -- I thought
17 that was the case based on what I read. I
18 just wanted to hear that verbally confirmed.

19 CHAIRMAN MELIUS: Yes, I have
20 questions about -- it's on page 14 of the
21 revised report. It's a list of the GE Ohio
22 workers supporting the site's various nuclear

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1 research and development operations. It's a
2 reference called POPSEE, P-O-P-S-E-E.

3 Can someone enlighten me on that?
4 I looked at it on the O: drive, and it's a
5 list of names and addresses without really
6 much other identification to the list, so I
7 was trying to understand where it came from.

8 MR. DARNELL: That list is -- this
9 is Pete Darnell. That list is an internal
10 list that GE as a company is keeping at the
11 Evendale site of anybody who worked on a
12 nuclear project at any time at SEC -- excuse
13 me -- the AEC period or the non-AEC period.

14 It has no other data to go with it,
15 so we don't know if the list is full, if it's
16 complete or not. We don't know if that -- if
17 any of them tie to the AEC period or don't.
18 There's just no other data to go forward.
19 It's just a list of names and addresses, and
20 that's it.

21 CHAIRMAN MELIUS: Yes, but you have
22 other data you could match up with it, the

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1 external dosimetry data, which I assume at
2 least has dates on it and so forth, as well as
3 your claims data.

4 MR. DARNELL: That's true, but
5 there's really nothing we could use it for
6 other than to say, yes, this particular
7 nuclear worker was on this other list. It
8 doesn't do anything for us as far as being
9 able to tell what the workforce population
10 was, because we don't know anything about its
11 accuracy or why it was actually done.

12 CHAIRMAN MELIUS: Well, I thought
13 it actually matched up fairly well with some
14 other estimate that's in here about the number
15 of workers that were involved in these
16 operations.

17 MR. DARNELL: Actually, I don't
18 have more information on that. I didn't look
19 at that part of it. Once I found out that the
20 list was not -- had a possibility of not being
21 completely accurate, it just became a list of
22 names.

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1 MR. RUTHERFORD: Dr. Melius, I'd
2 like to add that, even if the list does
3 contain the workforce, the 300, 350, whatever,
4 workforce of workers that worked in that area,
5 I think the difficulty in addition to that is
6 the fact that the access control issues.
7 We've already identified that there were a
8 number of workers or people that worked in the
9 area that were not part of that workforce,
10 secretarial forces and stuff that were on the
11 mezzanine up above. Maintenance workers may
12 or may not be included in that.

13 We're not sure, and we're also not
14 totally sure about the other activities, as we
15 mentioned, that may have been going on on the
16 site that might have not been covered
17 activities and how they fit into this whole
18 scheme of exposure.

19 CHAIRMAN MELIUS: I don't
20 understand why the latter is an issue.

21 MR. RUTHERFORD: Why that's an
22 issue?

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1 CHAIRMAN MELIUS: Yes.

2 MR. RUTHERFORD: Well, I think it's
3 an issue in that if we knew for sure that all
4 the work that occurred on the site was part of
5 Air Force Project 61 or whatever and we had an
6 idea of the -- we've got a -- we've got a
7 little more information on the processes that
8 occurred there, but we don't know if those
9 were the only processes that occurred onsite,
10 meaning there could have been other
11 radiological operations; we don't know. And
12 our concern with some of the data that we have
13 is because we don't have any locations or
14 indications of what the data was in support
15 of. I'm not sure we have a complete picture.

16 MR. DARNELL: Actually, just to add
17 a little bit more to that, from data that we
18 have at Fernald, we do know that there was
19 other radiological and nuclear work going on
20 that had to do with the aircraft engine, the
21 nuclear aircraft engine, with thorium lights
22 that they were working on.

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1 There were different radiological
2 aspects to some of the engines that they were
3 working on. All of that work was going on at
4 the same time as the covered period, as well
5 as outside the boundaries of the covered
6 period.

7 CHAIRMAN MELIUS: That's not what
8 your -- the report doesn't talk about that at
9 all.

10 MR. DARNELL: That's not --

11 CHAIRMAN MELIUS: I got the
12 impression from your report that you had the
13 Air Force period, and then it switched over to
14 an AEC operation. It seemed like it was like
15 the Air Force ended, so what are these other
16 operations?

17 MR. DARNELL: Just operations that
18 we had records on from Fernald data. It
19 wasn't really germane to what was going on
20 with the Air Force plant work, so we didn't
21 think about including that data in this. We
22 just know that there was other nuclear

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1 workforce on the site, hence the list, and we
2 can't vouch for the accuracy of that list or
3 nuclear workers just on the Air Force plane.

4 MR. HINNEFELD: This is Stu. I
5 want to talk about this POPSEE list for a
6 little bit here now. We have -- we found this
7 list. It was dated 1987. It was some sort of
8 list that GE generated, but we don't know for
9 what purpose or from what situation.

10 I think a key element here is that
11 they -- if, in fact, they, you know, generated
12 a list of people assigned to nuclear projects,
13 our view is that there were people who were
14 likely exposed who would not have been
15 assigned to that project in the classic sense.

16 In other words, the people who were
17 assigned full-time as the people doing the
18 covered, the AEC-covered work in these
19 buildings may have made it on the list, but
20 there were other people that it sounds to us
21 as if there was potential for a number of
22 other people to also spend significant time in

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1 the building and would not be on the list.

2 So we didn't feel like the list was
3 complete or it could be even -- even if it had
4 been prepared appropriately and would have
5 been complete based on the premise that it was
6 prepared under -- that we surmised it was
7 prepared under -- it doesn't seem like it
8 would have included all the people with
9 potential for exposure.

10 So that's why we felt like the list
11 could not help us, could not be the
12 definitive, essentially the delineation of the
13 people in the Class, and if it doesn't -- if
14 it's not useful for that purpose, as the
15 definitive delineation of people, of the
16 members of the Class, then we don't feel like
17 we necessarily have a use for it.

18 CHAIRMAN MELIUS: Yes, but, Stu, I
19 don't think you've really sort of evaluated
20 the list. I guess that's my question, and
21 along with that is that when I went and looked
22 at the summaries of your outreach meetings and

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1 so forth, it was --

2 They weren't that convincing or
3 detailed in terms of how other people, non-
4 radiation workers, let's call them, might have
5 been exposed. I guess I don't -- I thought
6 they were all very sort of general comments,
7 and I just am trying to get just a better
8 handle on here you have a list of 500, which
9 seems to --

10 I'd at least like to know, you
11 know, what era that's from and who they're
12 referring to. If that's just people from the
13 Air Force period, it's one thing, but if it
14 overlaps to a significant extent into the AEC
15 period, then I think it means something else,
16 and then, you know, how does that match up
17 with who you have in terms of external
18 monitoring records, as well as what
19 information you have from the claimants that
20 have filed?

21 MR. HINNEFELD: Okay.

22 CHAIRMAN MELIUS: I'm just trying

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1 to understand what the sort of specificity and
2 sensitivity of these lists are, because I
3 think your proposed Class Definition extends
4 the group that's -- essentially, the Class
5 gets extended from a relatively small part of
6 a facility to everybody who ever worked at the
7 facility for this time period, which is -- I'm
8 trying to understand the justification for
9 that, and it seems to me that you can work at
10 it both from, well, we can't always prove that
11 somebody wasn't in, wasn't exposed, but we can
12 say that at every facility.

13 I mean, you know, we can go to, you
14 know, any of the bigger sites and say, well,
15 Classes ought to cover everybody there,
16 because, well, we don't know. Maybe there was
17 some slip-up in the controls and access and so
18 forth. They're not guaranteed. We don't know
19 everybody.

20 You know, maybe something --
21 somebody wasn't recorded or whatever. I mean,
22 as -- I'm just trying to understand sort of

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1 how this list and how good these lists are in
2 terms of defining who actually worked in these
3 operations.

4 MR. HINNEFELD: Okay, I understand.

5 CHAIRMAN MELIUS: Yes.

6 MEMBER BEACH: This is Josie. Jim,
7 I have a question, too, about the residual
8 time period. I know the cutoff is 1970, but I
9 see the buildings weren't D&Ded until much
10 later, and I'm just curious to what went on in
11 those facilities prior to decontamination.

12 MR. HINNEFELD: Well, this is Stu.
13 I mean, this is -- this is a DOE facility.
14 This is not an AWE facility, so the
15 designation is a DOE facility, and the
16 residual period coverage in the law pertains
17 only to AWE facilities.

18 MEMBER BEACH: Oh, okay.

19 MR. RUTHERFORD: You know, this is
20 LaVon Rutherford. I've got one other thing,
21 and, unfortunately, I'm going to have to
22 leave, but I want to point out that, of that

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1 list, you know, and I haven't gone through
2 that list myself personally, but I know very
3 few names on that list are part of our claim
4 pool.

5 The additional question you've got
6 are what are you going to do with the rest of
7 the claims that DOL has already accepted and
8 sent to the site, and are we going to -- what
9 exposure are we going to give them?

10 We've already indicated that we
11 don't have good knowledge of access controls.

12 We don't feel that the monitoring that we
13 have is a full list of the people that were
14 potentially exposed, so we have to give
15 exposure to those individuals that would be
16 off that list, and what kind of exposure would
17 we give them?

18 So I just want to point that out
19 that if you make the argument that you limit
20 the Class to those people on that list, that
21 covers very few of our existing claims, and we
22 have no dose reconstruction model to support

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1 the rest of those claims.

2 CHAIRMAN MELIUS: Well, but
3 couldn't that also be an argument that those
4 people in your existing claims may not have
5 been -- had much exposure, may not have been
6 in that area?

7 MR. RUTHERFORD: I think that is,
8 but I think that is an issue that we have
9 dealt with on a number of sites that we know
10 that we make Classes because, you know, there
11 is the potential that workers that could have
12 been in and out of areas: we can't define that
13 list of workers, but we've made that list,
14 that Class, based on that fact.

15 CHAIRMAN MELIUS: Yes, but I go
16 back to the discussion we had at the Board
17 when you first presented this as the issue. I
18 mean, to some extent, yes, there's got to be a
19 probability that somebody would have a
20 significant exposure through that.

21 We don't do it. We don't take the
22 entire site, right, unless there's, you know,

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1 some justification or something widespread or
2 whatever, I mean, that it's -- there's some
3 specificity to it, because we think that, you
4 know, people, there is some probability that
5 people had significant exposures or worked in
6 those areas for some significant amount of
7 time.

8 The question is where do you draw
9 the line. It's not an easy thing to answer,
10 but -

11 DR. NETON: Dr. Melius, this is Jim
12 Neton. In most of those other instances we
13 have the ability to build coworker models.
14 Then we can assign dose to those people who
15 were not monitored as appropriate based on
16 what we feel their probability of exposure
17 was, but in this particular case we have no
18 ability to develop a coworker model. That's
19 usually --

20 CHAIRMAN MELIUS: Well --

21 DR. NETON: -- the cut point on
22 these, in these decisions.

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1 CHAIRMAN MELIUS: I guess I don't
2 quite get that argument, Jim.

3 DR. NETON: Well, I mean, you're
4 saying that, you know, we don't know who went
5 into what areas because of access controls,
6 but we always -- if people were monitored or
7 not monitored, we typically would develop a
8 coworker model to cover, to bound their
9 exposures.

10 So we don't have to know about
11 access controls anymore. We just have to know
12 the probability that they were in there, and
13 we can give them either a 50 percent or
14 environmental dose, but we don't have any
15 ability to develop a coworker model in this
16 case.

17 CHAIRMAN MELIUS: Well, you're
18 talking about doing it for -- you're talking
19 about for internal exposure, not external,
20 correct?

21 DR. NETON: Right. Well, in either
22 instance, but usually it's the internal is the

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1 one that's the limiting factor.

2 CHAIRMAN MELIUS: Okay. Well,
3 you've got external. Well, you just told us
4 you were going to try to do an external one.

5 DR. NETON: Maybe but we don't know
6 anything about the internal coworker models.

7 CHAIRMAN MELIUS: Well, I'm just
8 trying to understand your argument, Jim.
9 That's all.

10 DR. NETON: I understand.

11 MEMBER LOCKEY: Jim, Jim Lockey.
12 In this case, if you can't document that there
13 was limited access to the building and you
14 don't know who was in the other building, it's
15 not an ideal situation, I agree.

16 I mean, the cohort would be huge,
17 but the flip side of it, I think we have
18 expanded eligibility in other sites where
19 there was a much smaller cohort, where we had
20 relatively good information but expanded it to
21 everybody who was at the plant site, because
22 it couldn't be proven that one person walked

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1 in for a weekend or didn't walk through the
2 building.

3 It is -- it's expanding this, but
4 if you don't know who had access to the
5 building and you don't have a list limiting
6 that these were the people worked there, and
7 it's just solely the people worked there, it's
8 a problem. There's no question it's a
9 problem, but the way we've dealt with that
10 before was to grant an SEC and expand the
11 cohort size.

12 MR. HINNEFELD: This is Stu. I
13 think -- I'm trying to remember. I think an
14 analog might be -- oh, shoot, the plant in
15 Simi Valley, Area IV, Santa Susana. That's
16 it, Santa Susana Field Liability.

17 If I'm not mistaken, there is a
18 monitored population there, which essentially
19 provides you a list of people that at least
20 were considered exposed enough to be
21 monitored, but the Class was not limited to
22 the monitored people there. That was an all-

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1 employees Class. I mean, the list of
2 monitored people essentially provides you much
3 the same as this other list, which appears to
4 be the invitation list for a reunion in 1987.

5 CHAIRMAN MELIUS: Yes, part of this
6 Santa Susana one, though, was that there were
7 these -- so the historical, as I recall it,
8 there were different facilities there.
9 Remember, that was the problem. There was a
10 problem there partly how the DOE and DOL had
11 defined the different facilities over time,
12 and people moved from one facility to another.

13 MR. HINNEFELD: Well, that was
14 actually a problem outside of our control.
15 That was a problem with the DOL and the
16 employment verification. Within the part of
17 the facility within our control, once people
18 had been verified as having worked in the
19 covered facility, I think then we still had
20 the question.

21 You know, we still had -- we have a
22 monitored population that we have the names of

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1 the people monitored, but we have an
2 unmonitored population, and because of lack of
3 a rigorous access control, the Class included
4 all employees.

5 MEMBER ZIEMER: This is Ziemer.
6 Let me ask a related question, and we sort of
7 looked at this before, and I think I know the
8 answer, but is there any way that we can put
9 some burden on a claimant to at least claim
10 that they spent some time in the building?

11 Is it completely upon the
12 Department of Labor to establish it, or could
13 a person make a claim and say, "I worked in
14 some," or, "I had access to -- I spent some
15 time in a specified area?" See, one of the
16 problems with the fact that someone can stroll
17 through there, it sort of doesn't meet the
18 250-day burden in and of itself.

19 The fact that they could stroll
20 through occasionally, unless they were there
21 on a regular basis for some reason, is there
22 no way that we can ask a claimant to verify

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1 that they had spent some time in a specified
2 area for a specified period of time so that
3 not everybody -- there's certainly got to be
4 people on that site that never went into those
5 areas.

6 MR. DARNELL: Dr. Neton, this is
7 Pete Darnell. Part of the DOL process for
8 establishing a claim is that you have to
9 provide the statement of where you worked,
10 what you did, and what parts of the plant that
11 you were in.

12 It's all done under penalty of
13 perjury requirements that DOL has, so that
14 question is basically asked but not with the
15 extreme specificity that you're looking for,
16 "Did you work in Building C and D?" It's
17 asked if you worked at the facility and
18 according to the definition of the facility
19 that DOL has.

20 MR. HINNEFELD: Well, this is Stu.
21 From our recourse here in terms of a Class,
22 as far as I can tell, our ability to do

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1 something like that has to be essentially
2 couched in terms of a Class Definition,
3 because from the time there's a Class
4 Definition, the administration of that Class,
5 as I understand it, it's the Department of
6 Labor's responsibility.

7 In recent years, when we have
8 defined -- tried -- we sent proposed Class
9 Definitions to the Department of Labor. When
10 we have done that in recent years and have
11 said -- and have limited by a facility when we
12 are unaware of any record that would put
13 people in that facility, the Department of
14 Labor has replied that they don't feel they
15 can administer that Class. So what they're
16 essentially telling us is, "Gosh, don't do
17 that."

18 MEMBER ZIEMER: Well, I recognize
19 that. I'm just wondering, since they asked
20 the question, anyway, "Tell me where you
21 worked," as a starting point it's GE, but
22 suppose the Class were defined in terms of

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1 spending time in a particular building or
2 buildings, and that you --

3 MR. HINNEFELD: We ask.

4 MEMBER ZIEMER: I know, and that
5 Labor would be willing to accept a person's
6 assertion that they did. They don't have to
7 approve it. They're essentially asserting
8 that they had access to a particular building
9 and perhaps --

10 See, if someone had access and
11 walked through there one day during their work
12 life, that's, in my mind, that's not fair.
13 They ought to have been there on a regular
14 basis.

15 It's sort of like the 250-day
16 criteria, in a sense. The fact that somebody
17 strolled in through one building one day to
18 deliver an envelope or something, I realize
19 there is some --

20 It's very difficult, but why not
21 accept the worker's assertion that, "Yes, I
22 spent considerable time in this facility," you

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1 know, whether it was on coffee breaks or
2 whatever it was?

3 I know it's difficult, but it seems
4 to me there's got to be some way to say just
5 because you were on this site, regardless of
6 where you worked, you're going to be
7 compensated. That doesn't seem fair to those
8 who are entitled to compensation.

9 MS. LIN: Dr. Ziemer, this is
10 Jenny. I hear your concern, but, I mean, if
11 we're going to go down this sort of burden on
12 the claimant, not only that this is a DOL
13 administerability issue, you also have to
14 consider that a big part of our claimant
15 populations are survivors who might not even
16 have that sort of information.

17 MR. HINNEFELD: This is Stu. When
18 we -- years ago, we wrote a Class Definitions
19 that specified facilities, and to administer
20 those at that time, the Department of Labor
21 required the claimants to provide evidence
22 that they had spent 250 days in that facility.

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1 They didn't take their word for it.

2 They said, "You have to provide," although
3 they would accept affidavits from a coworker,
4 but it was -- they didn't accept the
5 claimant's assertion, and it placed then the
6 burden to show 250 days on the claimant.

7 As part of the reason why we've
8 been so amenable to trying to write Classes
9 that the Department of Labor tells us they can
10 readily administer is that it's, again,
11 equitable in this case to place the burden of
12 providing evidence of 250 days, you know,
13 being located in a particular building for 250
14 days, and because there are not a lot of good
15 ways to do that unless you happen to know
16 coworkers who are alive and can attest to the
17 fact.

18 To me, you know, that's sort of why
19 we've been more prone to try to write Classes
20 that the Department of Labor tells us they can
21 administer, rather than to say, "Well, we're
22 going to restrict it to these facilities,

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1 because these were the covered facilities,"
2 when, in essence, the Department of Labor has
3 already determined that to the best of their
4 ability these people worked in this facility,
5 because they're claimants. They allowed the
6 claim.

7 MEMBER ZIEMER: Well, yes, I'm
8 looking for a way, and, see, I don't look at
9 it as putting the burden on the claimant. It
10 would if they had to provide proofs in
11 affidavits. I would say what about making the
12 case that if to the best of their knowledge
13 they worked there, you just accept that.

14 That, at a minimum, can't be any
15 worse than paying off everybody, number one.
16 Number two, if it is a survivor, all the
17 survivor cases that we've seen, I think almost
18 every one where we have someone testifying,
19 they have heard -- they don't know the
20 details, but they have heard that the claimant
21 worked with radiation.

22 They seem to know that, and I would

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1 say in this case if it's a survivor, you say,
2 "Okay, we'll take their word for it that they
3 believe that the parent or the" -- well, not
4 the parent but the claimant worked in the
5 radiological area. I'm just trying to think
6 of a way to make this a little more equitable.

7 MR. HINNEFELD: We can approach --
8 I mean, if you want us to do this, we can
9 approach DOL with that question.

10 MEMBER ZIEMER: Yes, I'm not saying
11 --

12 MR. HINNEFELD: Now --

13 MEMBER ZIEMER: -- I want you to do
14 it. I'm just -- you know, I'd like us to
15 think about whether there's some way to do
16 this that's both fair and fair both ways, fair
17 to claimants as well as those who should not
18 be in the pool.

19 CHAIRMAN MELIUS: The -- sort of
20 some corollary questions to that, though,
21 issue. One is the -- do we know whether the
22 personnel records indicate where people

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1 worked?

2 I mean, that's the other -- I mean,
3 the real reason that DOL or one of the major
4 reasons why DOL wants -- has problems with a
5 building-specific SEC Class is that often the
6 personnel records don't, you know, indicate
7 where a person worked, and we know at the DOE
8 sites, even when they do sometimes there's a
9 list that you have large numbers of workers
10 that roam around the facility and do work in
11 different facilities.

12 I guess my basic question is do we
13 even know -- you know, is there anything in
14 the personnel records that would indicate that
15 people worked in these areas. I mean --

16 MR. DARNELL: We've asked that --
17 this is Pete Darnell. We have asked that
18 question and asked for that type of data from
19 GE, and they do not have anything that ties
20 people to specific facilities.

21 CHAIRMAN MELIUS: Okay. Then my
22 question goes back to, then, how did they

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1 develop the list of 500 people, the POPSEE
2 list?

3 MR. DARNELL: We have no
4 information on it, Dr. Melius. I'm sorry.
5 There's no further data on it other than,
6 "Here's the list."

7 CHAIRMAN MELIUS: But where did you
8 get it from?

9 MR. DARNELL: It was from one of
10 the data captures.

11 CHAIRMAN MELIUS: And have you
12 asked General Electric or anybody or any of
13 your informants about that, the people you've
14 interviewed?

15 MR. DARNELL: In the last couple of
16 interviews, yes. The first couple of
17 interviews, no. We did ask the Health and
18 Safety Manager about it. He didn't know
19 anything about the list at all.

20 CHAIRMAN MELIUS: Stu just said
21 something about it being pulled for a reunion
22 or something. That's why I'm --

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1 MR. HINNEFELD: I pulled it up in
2 the Site Research Database, and the file on
3 the Site Research Database starts with our
4 capture form, our data capture form, and the
5 data capture person wrote as a reviewer
6 description, "POPSEE master list of former
7 ANPO, NMPO, SPPS, NSP, ESP, AEP workers."

8 So those initials apparently
9 pertain to a number of areas of the project,
10 work project. That's the -- that was our data
11 capture person's handwritten description. As
12 to why that person wrote that, I don't know.

13 Then there's the list of names, and
14 then the last couple pages is an announcement
15 for a reunion in 1987, POPSEE, and it never
16 spells out what POPSEE means, but it's a 1987
17 POPSEE reunion. It was held on August 20,
18 1987, and it gives the place, and then it
19 gives the menu --

20 CHAIRMAN MELIUS: Okay.

21 MR. HINNEFELD: -- who to send your
22 check to.

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1 CHAIRMAN MELIUS: I only looked at
2 the first three pages and gave up. Did they -
3 - that's okay. When I had tried to open up
4 the external monitoring file on my computer,
5 my crack CDC computer froze up three times, so
6 I gave up on that, too.

7 MR. HINNEFELD: So that's why I
8 concluded that the last page or two of the
9 file is the announcement of the reunion.

10 CHAIRMAN MELIUS: Okay. Thanks,
11 Stu. Is there any way we can walk back and
12 figure out what ESP and those initials are,
13 what they relate to?

14 MR. HINNEFELD: Well, ANPO is
15 Aircraft Nuclear Propulsion Office, I believe.

16 MR. DARNELL: It's Aircraft Nuclear
17 Project Office, Nuclear Materials Project
18 Office, and I have no idea on the rest of
19 them. The person that did this data capture
20 was a longtime Fernald employee, also, and he
21 had a lot of knowledge of different projects
22 that went on at GE, so he knows what these

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1 mean, or he knew what some of these meant but
2 not what all of them meant.

3 CHAIRMAN MELIUS: So, maybe someone
4 could talk to him again or something.

5 MR. DARNELL: Okay, I'd be glad to.

6 CHAIRMAN MELIUS: I mean, it would
7 just seem to me that if you have a list, it
8 would be nice to -- you know, if we're going
9 to say that it's not useful, we ought to have
10 a basis for that, and some of that ought to be
11 based on some of the other information you
12 have.

13 You've got the external monitoring
14 with names. You've got -- you know, all of
15 those projects may have been, you know, pre-
16 this time period or something. That list may
17 have nothing to do with this time period. I
18 don't -- I guess that's a possibility from
19 what you've said, but it would be nice to know
20 that, to be able to say that.

21 MEMBER LOCKEY: Jim?

22 CHAIRMAN MELIUS: Yes.

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1 MEMBER LOCKEY: I think you raise a
2 good point. Has anybody tried to contact some
3 people on that list?

4 CHAIRMAN MELIUS: Or even match
5 them up with the list of claimants?

6 MR. HINNEFELD: The Radiation
7 Safety Manager, who we have interviewed twice,
8 is on the list.

9 MEMBER LOCKEY: Okay.

10 CHAIRMAN MELIUS: Okay.

11 MEMBER LOCKEY: And what did he say
12 about the list?

13 MR. HINNEFELD: He didn't -- isn't
14 that the one you said he didn't know about the
15 list?

16 MR. DARNELL: That's correct. He
17 didn't know about the list. There are a
18 couple of the people that were interviewed on
19 this list, also.

20 MEMBER LOCKEY: Were they aware of
21 the reunion, or were they asked about the
22 reunion, or was that before the list was

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1 known?

2 MR. DARNELL: That was before the
3 list was known for most of the workers, and I
4 didn't ask if people attended the reunion.

5 MEMBER LOCKEY: You know, Jim has a
6 good point. I think going back to the list
7 again and searching out some people that are
8 still living, just a phone call, "Do you
9 remember going to a reunion? Do you remember
10 anything about the reunion? Where was it
11 held? You know, was there" -- it would be
12 very -- it may be very useful.

13 MR. DARNELL: The one thing that we
14 need to realize is who did this reunion. If
15 you can get to that last page, the GE -- the
16 Ohio 747, that park is right across the street
17 from the UAW office. This was a union
18 meeting.

19 MR. HINNEFELD: Now, wait a minute.
20 Wait a minute, Pete. Don't go -- don't start
21 down there unless you know for sure, because
22 that park is available for all sorts of GE

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1 functions.

2 MR. DARNELL: Okay.

3 MR. HINNEFELD: I know that. I've
4 been to GE. I've been as a guest. I've been
5 invited to GE functions up there.

6 MR. DARNELL: Right, I am making
7 the assumption that it was part of the union,
8 because it's right --

9 MR. HINNEFELD: Don't start down
10 there, because that park is available to all
11 sorts -- for all sorts of GE functions.

12 MR. DARNELL: You're right. Sorry
13 about that.

14 MEMBER BEACH: So, Pete, this is
15 Josie. Was there more than one POPSEE list?
16 Because I notice on page 14 that Jim indicated
17 there was a POPSEE list 1987, and then on page
18 nine --

19 MR. HINNEFELD: That's the one
20 we're looking at.

21 MEMBER BEACH: On page nine you
22 have a POPSEE sketches, 1991. Are those two

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1 different lists?

2 MR. DARNELL: As far as I know,
3 there's only one POPSEE list. I hadn't seen a
4 second one.

5 MEMBER BEACH: Well, on your first
6 bullet on page nine it talks about a POPSEE
7 sketches, 1991.

8 MR. DARNELL: I'm looking through
9 that right now. You know, I'm sorry, I
10 completely missed that. I have no idea what
11 they're talking about.

12 MEMBER BEACH: Okay. Well, I was
13 just curious. I would hate to have a list
14 being used if we don't know what, you know,
15 what the origin of the list is, because, you
16 know, if it was a list for a reunion of some
17 sorts and whoever was making out the list knew
18 that certain people were already deceased and
19 they didn't make it on the list, it just -- I
20 would be --

21 CHAIRMAN MELIUS: No, you're right.
22 It could be -- how it was generated could be

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1 important. I would just also add I doubt that
2 the Health and Safety Manager would be a union
3 -- be part of UAW, so I don't think it was UAW
4 that would have put together the list. They
5 may have been involved in the reunion in some
6 way, but I think it would come from within the
7 facility.

8 MEMBER LOCKEY: So, Jim, it
9 wouldn't hurt. It wouldn't hurt asking UAW
10 about it, right?

11 CHAIRMAN MELIUS: Yes. No,
12 exactly, no, it would, and the other thing
13 that might be helpful is in the dose
14 reconstruction interviews you've done, it's
15 just -- has there been anybody that you talked
16 to that, you know, didn't work directly in the
17 operations but did spend a significant amount
18 of time in the building?

19 MR. HINNEFELD: Well, we'd have to
20 look.

21 CHAIRMAN MELIUS: Yes. Just look,
22 because --

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1 MR. HINNEFELD: We have not
2 analyzed those interviews for that question.

3 CHAIRMAN MELIUS: Yes. Any other
4 questions from the Board Members?

5 MEMBER ZIEMER: This is Ziemer. I
6 have one other question. Toward the end of
7 the report, maybe right near the end, there
8 was some speculation about a possible second
9 SEC Class. Was that just sort of boilerplate,
10 or is there something specific that you had in
11 mind?

12 MR. HINNEFELD: I think that's
13 boilerplate. Where is -- what's the page,
14 Paul?

15 MEMBER ZIEMER: I think -- I have
16 trouble scrolling with this computer. It's so
17 slow, but I think it's on the last page before
18 the references.

19 MR. KATZ: This is Ted. It's
20 boilerplate. Paul, this is Ted. It's
21 boilerplate.

22 MEMBER ZIEMER: Yes, you didn't

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1 have anything specific in mind here.

2 MR. KATZ: No. No, that's just an
3 open door in case there is a situation --

4 MEMBER ZIEMER: Yes.

5 MR. KATZ: -- where there are leads
6 that would have DCAS doing more research after
7 the Class is already --

8 MEMBER ZIEMER: Yes.

9 MR. KATZ: The initial Class is
10 already established.

11 MEMBER ZIEMER: Okay. Thanks.

12 MR. DARNELL: I think that's
13 required by the rules.

14 MR. KATZ: That's correct, Pete.

15 CHAIRMAN MELIUS: Okay. Any other
16 questions? What I would propose, if you could
17 sort of follow up on those two items, one is,
18 I think, the POPSEE list issue, as well as
19 take another look at some of the interviews
20 and see if they can -- they shed any light on,
21 you know, a little bit more light as to what
22 extent there were people that might have been

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1 not directly employed in those AEC operations
2 but, you know, were spending significant times
3 in those buildings doing work and so forth.

4 MR. HINNEFELD: Okay.

5 CHAIRMAN MELIUS: Both of those
6 would be helpful if you can get back to the
7 Work Group on that. I don't know what the
8 time frame would be, but, you know, we
9 certainly can either -- we can do another Work
10 Group meeting and then try to pose this out.

11 What you're proposing may be the
12 correct Class Definition, the correct
13 approach. I think we just want to sort of do
14 the due diligence to say that we've looked at
15 this and understand it before we, you know,
16 commit to it one way or the other.

17 MR. HINNEFELD: Okay. We'll have
18 to -- right here I can't figure out a
19 schedule. We'll have to figure out.

20 CHAIRMAN MELIUS: Yes.

21 MR. HINNEFELD: We'll have to do
22 some work in order to figure out what kind of

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1 schedule we'll be on, and we can give you some
2 notice of when we think we can have some --

3 CHAIRMAN MELIUS: And I would just
4 add that I think this is a kind of SEC, 83.14,
5 so we'd be able to handle at the Work Group
6 call, so it wouldn't necessarily mean, you
7 know, postponing until August --

8 MR. HINNEFELD: Okay. We'll --

9 CHAIRMAN MELIUS: -- to resolve
10 this if these are factual, but it somewhat
11 depends on, you know, what efforts -- you
12 know, we'd like the due diligence on your
13 part, but, you know, what is a reasonable
14 schedule for that? We'll let you figure that
15 out.

16 MR. HINNEFELD: Okay, and then
17 shall we do any -- shall I approach the
18 Department of Labor about Paul's suggestion
19 about having the administration of the Class,
20 the claimant -- at least require the claimant
21 to assert that they spent a significant amount
22 of time, probably 250 days, in those covered

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1 buildings? I mean, I can ask Department of
2 Labor --

3 CHAIRMAN MELIUS: Well, actually,
4 in St. Louis, Rachel is coming out to the
5 meeting, and I believe her --

6 MR. HINNEFELD: Her boss, Gary
7 Steinberg.

8 CHAIRMAN MELIUS: The Acting
9 Director of that division, whatever, I forget
10 his name, but I believe he's coming out, also.

11 MR. HINNEFELD: Yes, his name is
12 Gary Steinberg.

13 CHAIRMAN MELIUS: Gary Steinberg.
14 Thanks, Stu.

15 MR. HINNEFELD: No problem.

16 CHAIRMAN MELIUS: They'll both be
17 out there, so maybe we can have a conversation
18 with them when they're out there. Does that
19 make sense, Paul?

20 MEMBER ZIEMER: That's fine, I
21 think, you know, just to find out what's
22 feasible. I know that they would like it very

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1 clean and simple, but maybe not everything is
2 clean and simple. We certainly have enough
3 that aren't.

4 CHAIRMAN MELIUS: Yes.

5 MEMBER ZIEMER: Anyway, yes, I
6 think it's worth discussing. Maybe we can't
7 do it, but at least take a look at it.

8 CHAIRMAN MELIUS: Yes.

9 MR. HINNEFELD: Okay, and then the
10 other -- and then the two items are the
11 thoroughly investigate the POPSEE list in
12 terms of learning -- you know, and that would
13 include talking to some people who we have
14 already talked to that are on that list to see
15 if they recall that organization and -

16 CHAIRMAN MELIUS: Yes, and --

17 MR. HINNEFELD: -- reunions and --

18 CHAIRMAN MELIUS: And so who made
19 up the list and then, you know, who's on that
20 list. What are those, you know, designated
21 groups, the initials that are on there, and
22 then I think it would also be useful if you --

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1 I don't think it would be difficult, easy for
2 me to say, is just, you know, see to what
3 extend that list overlaps with the external
4 monitoring data that you have --

5 MR. HINNEFELD: That's what I was
6 looking at.

7 CHAIRMAN MELIUS: -- for the time
8 period we're interested in, because this might
9 also -- I don't know if the external
10 monitoring goes back to prior to '61 that you
11 have, the records.

12 MR. HINNEFELD: I believe -- I
13 forget. I believe the external monitoring,
14 the entirety of it, there is some before '61
15 and --

16 CHAIRMAN MELIUS: I think we're on
17 '61, so if there is significant overlap, I
18 think that would tell us at least something
19 about that list. Certainly, if all the people
20 that got external monitoring from '61 to '70,
21 if over half of them weren't on the POPSEE
22 list or, you know, some number, I would say

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1 that that list, you know, was somehow
2 selective and didn't really include everybody
3 involved in doing the work, I would think, or
4 there may be this issue of other operations
5 that weren't going on at some other part of
6 the facility or something, the issue LaVon
7 raised.

8 MR. HINNEFELD: Right.

9 MEMBER BEACH: Well, and then, Jim,
10 could you add to that look into the POPSEE
11 sketches and see what the difference is or --

12 MR. HINNEFELD: I've got that,
13 Josie.

14 MEMBER BEACH: Okay.

15 MR. HINNEFELD: We'll look at that.

16 MR. DARNELL: I do have one quick
17 question, Dr. Melius. Looking at the issue
18 for unassigned workers being there, being in
19 the facility, we do already know that there
20 were unassigned workers working in those
21 buildings. We have information of different
22 secretaries and other projects having offices

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1 in those buildings.

2 CHAIRMAN MELIUS: Yes, I'm just
3 trying to understand what some of -- where
4 there -- are maintenance workers and other
5 people that have filed for claims, are they --
6 you know, what were they doing in those --

7 If we can get more information on
8 it, and I'll go back and look at the
9 interviews again, but the ones I've looked
10 through and the summaries of the meetings, it
11 was -- I just didn't -- it wasn't very
12 specific about it, and I'm trying to look for
13 a little bit more specificity to understand.

14 Okay. Any other questions or
15 comments?

16 MR. KATZ: Jim, this is Ted. Just
17 two things, just to clarify for the record,
18 you said that we potentially could deal with
19 this at a future Work Group meeting, but I
20 think you meant a full Board teleconference.

21 CHAIRMAN MELIUS: No, I was saying
22 one is that we would convene -- I think we

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1 would first convene the Work Group again. I
2 mean, let's see what the schedule is, but
3 there are options we could -- but I was
4 talking about --

5 I was thinking initially two
6 separate meetings, a Work Group, another Work
7 Group conference call to just update on the
8 questions that we asked and then -- but also
9 saying that I didn't think this necessarily
10 had to be held over until August. If the
11 schedule permits in terms of getting the
12 information, it might be something that we
13 could do in -- I forget when our conference
14 call is scheduled.

15 MR. KATZ: Right. Right, no, so
16 that's just what I was confirming, that latter
17 point, that potentially we could address this
18 in a Board teleconference, as opposed to
19 waiting for the next --

20 CHAIRMAN MELIUS: Yes.

21 MR. KATZ: You had mentioned Work
22 Group in that statement. That's why I'm just

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1 clarifying.

2 CHAIRMAN MELIUS: I was actually
3 thinking it may require both, but I was trying
4 to get -- at least see if we get -- because
5 for the other Board Members, our August
6 meeting is -- we've got lots of work to do
7 there, so it would help relieve some of that,
8 also.

9 MR. KATZ: And the other thing I
10 just wanted to check on is we do have a slot
11 for GE Evendale at this upcoming Board meeting
12 in May. It seems like that might be a good
13 opportunity during the meeting to engage DOL,
14 as opposed to, you know, the DOL overview, but
15 Stu might want to prime Rachel to do some
16 thinking about the question beforehand so that
17 she's not sort of caught flat-footed.

18 CHAIRMAN MELIUS: Yes, that would -
19 - that's why I -- yes.

20 MR. HINNEFELD: Okay. I will let
21 her know.

22 CHAIRMAN MELIUS: If you can do

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1 that with some of the specifics about GE,
2 because I think that when we've asked, you
3 know, both Pete and now Rachel, you sort of
4 ask the question out of the blue without the
5 specifics, they tend to give the standard
6 answer, and --

7 MR. HINNEFELD: No, we --

8 CHAIRMAN MELIUS: I would do the
9 same if I were them, but it's not always
10 helpful, and I think you need to under -- they
11 need to understand some of the specifics to
12 figure this out.

13 MR. HINNEFELD: Yes, I'll give her
14 a heads-up.

15 CHAIRMAN MELIUS: Okay.

16 MR. HINNEFELD: She just gives the
17 standard answers that all of us bureaucrats
18 give when we are addressing a new question in
19 public.

20 CHAIRMAN MELIUS: Good.

21 MR. KATZ: Thank you, Stu. Okay,
22 so I think GE Evendale, Stu, is on the second

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1 day, on Wednesday.

2 MR. HINNEFELD: Okay.

3 CHAIRMAN MELIUS: Good. Okay. If
4 not, nothing more, I thank everybody for your
5 time, and --

6 MR. KATZ: Thank you, everybody.

7 CHAIRMAN MELIUS: And we'll see you
8 in St. Louis.

9 (Whereupon, the above-entitled
10 matter was adjourned at 11:06 a.m.)

11

12

13

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