

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

+ + + + +

ADVISORY BOARD ON RADIATION AND  
WORKER HEALTH

+ + + + +

MOUND WORK GROUP

+ + + + +

MONDAY  
NOVEMBER 7, 2011

+ + + + +

The Work Group convened in the Zurich Room of the Cincinnati Airport Marriott, 2395 Progress Drive, Hebron, Kentucky, at 9:00 a.m., Josie Beach, Chair, presiding.

PRESENT:

JOSIE BEACH, Chair  
BRADLEY P. CLAWSON, Member  
PHILLIP SCHOFIELD, Member  
PAUL L. ZIEMER, Member

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

## ALSO PRESENT:

TED KATZ, Designated Federal Official  
ROBERT BARTON, SC&A\*  
RON BUCHANAN, SC&A\*  
MEL CHEW, ORAU Team\*  
JOE FITZGERALD, SC&A  
DEB JERISON\*  
KARIN JESSEN, ORAU Team  
JENNY LIN, HHS  
JOHN MAURO, SC&A\*  
ROBERT MORRIS, ORAU Team\*  
JIM NETON, DCAS  
WARREN SHEEHAN\*  
JOHN STIVER, SC&A  
BRANT ULSH, DCAS

\*Participating via telephone

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

## I-N-D-E-X

Welcome and roll-call/introductions . . . .	4
Work Group Discussion	
- Radon - NIOSH/SC&A. . . . .	7
- Neutrons/ NTA film track fading with adjustment factors; review NTA data for 1951-1960 - SC&A/NIOSH. . . . .	18
- D&D Period - NIOSH/SC&A . . . . .	133
- Tritides - SC&A/NIOSH . . . . .	137
- Adequacy/Completeness of Internal	
Dosimetry - NIOSH/SC&A. . . . .	208
- WG recommendations	
- Action Items/Plans	
Adjourn . . . . .	278

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

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

9:01 a.m.

MR. KATZ: Good morning everyone in the room and on the line. This is the Advisory Board of Radiation Worker Health, Mound Work Group just getting started and beginning with roll call, Board Members beginning with the Chair in the room, and please speak to conflict of interests since we are speaking about a specific site.

(Roll call.)

MR. KATZ: Very good. We have an agenda posted on the NIOSH website under the Board section, as well as some of the documents that we are going to be discussing today, or most -- most if not all should be posted there as well.

And let me just remind everyone on the line to mute your phone except when you are addressing the group. Press \*6 if you don't have a mute button. That will mute your phone. Press \*6 again and it will unmute your

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 phone for when you want to speak. And please  
2 don't put your phone on hold at any point, but  
3 hang up and dial back in if you need to leave  
4 the call at some point.

5 It's your agenda, Josie.

6 CHAIR BEACH: Okay, thank you.  
7 Like Ted said, the agenda is posted on the  
8 website. We plan to take probably a quick  
9 break between 9 and noon, lunch at noon, and I  
10 assume we have a fairly full schedule but we  
11 may be finished by -- between 4 and 5 today.

12 I am going to give Work Group --  
13 or not Work Group, excuse me -- claimants or  
14 members of the public an opportunity to talk  
15 during some of our discussion today.

16 We are going to first start with  
17 radon, and radon if you remember was issue  
18 number 2 for this Working Group. We added an  
19 SEC Class for radon at a full Board meeting in  
20 May of 2010. That was our Idaho meeting.

21 Since that time there have been  
22 several concerns from claimants over the log

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 book and not being complete and DOL not  
2 accepting alternate proof of the required  
3 tritium bioassay sample.

4 So it's my understanding the  
5 concerns over the Class Definition may be why  
6 we brought radon back on to our agenda item.  
7 However the Work Group did not request further  
8 work to be done post-1980 for either NIOSH or  
9 SC&A.

10 And for the record, I am just  
11 wondering, Brant, if NIOSH could explain the  
12 basis for the October 2011 radon issues paper,  
13 just so we have a clear understanding before  
14 we get started into any more discussion.

15 DR. ULSH: Yes, that makes good  
16 sense. We discussed the Class Definition for  
17 radon extensively at the Niagara Falls  
18 meeting. I can't remember when that was. It  
19 was the spring of --

20 CHAIR BEACH: It was May.

21 DR. ULSH: May.

22 CHAIR BEACH: Oh, no, sorry that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 was before then.

2 MEMBER ZIEMER: It was earlier  
3 than that. It was like February.

4 DR. ULSH: Okay.

5 MEMBER ZIEMER: Well, anyway.

6 DR. ULSH: At that meeting, there  
7 was some discussion back and forth about  
8 defining the radon class by tritium bioassay.

9 Just to kind of refresh  
10 everybody's memory here at the table, and  
11 those on the phone, the situation with radon  
12 is that Mound conducted some radium-actinium-  
13 thorium separation activities early in the  
14 1950s.

15 And to make a very long story  
16 short, there was some residual material left  
17 over from those activities that remained, and  
18 it was discovered in 1979 that one worker  
19 showed up for a whole body count, and he got  
20 some strange results.

21 So the ensuing investigation  
22 determined that there -- this worker had an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 office on top of the Old Cave where those  
2 earlier separation runs had occurred, and that  
3 there was a crack in the floor near his desk  
4 and they discovered radon streaming out of  
5 that crack in the floor.

6 And they did a lot of  
7 measurements, you know, in different places  
8 around there, but that was the basis for  
9 determining, for defining that original radon  
10 Class, because we decided that we just really  
11 could not reconstruct the radon dose for that  
12 worker, in I think it was SW-19.

13 So then everyone around the table  
14 here had some discussions about well how do we  
15 really get our arms around defining this  
16 Class.

17 And I think SC&A in particular had  
18 some concerns based on an earlier interview  
19 that they had conducted, regarding the extent  
20 of possible radon exposure.

21 The source of the radon exposure  
22 was a tunnel that ran under the room where

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 this worker's office was located, and there  
2 was some discussion about what was the extent  
3 of that tunnel.

4 We didn't really know at that time  
5 and there was some concern that that tunnel  
6 might have gone on into the R building and  
7 posed an exposure potential for more workers  
8 than would be captured by the Class as we  
9 defined it.

10 Well, the problem was, at the time  
11 we were having those discussions, NIOSH,  
12 meaning me, stated that the Class Definition  
13 based on tritium bioassay would capture anyone  
14 in R and SW buildings because everyone was  
15 required to be on tritium bioassay.

16 So the discussion really kind of  
17 ended there. We went ahead with the Class  
18 definition. Subsequently to that, some  
19 information provided by members of the public  
20 demonstrated that in fact not all of the R  
21 building was an area that required tritium  
22 bioassay.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1           So that was the genesis for NIOSH  
2 to initiate the October report, because we  
3 committed to the Working Group that if new  
4 information came in, we would revisit the  
5 issue.

6           DR. NETON:   And I think just to  
7 clarify, in reviewing the transcripts, it  
8 appeared to us that the discussion by the  
9 Working Group was cut short once we declared  
10 that everybody in the R and SW building were  
11 monitored.  Therefore it really didn't matter  
12 how far that tunnel extended.

13          DR. ULSH:   Right.

14          DR. NETON:   So that was the basis  
15 of why we chose to review this whole program,  
16 because it was really never discussed fully at  
17 the Working Group level what the exposure  
18 potential could have been for workers in the  
19 entire R building.

20          DR. ULSH:   So that was kind of the  
21 reasoning behind our report.  Now, do you want  
22 to discuss that Josie, or do you want me to go

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 into the report?

2 CHAIR BEACH: I think we should.

3 DR. ULSH: Which?

4 CHAIR BEACH: No, you should  
5 discuss that, yes, please.

6 DR. ULSH: All right.

7 MEMBER CLAWSON: One thing, this  
8 is Brad from the Work Group, it kind of took  
9 me aside when all of a sudden I saw this  
10 report because I had no background for what it  
11 was for, where it was coming from.

12 I think in the future, as these  
13 things come up, it would be nice if you would  
14 kind of let us know where we are going at it,  
15 so we know what we are doing.

16 You know, we had some questions  
17 before on how radon was and the answer was cut  
18 short because it was the R and S building and  
19 it seemed like everything was kind of changing  
20 a little bit on us and I didn't really  
21 understand why until Joe kind of sat down and  
22 explained what his understanding was to us.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   So in the future, it may be good  
2 just to let us know, this is going to come  
3 out.

4                   DR. ULSH: Well I apologize that  
5 you had some -- that that caused some  
6 confusion. It is described in the introduction  
7 of the report, why we were writing it.

8                   However if that wasn't sufficient  
9 to avoid that confusion, maybe we should have  
10 taken additional measures and --

11                   MEMBER CLAWSON: Well, even that  
12 the report was being written, because I  
13 thought we were done with it, to tell you the  
14 truth.

15                   CHAIR BEACH: And I also think the  
16 confusion -- there were several things going  
17 on. At our February meeting we were hearing  
18 from claimants and I know I had some  
19 conversations with Stu about re-bringing it to  
20 the Work Group.

21                   But we never really knew what was  
22 coming until we got this report. So my

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 understanding, it was the Class Definition  
2 problem, or DOL was having trouble  
3 administering the Class.

4 So this, this does clear up some  
5 of it, but it just left -- left a lot of  
6 things in question also.

7 DR. ULSH: Well again, there were  
8 a lot of developments going on, like you said,  
9 after the action at the Niagara meeting, and  
10 we decided that since we were going to revisit  
11 this issue anyway, because of the tunnel, the  
12 extent of tritium urinalysis data, we should  
13 cover all the issues that were in play at the  
14 time in one report rather than piece it out.

15 So, okay, I understand what you  
16 are saying, that we could have perhaps  
17 communicated to you ahead of time that this  
18 report was coming and what was going to be in  
19 it. But that was our thinking behind doing  
20 the report.

21 CHAIR BEACH: Okay. Any other  
22 questions that -- for this -- are you ready to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 start in on the report then?

2 DR. ULSH: Sure. As I mentioned  
3 just a minute ago, one of the issues that  
4 became again relevant, at least in our  
5 opinion, was the extent of the tunnel that  
6 went under the office in SW-19, from which the  
7 radon was leaking.

8 SC&A had raised some questions  
9 about the extent of that tunnel. So since  
10 that issue came up again, and we decided it  
11 was still in play, I did some further  
12 research, worked with some former Mound  
13 workers and to make a long story short, I  
14 worked with one of those workers who has a  
15 connection with the Mound museum.

16 They have in their possession a  
17 collection of historical drawings, blueprints,  
18 and with his assistance, I went and pulled the  
19 original drawings for that tunnel.

20 And it showed conclusively that  
21 the tunnel went under the SW building where  
22 this worker's office was, and it went from

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 there to the fan house and up the stack. It  
2 did not proceed further into R building.

3 So that was one of the questions  
4 that was still in play, and I have presented  
5 that in my report, some excerpts of the  
6 blueprints.

7 The full blueprints concerning the  
8 entire building are in the SRDB, Site Research  
9 Database, and the references are provided in  
10 the report.

11 So that was one issue. Another  
12 issue that was in play was the source of the  
13 radon that was observed at Mound and there was  
14 some question about that.

15 The workers that we had talked to,  
16 and I think the workers that SC&A had talked  
17 to as well, stated that they were told, or it  
18 was their belief or their observation, that  
19 the source of elevated radon around the Mound  
20 site was from the coal plant operated by  
21 Dayton Power & Light that was situated in the  
22 Great Miami River Valley, just upwind from

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 Mound, was the source of that radon.

2 So we treated -- or we addressed  
3 that issue in this report as well. To make a  
4 long story short, again, it's I think  
5 reasonable that that source could have  
6 contributed to elevated radon at Mound. I  
7 certainly have no conclusive evidence to say  
8 those workers were wrong.

9 It's also evident, however, that  
10 the source that we are talking about,  
11 underneath the Old Cave, contributed to  
12 elevated radon at least in localized areas.

13 And so the question -- it appears  
14 there was a combination of those two. So I  
15 provided some material in the report. There  
16 are some photographs that kind of provide some  
17 perspective about where the coal plant is in  
18 relation to the Mound site.

19 And again, I think the important  
20 thing here is that we are not taking a  
21 position that it was all the coal site, or the  
22 coal plant that contributed to Mound radon.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   We are simply saying that's what  
2 the workers said.       It's a reasonable  
3 conclusion that it could have contributed.  
4 But we are not saying that that was the only  
5 source.

6                   And so then once we determined the  
7 extent of the tunnel under SW-19, then we  
8 wanted to address the question, do we need to  
9 change our Class Definition.

10                  Now, it's perhaps not intuitively  
11 obvious why we are talking about tritium  
12 bioassay when the Class is based on radon  
13 exposure.

14                  The thinking behind that was in  
15 the area where we observed radon exposure, SW-  
16 19, it was an area that required tritium  
17 bioassay.

18                  So by saying workers who had  
19 tritium bioassay, we would capture anyone who  
20 could have been exposed in SW-19.

21                  CHAIR BEACH:     Can I ask you a  
22 question then?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. ULSH: Fire away.

2 CHAIR BEACH: So I understand that  
3 tritium bioassay -- does it have to be a  
4 positive assay or does it just have to  
5 indicate the person was bioassayed for  
6 tritium?

7 Because there has been some  
8 question from claimants if they have zeroes,  
9 they are not getting compensated.

10 DR. ULSH: It's the latter. It's  
11 only tritium bioassay. It does not have to be  
12 positive.

13 CHAIR BEACH: Okay.

14 DR. ULSH: The issue that you  
15 mention is another issue that we talk about in  
16 the report.

17 CHAIR BEACH: Right, right.

18 DR. ULSH: So we fully understood  
19 at the time that we defined the Class this  
20 way, that we would be capturing people who  
21 gave tritium bioassay, who never visited SW-  
22 19. They didn't have an exposure.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           The problem is, we have no way to  
2 define the Class as only people who were in  
3 SW-19 for 250 days. We can't identify who  
4 those people --

5           CHAIR BEACH: Other than saying  
6 all workers at Mound, which expands it.

7           DR. ULSH: Right, that would be a  
8 broader definition beyond what we have  
9 proposed.

10           So, given the new information  
11 about the extent of the R building tunnel, we  
12 revisited the adequacy of our Class Definition  
13 based on tritium bioassay.

14           We also looked at the new  
15 information that was submitted by the public  
16 and we went back and looked in more detail  
17 what areas of the R building did require  
18 tritium bioassay.

19           I don't know if it would be  
20 helpful if I sketched real quick. Yes, why  
21 don't I do that. I apologize to those of you  
22 who are on the phone -- those of you who are

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 on the phone won't be able to see this.

2 Just roughly, because my artistic  
3 ability is very limited, this is the SW  
4 building. Roughly, SW-19 is down in this  
5 area. The workers' office was here. The  
6 tunnel ran along here and then down to the  
7 stack; the fan house that led to the stack.

8 The R building is attached to the  
9 SW building. So its designated as two  
10 buildings but they are joined. And this is  
11 the R building.

12 So we determined the tunnel does  
13 not go into the R building. Now originally I  
14 had said that this entire complex, R and SW,  
15 required tritium bioassay.

16 That turned out not to be the  
17 case. The new information that we got showed  
18 that really it was only the part of the R  
19 building that adjoined SW that required  
20 tritium bioassay.

21 This area over here did not always  
22 require tritium bioassay.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealgross.com](http://www.nealgross.com)

1 MR. FITZGERALD: Just a quick  
2 question. Is there a free passage or is there  
3 an airlock or some kind of a control between  
4 the two parts of R?

5 DR. ULSH: There's negative  
6 pressure.

7 MR. FITZGERALD: There is a seal  
8 between the non-tritium and the tritium in R.

9 DR. ULSH: Well, I'm not going to  
10 tell you Joe, that not a single of molecule  
11 air passed between them.

12 MR. FITZGERALD: No, no, no --  
13 (Simultaneous speaking.)

14 MR. FITZGERALD: Is the tritium  
15 controlled such that you have to go through  
16 some kind of barrier to go from the non-  
17 tritium into the tritium?

18 DR. ULSH: Yes, they did have  
19 doors, you know, doors that separated the two,  
20 and the airflow was from the hallways into the  
21 laboratories.

22 So yes, I understand what you are

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 saying. Could air have exchanged between SW  
2 and R? I'm not going to say that that didn't  
3 happen in a building this big and complex.  
4 But in general, the airflow I think was  
5 towards the SW building.

6 CHAIR BEACH: What about when they  
7 started D&D and changing the airflow and  
8 changing that type of --

9 DR. ULSH: So what time period are  
10 we talking, like the '90s or '80s?

11 CHAIR BEACH: Post-'80s.

12 DR. ULSH: Well, I know that they  
13 did smoke tests. But keep in mind that by  
14 that time, this source had been remediated as  
15 described --

16 CHAIR BEACH: Okay.

17 DR. ULSH: by that worker that --

18 CHAIR BEACH: But what year was it  
19 remediated, just remind me?

20 DR. ULSH: Well, at the conclusion  
21 of the radium-actinium-thorium separation they  
22 did a round of remediation, and that was in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the late '50s. The problem is that there was  
2 still some residual material.

3 CHAIR BEACH: Right.

4 DR. ULSH: So I think the  
5 remediation that you are talking about, that  
6 we discussed, were they went in and put a  
7 stack in to vent this tunnel. That occurred  
8 in late 1979, early 1980.

9 CHAIR BEACH: I remember now.  
10 Thank you.

11 MEMBER CLAWSON: Now, Mark, or

12 DR. ULSH: Brad.

13 MEMBER CLAWSON: Brant, or -- part  
14 of that hot cell was -- there was a hot cell  
15 for that level, correct? Or was it just the  
16 tunnel?

17 DR. ULSH: I'm sorry, say that  
18 again.

19 MEMBER CLAWSON: Wasn't there a  
20 hot cell that tied in as part of this?

21 DR. ULSH: There -- in this area  
22 of SW-19.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 MEMBER CLAWSON: Okay.

2 DR. ULSH: SW-19 was an office  
3 that was established on top of the Old Cave  
4 facility.

5 MEMBER CLAWSON: Okay.

6 DR. ULSH: The Old Cave existed  
7 in, well in the 1950s, and that contained a  
8 hot cell that you are talking about. That was  
9 remediated in the '50s. They poured concrete  
10 in, and they established SW-19 on top of that.

11 MEMBER CLAWSON: Were they using  
12 the airflow from SW to support the R building?  
13 If you are saying that it has gone out of  
14 stack -- this is something that we get into  
15 all these -- in the earlier years, DOE would  
16 build a building like SW and then add onto it,  
17 and all they are doing is tying into the  
18 existing airflow systems to it.

19 So when you have got one that is  
20 at a negative flow, you are pulling -- you  
21 have got some -- you have got a lot of pull  
22 that is going to be coming in there.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   How is the airflow set up on, I  
2                   guess, R is what I am mainly looking at, what  
3                   I am trying to figure out.

4                   DR. ULSH:    Okay, I am going to be  
5                   very general here.

6                   MEMBER CLAWSON:   Okay.

7                   DR. ULSH:    In general, air was  
8                   pulled from the SW building into this stack.  
9                   This stack also serviced the R building, in  
10                  that R -- air from the R building was pulled  
11                  into this stack and blown up this stack.

12                  Does that answer your question?

13                  MEMBER CLAWSON:    I'm just trying  
14                  to figure out which one is the major one that  
15                  has the pull, as we call it, because you have  
16                  got to understand how to keep those at  
17                  negative pressure and how the venting systems  
18                  work.

19                  DR. NETON:       Well Brad, I think  
20                  what Brant is showing is the source term was -  
21                  - the stack was very close to the source term,  
22                  which was that cave that was contaminated.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1           So I don't know that we know of  
2 any residual contamination in what I would  
3 call the cold side of the R building from  
4 radium, radon activities.

5           DR. ULSH: The cold side --

6           CHAIR BEACH: So let me make sure  
7 I get this straight. Anybody that worked on  
8 let's say the cold side of R did not have a  
9 tritium bioassay?

10          DR. NETON: It was not required

11          CHAIR BEACH: It was not required.

12          DR. ULSH: The work that they did  
13 in this part did not require tritium bioassay.

14          MEMBER ZIEMER: If they worked  
15 somewhere else --

16          CHAIR BEACH: So if they  
17 supposedly only worked on the cold side and  
18 didn't have a tritium bioassay, how do we know  
19 that they didn't work -- cross over every once  
20 in a while?

21          DR. ULSH: Good question. The  
22 reason that we know that is because entrance

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 into the SW building and this part of the R  
2 building required tritium bioassay.

3 CHAIR BEACH: So we are 100  
4 percent sure that nobody entered that side  
5 without a tritium bioassay.

6 DR. ULSH: No. We are never 100  
7 percent sure of anything like that.

8 CHAIR BEACH: What percentage  
9 though? I get -- because we are excluding  
10 anybody that didn't have a tritium bioassay,  
11 and saying that if they didn't have one, then  
12 they weren't -- they weren't in SW and  
13 couldn't have been exposed to the radon.

14 DR. ULSH: We know from our  
15 interview with former workers that that area  
16 was posted. You know, could someone have gone  
17 in to deliver a letter and go back out? Yes,  
18 it's possible. It would have been contrary to  
19 the posting requirements but it's possible.

20 The real question is, could  
21 someone have gone in here and spent 250 days  
22 without giving us a single tritium urinalysis.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 Is it 100 percent impossible? No. But it's  
2 not plausible. That's what the workers told  
3 us.

4 CHAIR BEACH: Okay.

5 MEMBER CLAWSON: Well, yes, but  
6 also in talking with the workers too we have  
7 come to find out that a lot of the maintenance  
8 people were going from one side to the other  
9 and when they were talking about tritium  
10 bioassay, it was people that was continuously  
11 in there.

12 And they were going in and they'd  
13 change out glove boxes, they were doing all  
14 this other stuff, changing out fan motors or  
15 whatever else like that, and some of them have  
16 already mentioned that they weren't on the  
17 tritium bioassay, unless then they got  
18 assigned full-time to SW.

19 DR. ULSH: That is a different  
20 account than I have heard, Brad. If you have  
21 got access to interviews that say that they  
22 spent any significant amount of time in here

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 and were not subject to tritium urinalysis  
2 requirements, that's news to me.

3 MEMBER CLAWSON: Well, this was  
4 just from the interviews up to now, because  
5 the construction worker -- not construction =  
6 but the maintenance people went all over the  
7 site, and they had certain ones that were  
8 assigned to certain buildings, specializing in  
9 certain parts of it, and those fell in to the  
10 tritium bioassay.

11 The other ones said, you know,  
12 we'd go in, we'd support projects and so forth  
13 like that, and then we were back out and we  
14 didn't have to do that.

15 DR. ULSH: So you're talking about  
16 the rovers that were maybe assigned to a  
17 centralized maintenance facility and just went  
18 into here for a job and left.

19 MEMBER CLAWSON: Well yes, but  
20 some were -- but they could be there for quite  
21 a while. I guess one of them that got into  
22 this was -- on the outside of that building

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 you've got a power source that goes into the  
2 building but they were rerouting the power  
3 supplies into it, and they had to go into SW  
4 but they didn't have to submit any bioassays  
5 or tritium samples. They were actually inside  
6 the SW building putting in the power lines.

7           The point that I'm trying to get  
8 to is, I work in these facilities. I  
9 understand how the roving work forces work.  
10 We have got one main shop that most everybody  
11 works at. I've got a small group of  
12 maintenance people that work just for me.

13           And they are on all of our  
14 requirements, the other ones aren't. And  
15 that's what makes me nervous about this and I  
16 raised this before when we were getting into  
17 this. So you are right. We can't be 100  
18 percent sure one way or the other, but I want  
19 you to realize that that's -- that's where my  
20 issue lies with this.

21           DR. ULSH: I understand what you  
22 are saying. I understand that your concern is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the rovers. Keep in mind a couple of things  
2 here. We are talking about the time frame  
3 before 10 CFR 835 is it Jim?

4 Under 10 CFR 835, which I am sure  
5 you are very familiar with because it's  
6 contemporary, you are only to be monitored if  
7 you have a potential for a 100 millirem  
8 exposure per year.

9 That requirement was not in effect  
10 in the time frame that we are talking about  
11 here. The interviewees, at least that I am  
12 aware of, that we have talked to, said that if  
13 you went into this building for any extended  
14 period, for any work that would have even  
15 approached 250 days, you would be on tritium  
16 bioassay requirements, and that is not just a  
17 on-off. This is a couple of times a week.  
18 And it only takes one to put you in the SEC.

19 Now if your level of --

20 MR. SHEEHAN: Brad?

21 DR. ULSH: Yes.

22 MR. SHEEHAN: This is Warren

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Sheehan.

2 DR. ULSH: Hey Warren.

3 MR. SHEEHAN: I want to answer  
4 something here though I think that Brad has  
5 brought up that's missed. The rovers that he  
6 is talking about, if they went in to do a job,  
7 they were on a work permit, and the work  
8 permit required them to get a urine sample.

9 These were guys that were not  
10 assigned to the building, okay, but would  
11 visit, and if they went in there for any kind  
12 of work, then the work that -- the health  
13 surveyor would check off if they had required  
14 a sample.

15 Now this doesn't address the  
16 outside electrician that went in that Brad  
17 talks about. That doesn't address that issue  
18 but I believe it does the other issues, okay?

19 CHAIR BEACH: Thanks Warren.

20 MR. KATZ: What's Warren's last  
21 name, I'm sorry?

22 CHAIR BEACH: Sheehan.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. FITZGERALD: Sheehan.

2 MR. KATZ: Thank you.

3 DR. ULSH: The other issue that  
4 you mentioned Josie, was the interpretation of  
5 the MESH report but do you want to discuss  
6 this further before we get into that?

7 CHAIR BEACH: Yes.

8 DR. ULSH: Okay.

9 MEMBER ZIEMER: Well, why wouldn't  
10 the electrician have been on a work permit? I  
11 didn't quite follow what the argument was  
12 there.

13 DR. ULSH: I didn't either. Hey  
14 Warren?

15 MR. SHEEHAN: I'm back on. Well,  
16 when you have people on the outside of the  
17 building, in other words, I don't know -- this  
18 is way beyond the period that -- I don't know  
19 when this occurred Brad. This was probably in  
20 the D&D phase, was it? I don't know.

21 MEMBER CLAWSON: Well, one  
22 electrician that I talked to was talking about

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 how the power supply went in there and you  
2 could actually gain access to the main feed  
3 into the facility from the outside. There was  
4 supposed to be a door on the outside that you  
5 actually went into.

6 But part of the problem was, was  
7 when they started pulling electrical cables  
8 back out of SW, and so you know, this possibly  
9 could have been in later years and so forth.

10 But I just wanted, you know,  
11 there's always exceptions to all the rules.

12 MR. SHEEHAN: Well, whether or not  
13 this was on a work permit or not, that's kind  
14 of the crux of this matter, whether or not  
15 that job was covered by a work permit, and all  
16 the jobs in radiation potential areas were  
17 covered by work permits, so that's about where  
18 -- that's where we have to leave it I think.

19 DR. ULSH: So without knowing the  
20 details of the particular interview or  
21 situation that you are talking about Brad -- I  
22 don't know when it occurred or exactly what

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the details are -- if it occurred in the D&D  
2 years after tritium work had ceased, and in  
3 the era of 10 CFR 835, it's entirely possible  
4 that someone could have gone in without  
5 tritium bioassay. I just don't know the  
6 details of what you are talking about.

7 MEMBER CLAWSON: Well, and to tell  
8 you the truth, these interviews, until we  
9 started getting into this deeper, it didn't  
10 make any -- you know, it was just listening to  
11 what they did.

12 But then when you started laying  
13 this out, to me it started making a little bit  
14 more of a question.

15 DR. ULSH: A couple of other  
16 factors to keep in mind -- this was also a  
17 plutonium facility so it was operated under  
18 negative pressure.

19 You didn't want plutonium blowing  
20 out of this building into the environment.  
21 You wanted air to be sucked in, to go through  
22 the filters.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           So if you have got a guy working  
2 on the outside of the building, I'm not going  
3 to say it's absolutely impossible that he  
4 could have encountered contamination. Just in  
5 general, the idea, it is to operate this under  
6 negative pressure.

7           Now the other thing -- you know  
8 you have got maintain some perspective here.  
9 The situation that we are talking about, where  
10 the one guy was working in SW-19 sitting at  
11 his desk, they took measurements at the crack  
12 and they took measurements in the breathing  
13 zone of his desk, and they already observed a  
14 factor of 10 decline in radon exposures.

15           Now, there's a lot of  
16 uncertainties there, and that's the basis of  
17 us saying that it's an SEC. But I think you  
18 can at least look at the general trend and say  
19 there was a big decrease. Why? Probably  
20 because of dilution, because of decay of  
21 short-lived radon species.

22           When you then go beyond, not just

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 from the crack to his desk but from the desk  
2 to the entire room, from the room to the  
3 entire building, can we really say that radon  
4 was sufficiently high to endanger somebody's  
5 health?

6 They even did measurements right  
7 in this area and found low radon or no radon.

8 MEMBER CLAWSON: How many radon  
9 samples do we have?

10 DR. ULSH: Well, I spoke to you in  
11 Niagara Falls, I gave you a set of  
12 measurements that were associated with that  
13 remediation activity.

14 I can tell you that they operated  
15 radon monitors throughout this building as  
16 required. I can't really describe to you the  
17 entire radon sampling network. I don't know -  
18 -

19 MEMBER CLAWSON: I was just  
20 wondering because I only remember a couple of  
21 samples by the crack, and that was about it.

22 DR. NETON: Right, well that's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 where they discovered the source term. I  
2 mean, you've got to look at the source term  
3 that we are trying to cover here, and that's -  
4 - essentially that crack in the floor there.  
5 That's what brought up this whole Class.

6 MR. FITZGERALD: But that was  
7 about it in 1980.

8 DR. ULSH: Right, that was -- the  
9 basis of the Class was that we didn't have  
10 radon sampling measurements between the first  
11 remediation of the cave in 1959, and then this  
12 crack was discovered in 1980. We didn't have  
13 radon measurements. That's why we said we  
14 need to designate an SEC here.

15 But when they remediated this, and  
16 then there was at least one or two rounds of  
17 post-remediation sampling, they didn't observe  
18 those higher radon concentrations anymore.

19 In addition to that, they had  
20 radon measurements throughout this building  
21 but I can't really characterize those off the  
22 top of my head.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   MEMBER CLAWSON:     The corrective  
2                   action for this tunnel was to actually vent  
3                   it, because that's what we believe was the  
4                   issue, was that they actually sealed the  
5                   tunnel off at the start, creating radon inside  
6                   --

7                   DR. NETON:     They also sealed the  
8                   cracks though, I believe.

9                   DR. ULSH:     Yes they did.

10                  DR. NETON:     And most of the high  
11                  activity was related to radon-219, which has  
12                  like a 55-second half life.     That's what  
13                  really was sort of perplexing or confusing to  
14                  folks when they first started taking these  
15                  measurements.

16                  CHAIR BEACH:    Ready?

17                  DR. ULSH:     MESH.

18                  CHAIR BEACH:    Sure.

19                  DR. ULSH:     Okay.     As Susan  
20                  mentioned earlier, there's been a lot of  
21                  confusion about interpretation of a particular  
22                  report in the MESH database.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   In particular I think it's called  
2 the MESH Tritium Report or something like  
3 that. It's a standardized report that goes  
4 into claimant dosimetry files, to worker  
5 dosimetry files.

6                   And the confusion is that in those  
7 columns, you sometimes see a 0.000 and it's  
8 typically dated in September of the calender  
9 year.

10                  And some have interpreted that to  
11 mean see, I had a tritium urinalysis, it  
12 wasn't positive, but I had one. I should be  
13 in the Class.

14                  DR. NETON: It was actually  
15 reported a tritium dose, right? That column  
16 was not a tritium bioassay result. It was a  
17 tritium dose.

18                  DR. ULSH: Correct.

19                  DR. NETON: And it was listed as  
20 0.000 as a dose for the year.

21                  DR. ULSH: Right.

22                  DR. NETON: Tritium.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. ULSH: Right. So I think the  
2 correct interpretation of that number is a  
3 legitimate concern. The situation is, what we  
4 discovered, and that's one of the things that  
5 we reported on in our report, our latest  
6 report here.

7 During the time period in question  
8 that we are talking about here, when these  
9 numbers applied, Mound, like many other sites  
10 across the DOE complex, considered tritium to  
11 be a whole body dose, because tritium goes  
12 throughout the body. It's not just  
13 concentrated in one area, one organ.

14 In addition, external dose, the  
15 kind that you measure on a film badge, or a  
16 TLD, is a whole body dose. So what Mound did  
17 and many other sites did, they combined  
18 tritium and external dose into one whole body  
19 dose and they reported that as a combined  
20 number.

21 So when you look and you see a  
22 number in that column, it could be that the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 person was monitored for tritium and had a  
2 negative dose. That's one possible  
3 interpretation.

4 It could be that that person had  
5 external dosimetry and did not have a positive  
6 reported dose. It could be both. Just  
7 looking at that number, you can't tell what  
8 the situation is.

9 One situation, if it was a tritium  
10 dose, they would probably qualify for the SEC.  
11 The other situation, if it was just external,  
12 they wouldn't automatically qualify for the  
13 SEC.

14 So how do you resolve it? Well,  
15 the way that we have approached data every  
16 other time, is we go to the primary data  
17 source.

18 The primary data source in this  
19 case is the Mound tritium log books. This is  
20 where the internal dosimetry folks at Mound,  
21 when they collected tritium urinalysis  
22 results, they recorded them in these log

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 books.

2 Now from there, throughout the  
3 history of Mound, they were transcribed into  
4 computer databases, eventually winding up in  
5 MESH.

6 And in the past we have had to  
7 spend some effort looking at the transfer of  
8 that data from the original source in the log  
9 books to these various electronic databases  
10 and was anything missed, was it done  
11 correctly, we have examined that.

12 That's why we always try to go  
13 back to the primary data source when we can,  
14 when it's readily available. In this case the  
15 tritium log books were readily available. We  
16 captured them. We coded them.

17 And that was the genesis of the  
18 list that we made of individual workers who  
19 had given tritium urinalysis results.

20 Now when I say log books, don't  
21 get too hung up on that, because there were  
22 some periods of time that they weren't log

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 books -- they were typed sheets or various  
2 different hard copy forms. So basically I am  
3 talking about hard copy, original hard copy  
4 data.

5 So as long as we were looking at  
6 this radon issue again, we took the  
7 opportunity to go back and double check and  
8 make sure that there were no chronological  
9 gaps in our collection of hard copy tritium  
10 urinalysis data.

11 Well unfortunately we discovered  
12 that there were a couple of gaps within the  
13 report. There were a couple of years I think,  
14 what '74 and --

15 CHAIR BEACH: September 1, '72  
16 through December 31, '72.

17 DR. ULSH: So the last quarter of  
18 '72.

19 CHAIR BEACH: And then the two-  
20 year period January 1, 1975 through December  
21 31, 1976.

22 DR. ULSH: So for those two time

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 periods, we did not have the original tritium  
2 urinalysis data. Therefore we are proposing,  
3 and this has not been acted upon, we are  
4 proposing to the Working Group and the  
5 Advisory Board, that for those two time  
6 periods we expand the Class Definition to  
7 include all workers because that was our means  
8 of determining who could have been in SW-19,  
9 was that data. We don't have that data for  
10 those two time periods.

11 MEMBER ZIEMER: Just a procedural  
12 question here. If we proceeded with this  
13 proposal, does that require that you revise  
14 the Evaluation Report or --

15 DR. NETON: I think it's more than  
16 that. I think it would have to be --

17 MEMBER ZIEMER: Because this looks  
18 a little bit like an 83.14 almost.

19 DR. NETON: I believe that would -  
20 - I haven't thought about this, but I would  
21 think that it would need to be 83.14 because  
22 we have already opined as to what our position

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 is. The Board has acted on it. We are now  
2 recommending a change in the Class and to  
3 change that Class Definition then we would  
4 have to go through the 83.14.

5 MEMBER ZIEMER: And that's for  
6 this particular period.

7 MS. LIN: And it's a different  
8 basis for having this Class. So you know --

9 DR. NETON: It's changed the basis  
10 for the Class. You'd essentially have to add  
11 an additional Class.

12 CHAIR BEACH: Will you be ready  
13 for that at the Board meeting in December?

14 DR. ULSH: Don't know. It depends  
15 on your recommendations.

16 MEMBER ZIEMER: Well, I don't  
17 know. Let me ask the Chair. It seems to me  
18 that we could go ahead and act on it. But  
19 it's out of sequence because we don't have a  
20 83.14 request --

21 CHAIR BEACH: It is.

22 MEMBER ZIEMER: We have -- we have

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the report, which --

2 DR. NETON: Let me sort of back up  
3 a step though, because part of the resolution  
4 of this problem depends on whether this  
5 original argument that Brant proposed about  
6 the R building, if that holds, if that doesn't  
7 hold then we have got a whole separate issue.

8 CHAIR BEACH: Okay and so let's  
9 not talk -- let's not go to that until we hear  
10 from SC&A and hear from any petitioners that -  
11 - or claimants that have questions.

12 MEMBER ZIEMER: Right, I just  
13 wanted to get a feel for process-wise, what  
14 would --

15 CHAIR BEACH: You stole my thunder  
16 because I was going to ask --

17 (Simultaneous speaking.)

18 MR. KATZ: Just to be clear I  
19 mean, you wouldn't -- the Work Group wouldn't  
20 be making a recommendation until the Board  
21 meeting and at that point you would have an  
22 Evaluation Report on the table and so on.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 CHAIR BEACH: Right.

2 MR. FITZGERALD: Can I ask a  
3 clarifying question? What's the status of the  
4 current SEC Class? Is that being implemented  
5 as we do all this? So this is not holding  
6 anything up?

7 MR. KATZ: No, it isn't.

8 CHAIR BEACH: It's only holding up  
9 people in that time frame.

10 MR. FITZGERALD: In that specific  
11 time.

12 CHAIR BEACH: Okay. Well, and I  
13 was confused. I know I sent Jim a couple of  
14 emails saying okay what exactly is this Work  
15 Group supposed to do here.

16 DR. NETON: So I think it's pretty  
17 clear at this point I hope --

18 CHAIR BEACH: Yes, it's much more  
19 clear.

20 DR. NETON: We need to decide  
21 whether this new finding about the R building  
22 monitoring status changes the Working Group's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 opinion on the validity of the Class as it  
2 currently is defined.

3 Then we can take up the issue  
4 about the 83.14 with the missing bioassay if  
5 that --

6 CHAIR BEACH: Well, and let's be  
7 clear. Let's be clear. The Class Definition  
8 that is existing right now, the original one,  
9 that is not changing. You are still going to  
10 say R and SW as --

11 DR. NETON: Well, no, see here's  
12 the situation. We actually have -- this has -  
13 - brought this up, and I think Brant said a  
14 member of the public, it's actually a claimant  
15 --

16 CHAIR BEACH: Right.

17 DR. NETON: Had clear,  
18 demonstrable evidence that he had worked in  
19 the -- the person had worked in the R building  
20 and had no tritium bioassay and our response  
21 was well how could this possibly be?

22 And then we dug into this. So

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that person was denied membership in the Class  
2 because they didn't have tritium bioassay yet  
3 they had worked in the R building and through  
4 subsequent review, we realized they had worked  
5 in the -- what I call the cold portion in the  
6 half that was not contiguous with the SW  
7 building. So --

8 MR. KATZ: So another, just timing  
9 question, is have you located a claimant whose  
10 dose reconstruction you can't do through the  
11 83.14 process?

12 DR. NETON: I don't think we have  
13 gone down that path. I mean it's sort of like  
14 a --

15 MR. KATZ: It's a pretty, that's a  
16 pretty narrow, well -- the final claimant that  
17 I --

18 DR. ULSH: Well, the original --

19 DR. NETON: No, he would not be  
20 eligible. That person would not be eligible.  
21 If this went forward, anyone who worked on the  
22 --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. ULSH: Oh, right, right --

2 DR. NETON: What I call the cold  
3 side of the R building, the non-tritium-  
4 monitored side of the R building would not be  
5 -- would not have tritium bioassay and  
6 therefore would not be a member of the Class.

7 DR. ULSH: You know, I think it  
8 would be a little bit premature for us to get  
9 that far down the 83.14 road when we don't yet  
10 know what the Working Group is going to do.

11 DR. NETON: I mean we could try to  
12 identify that there might be people out there,  
13 but I don't think we've done that.

14 MEMBER ZIEMER: Well and the other  
15 thing is that someone whose work may have  
16 spanned that area may already be in the SEC,  
17 because that's a pretty narrow band they're  
18 already covering before --

19 MR. KATZ: And so they wouldn't be  
20 a claimant for whose dose reconstruction you  
21 can't do unless they had a cancer that's not  
22 covered by the SEC.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 MEMBER ZIEMER: Right.

2 MR. KATZ: So that's what -- I  
3 only raise it only on a timing issue because  
4 they'll have to identify a claimant through  
5 the 83.14 process --

6 MEMBER ZIEMER: It's not like  
7 someone's waiting for a dose reconstruction.

8 MR. KATZ: So whether December  
9 timing works depends in part on that, if  
10 everything goes forward as they are  
11 suggesting.

12 DR. NETON: Well, let's put it  
13 this way. I suspect that there's a lot of  
14 people that could have worked at Mound in  
15 those two years, never have been in that  
16 building and then be -- all of a sudden become  
17 members of the Class. See even though it's  
18 only a two-year period, that opens it up to  
19 the entire site being eligible for the SEC. I  
20 think there's probably a reasonable chance  
21 that someone has been denied membership in the  
22 Class because they don't have tritium bioassay

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 but they worked in 1973 and '74, which would  
2 make them eligible under this proposal.

3 I think there's probably more  
4 people out there than you would think. I  
5 don't know.

6 MEMBER CLAWSON: Mark, on -- how  
7 are you going to be able to distinguish for  
8 not the years, the people that worked on the  
9 cold side of R.

10 DR. NETON: I don't think you'd  
11 have to. They just wouldn't have tritium  
12 bioassay samples.

13 DR. ULSH: Right, what we're  
14 proposing, with the exception of those years  
15 where we have no original tritium urinalysis  
16 data, with those exceptions, we are not  
17 proposing a change in the Class Definition.  
18 We are proposing that the Definition, as is,  
19 is appropriate based on tritium urinalysis  
20 data.

21 Now the exceptions that we  
22 mentioned are when we don't have that data,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 and we're saying include everybody because we  
2 can't narrow it down.

3 DR. NETON: Because the original  
4 Class Definition said nothing about the R  
5 building.

6 CHAIR BEACH: No it did not.

7 DR. NETON: It just said anyone  
8 who was monitored for tritium.

9 CHAIR BEACH: And I think the  
10 reason for this confusion is we went -- we had  
11 like four or five different --

12 DR. ULSH: Yes.

13 CHAIR BEACH: -- versions of the  
14 Class Definition when we voted on it. We were  
15 scrambling. At one point it said R and SW.

16 DR. ULSH: It did.

17 CHAIR BEACH: The letter that went  
18 to the Secretary said R and SW, but if you  
19 look at the actual definition that was --

20 DR. NETON: Well, the definition  
21 didn't say R and SW, but you are right, in the  
22 logic --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 CHAIR BEACH: Logic, yes.

2 DR. NETON: -- discussion, the  
3 rationale of adding the Class, it talked about  
4 the R building being monitored and that is  
5 something we also need to take up with OGC  
6 about what that means in modifying that  
7 original -- or not -- original discussion that  
8 went to the Secretary's office.

9 MR. FITZGERALD: Yes, if I can  
10 jump in.

11 CHAIR BEACH: Yes.

12 MR. FITZGERALD: That's kind of  
13 where I was coming from too, that you know, we  
14 had in the original Site Profile as Brant was  
15 mentioning, you know we raised it early on  
16 back when we interviewed somebody and we were  
17 trying to get a sense of the scope of this  
18 thing.

19 And SW-19 was the easy one. That  
20 was clearly a problem in terms of influx. But  
21 we did get this one interview that seemed to  
22 indicate there was some entry at the R

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 building.

2           And you know, being a Site  
3 Profile, we didn't spend a lot of time trying  
4 to you know, dig -- you know we had a set of  
5 interviews, we got that data point and we  
6 brought that to the Work Group.

7           And you know I think that was  
8 represented fairly accurately. We didn't  
9 really pursue that any further. We sort of  
10 focused on the implications of radon coming in  
11 and you know, whether or not it was dose  
12 reconstructable, and that kind of proceeded.

13           And certainly in the final  
14 discussions, it didn't really get addressed  
15 either, I mean it was just sort of assumed  
16 there was an entry point based on that, that  
17 could have included R. R and SW was  
18 contiguous. I think Jim, you brought up that  
19 you know, people did move from the R and SW.  
20 Now we know it's clear they only moved  
21 apparently on the tritium areas.

22           But there was some movement, so

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 they could have been exposed to the  
2 concentrations in and around SW-19. So there  
3 was a lot of discussion of that, which made it  
4 a more dynamic situation, which was part of  
5 the basis for the SEC.

6 And there was a lot of discussion  
7 about well, how do you scope that, and I think  
8 the Work Group at the time felt the easiest  
9 way was just to say R and SW because you know,  
10 radon sort of finds its own way so to speak,  
11 and there was some evidence that it was  
12 getting into both buildings.

13 And then, as I think we indicated,  
14 it was a lot of give and take and the feeling  
15 was that the trigger should be tritium  
16 bioassay because of this strong evidence that  
17 to get into R and SW you needed a tritium  
18 bioassay, and that seemed to be a cleaner way,  
19 just as opposed to using building  
20 designations.

21 I can't recall all the discussion,  
22 but I thought there was some unease about

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 using building designations at the time and it  
2 was a feeling that the tritium bioassay in the  
3 log was a much more cut and dry way of  
4 determining access.

5 And that certainly is the  
6 background. Now, the research I am hearing  
7 about is certainly taking what we did in that  
8 Site Profile interview a lot further, and I  
9 think it clarifies things that we didn't have  
10 a chance to clarify.

11 The only issue I have is that we  
12 did acknowledge influx into R building, and I  
13 think like this issue in general, once you get  
14 past the actual measurements in SW-19 and you  
15 know, sort of the concentrations in the  
16 tunnel, it gets a lot more subjective.

17 I mean you know, we don't really  
18 have good data points for radon measurements  
19 throughout R and SW. If we did we wouldn't  
20 have this discussion.

21 We don't really have, you know, a  
22 lot of specific information about you know,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 did worker A go to worker you know, location  
2 B. So it becomes more subjective.

3           And I think the points that Brant  
4 is making are pretty persuasive, that if you  
5 have a negative pressure flowing into SW, and  
6 you have a sufficient barrier so that you  
7 know, you can assume that there isn't too much  
8 mixing of both people and air, and that you  
9 know, your rigor of tritium bioassay going  
10 from the cold -- cold side -- non-tritium --  
11 the non-tritium side to the tritium side of R  
12 building, you have a rigor that precludes  
13 people from just dropping in a lot, then I  
14 think that's fairly persuasive.

15           But again, it's subjective and the  
16 only thing I would offer is that the Work  
17 Group might consider, given this turn, you  
18 know, sort of, because it did advocate R  
19 building, whether it wants anything more  
20 confirmatory about things like -- I didn't see  
21 a whole lot on -- I think that the discussion  
22 on negative pressure and you know fume hoods,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 I think the issue on R building was that one  
2 interview, it was pretty clear that operation  
3 of a fume hood in a room seemed to really  
4 exacerbate the influx.

5 I don't have any idea how many  
6 fume hoods were in R building and didn't  
7 really have a chance to go look at the  
8 pressure -- not the pressure -- but the  
9 ventilation patterns.

10 But you know I think there might  
11 be some --

12 MEMBER ZIEMER: Are you talking  
13 about the -- from the non-tritium side?

14 MR. FITZGERALD: Yes. I mean if  
15 you have a --

16 MEMBER ZIEMER: Whether they were  
17 going there --

18 MR. FITZGERALD: Yes, if you have  
19 fume hoods drawing -- see the issue is, yes,  
20 the tunnel ended. I'm not going to argue that  
21 because I think we didn't have a chance to  
22 really look at the line drawings.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1           But if radon was entering R  
2 building, I don't think anybody will know  
3 where it went. Now, the negative pressure I  
4 think is a very strong qualifying factor that  
5 it probably didn't go too far.

6           I think if there weren't these  
7 kind of fume hoods on the non-tritium side,  
8 that would be a very strong argument that you  
9 wouldn't have another way of getting any radon  
10 from the foundation into the non-tritium area  
11 either.

12           And if you had -- and this part  
13 bothers me a little bit, because we had some  
14 misgivings about how rigorous the tritium  
15 bioassay entry requirements were, because I  
16 think we even heard from -- Mr. Sheehan, was  
17 that you that admitted that you came into --  
18 there was somebody who came into SW and sort  
19 of acknowledged in one of our discussions that  
20 yes, they dropped in and they didn't have to  
21 do tritium bioassay.

22           So we had some misgivings about

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 whether there were people that might be  
2 exceptions that might have frequented but not  
3 necessarily got tritium bioassay.

4 If that requirement was fairly  
5 rigorous, then I don't think there's an issue.  
6 I think this presents a pretty good argument.

7 But I think there's -- you know,  
8 we just got the White Paper last month, and I  
9 think there's a few -- there's a few questions  
10 like that, just go ahead and put the R  
11 building to bed as far as that side of the R  
12 building would basically do it for me.

13 I don't know about the Work Group  
14 but you know if you are going to take the non-  
15 tritium part of the R building out I think you  
16 want to at least make sure about that and I  
17 think -- I didn't see too much on the  
18 ventilation but I did -- you just mentioned  
19 it. That's a pretty important theme in my  
20 mind.

21 If you had a reverse ventilation  
22 into SW from R, I would think that would have

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 a big mitigating effect on radon and the non-  
2 tritium portion, and particularly if there was  
3 a -- not an airtight barrier, not the  
4 molecular barrier, but you know, something  
5 that would keep the flow from mingling.

6 And if we could you know have  
7 something a little harder about the -- because  
8 one thing that we talked about a lot, and I  
9 think was raised in our discussions, was that  
10 you know one of the arguments for the SEC  
11 based on the SW-19 was, well you can really  
12 know who went in and out, I mean people kind  
13 of moved around, so you couldn't get a set  
14 group of workers that you knew were the only  
15 ones that would have been exposed to the radon  
16 in and around SW-19.

17 So that came up and I think to put  
18 that to bed you would want to know that you  
19 don't have that kind of movement, you don't  
20 have support workers who would not have had a  
21 tritium bioassay.

22 So I think there's a little bit

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 more of making sure we understand that  
2 clearly, that that was a requirement that went  
3 across the board. It would include support  
4 workers and they would not have gone in and  
5 acquired and accumulated you know -- those are  
6 the one set of workers who could get 250 days  
7 if they were in maintenance or something.

8 And I kind of doubt that they  
9 would not have been tritium-bioassayed if they  
10 frequented it from a support standpoint, but I  
11 think that that confirmation somehow I think  
12 would put that to rest.

13 So I guess my overall sense is  
14 this is pretty persuasive but there's some  
15 confirmatory things that would be useful,  
16 given the fact that we are really defining a  
17 hard line on the SEC and that there was  
18 discussion.

19 And when we were before discussing  
20 this SEC about the R building as a whole, that  
21 should be included, and we backed off because  
22 we were reassured that the tritium bioassay

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealgross.com](http://www.nealgross.com)

1 requirement would be the trigger, and that  
2 would in fact encompass both R and SW.

3 Now it appears that's not the case  
4 so -- or not the case in this context anyway.

5 CHAIR BEACH: So I think I heard  
6 some action there possible --

7 MR. FITZGERALD: Well, I -- no,  
8 no, no, not a whole lot of action. I think  
9 it's just things that are being said, I think  
10 if we could get some confirmation, I think  
11 that would be sufficient.

12 DR. ULSH: Well let me be clear  
13 about my basis for making those statements.  
14 It's largely anecdotal. I talked to a former  
15 Mound worker who worked in this building for a  
16 number of years.

17 If you want documentation of the  
18 tritium bioassay requirements, we would have  
19 to go look for that and I'm not saying we  
20 can't. We can. We can go look for that.

21 In terms of ventilation, again,  
22 that is talking about the same worker, it's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 anecdotal. If you want information about the  
2 ventilation patterns in that building we would  
3 have to go look for that as well.

4 So I mean if that's the actions  
5 you are asking then --

6 MR. FITZGERALD: Well I think, but  
7 I think those are very important, I guess,  
8 questions, but are they -- it seems like there  
9 must be something documented.

10 I mean it can't -- that kind of  
11 information sounds like to me engineering  
12 information that you would have at any plant.  
13 I mean am I wrong on that? You would have  
14 some evidence of what kind of patterns that  
15 you would have.

16 DR. ULSH: I'm not sure. I'd have  
17 to go look.

18 MR. FITZGERALD: Okay.

19 DR. ULSH: It's not something that  
20 I have looked for in the past.

21 MEMBER ZIEMER: Do we know whether  
22 there were fume hoods in the other side?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 (Simultaneous speaking.)

2 DR. ULSH: -- there was at least  
3 one in the non-tritium part of the R building.

4 MR. FITZGERALD: Non-tritium.

5 DR. NETON: They were working with  
6 plutonium and other actinides in that building  
7 so I am very sure they had hoods.

8 MR. FITZGERALD: And to be clear,  
9 I mean, the thing that we found in the Site  
10 Profile Paul was anecdotal as well, I mean in  
11 terms of the --

12 MEMBER ZIEMER: Well, but I'm  
13 thinking in terms of engineering drawings. It  
14 seems to me that I mean, do we have any  
15 engineering drawings of that building,  
16 operational drawings that would tell us where  
17 -- if you knew where the fume hoods were, you  
18 could easily determine where the air supply --  
19 I mean it wouldn't make sense that they would  
20 be drawing their air from this other part of  
21 the building into there, otherwise that  
22 reverses your flow.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   So I mean, sort of --

2                   DR. ULSH:        I am sure that  
3 engineering drawings must have existed at one  
4 time --

5                   MEMBER ZIEMER:       But it's not  
6 something that you have?

7                   DR. ULSH:    I don't know if we have  
8 it.

9                   DR. NETON:   We may or may not. We  
10 haven't really looked at that level.

11                   MEMBER CLAWSON:        You've got  
12 engineering drawings for the tunnel, correct?

13                   DR. ULSH:    I've got the blueprint,  
14 the line drawings for the tunnel and they're  
15 in the report and in the SRDB.

16                   MEMBER SCHOFIELD:       How about  
17 looking into possibly state permitting or even  
18 -- I am sure they were on some type of program  
19 for replacement of the HEPA filters and stuff  
20 in the building, which would probably document  
21 what they went to, where, and that would give  
22 you an idea what kind of fans, what kind of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 ventilation they would have.

2 DR. ULSH: My initial thought,  
3 Phil, is that a state or federal regulatory  
4 agency would be concerned about what you are  
5 blowing out the stack.

6 Where it goes before it gets to  
7 the stack is probably not their big concern.  
8 But I don't know, we -- again it's not  
9 something that we have investigated.

10 MEMBER SCHOFIELD: What I'm  
11 thinking is did you use your documentation for  
12 that, like, okay, we have these HEPA filters  
13 here, they go to this type of -- this  
14 ventilation system and then that goes into a  
15 file.

16 MEMBER ZIEMER: Well, if this --  
17 if this stack is pulling from the non-tritium  
18 side, which is I think what you indicated --  
19 do we know that for sure?

20 DR. ULSH: Yes, this stack  
21 serviced both SW and R.

22 MEMBER ZIEMER: So if there were

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 fume hoods over there, it's pulling on those?

2 CHAIR BEACH: Yes, if you look  
3 here you can see that the stack, well actually  
4 -- this is a better map. The stack goes all  
5 the way through.

6 DR. ULSH: Wait. Hold on.

7 CHAIR BEACH: Is that correct?

8 DR. ULSH: The stack is located  
9 here. Here's the tunnel right here. The  
10 tunnel --

11 CHAIR BEACH: Okay, so what is  
12 this right there?

13 DR. ULSH: I don't know. I would  
14 have to look.

15 CHAIR BEACH: That looks like  
16 another source of ventilation to me or a  
17 stack, because it goes through --

18 DR. ULSH: It's too tiny to --

19 CHAIR BEACH: But I -- that -- I  
20 would want to know more about that. And then  
21 it changes. And just for those of you on the  
22 phone, we are must looking at the drawings on

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 page 11 and 12 of NIOSH's report.

2 MEMBER ZIEMER: It's the October  
3 report.

4 DR. ULSH: I'll pull it up. Okay.

5 Well, this might be relevant. The title of  
6 this drawing is SW building. I put partial, I  
7 put the word partial.

8 It's heating and ventilation. So  
9 it might be the kind of thing that you are  
10 looking for. It's a heating and ventilation  
11 drawing.

12 And yes, Josie, that telescoped  
13 line across the drawing there that you were  
14 talking about, it does give the dimensions and  
15 it does show that it -- where the -- different  
16 ventilation tunnels run.

17 Now again, I have only shown --  
18 again I'll draw -- if you consider this entire  
19 line drawing, if it -- it's one of those  
20 building blueprints.

21 I snipped out the relevant  
22 portion. Well, I guess it's this part here.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 There's more and that is in the original  
2 drawing that is in the SRDB. So if you want  
3 to see that kind of detail that's where to  
4 look.

5 CHAIR BEACH: Well, I think to  
6 separate the two buildings we are going to  
7 have to see that level of detail.

8 DR. ULSH: Okay, I think this  
9 drawing, this particular drawing is only of  
10 the SW building.

11 CHAIR BEACH: Is it only SW?

12 DR. ULSH: Yes, but --

13 CHAIR BEACH: Okay.

14 DR. ULSH: But I'm confident that  
15 there's a corresponding drawing for the R  
16 building, which I could go get.

17 CHAIR BEACH: And kind of the way  
18 I see it, and correct me if I'm wrong, we are  
19 kind of struggling with two separate issues  
20 here. We are struggling with the initial Class  
21 Definition, and the R and SW, and then the  
22 second part of this, the 83.14 that you are

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 proposing, actually covers all workers, so  
2 it's really not part of this.

3 DR. NETON: It wouldn't be if the  
4 proposal that we put forth is accepted by  
5 everybody.

6 MR. FITZGERALD: I see -- Josie, I  
7 see a dilemma though, because the presumption  
8 that the you know -- the presumption the Work  
9 Group was working on was that the tritium  
10 bioassay entry requirements would in fact  
11 encompass both buildings. That was the reason  
12 they went forward that way.

13 And it was a claimant that came  
14 forward that proved that presumption  
15 incorrect. So now we are going back and  
16 essentially doing further research to -- and I  
17 think the research is good. Don't get me  
18 wrong. We are actually trying to back off the  
19 scope of the SEC based on the fact that we now  
20 know that that presumption has proved  
21 erroneous.

22 And now we are trying to figure

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 out, more subjectively I might add, you know,  
2 how far to back it off. And I think again the  
3 parameters that are being discussed are pretty  
4 good ones.

5 But I think, given the  
6 circumstances, that in fact the claimant has  
7 gone forward has shown that the SEC  
8 presumption on tritium entry as being a  
9 trigger was not adequate.

10 I think there's a little bit more  
11 homework or just verification that we are  
12 clear that ventilation or the entry source in  
13 fact are adequate.

14 And I am a little concerned about  
15 anecdotal. I think anecdotal sounds, given  
16 the circumstances, maybe a little weak, that  
17 maybe we need to do more -- nothing wrong, I  
18 don't think we need to do a lot more -- but we  
19 just need to do a little bit more to make sure  
20 this is validated.

21 DR. NETON: I'd just like to -- I  
22 think it's a little different than maybe what

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 you portrayed the decision process was. My  
2 recollection was it was NIOSH's position that  
3 we did not feel that radon was -- should be,  
4 probably cover anywhere other than SW  
5 building.

6 SC&A's position was well, we don't  
7 know that it didn't go into the R building and  
8 until we know that, you know, we are not going  
9 to say okay.

10 MR. FITZGERALD: Well, we did know  
11 it went into R but --

12 DR. NETON: Well we don't know it  
13 went into R. See, that's the point. The  
14 question was, where did the tunnel stop, and  
15 Brant has demonstrated --

16 MR. FITZGERALD: No, no.

17 DR. NETON: -- conclusively that  
18 the tunnel stopped --

19 MR. FITZGERALD: But please, this  
20 is important. I think we did have the  
21 interview with the rad tech who actually  
22 monitored --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. NETON: Right.

2 MR. FITZGERALD: -- a room in R  
3 building where it was coming in, and I think  
4 Brant was able to validate that and even go a  
5 little bit further.

6 Now, that's where we left it  
7 because that was kind of the Site Profile  
8 inquiry, which says you know we don't know  
9 what the implications are for the building as  
10 a whole, but we can demonstrate that it wasn't  
11 just SW.

12 That's kind of what we told the  
13 Work Group and I think in the discussions it  
14 was clear that you know, okay, you know, the  
15 easiest thing to do is just say, since R and  
16 SW are joined, it's just both buildings.

17 DR. NETON: I agree. But in  
18 tracking that to ground, I think it's  
19 demonstrated that the radon was on the  
20 tritium-monitored side of the R building. I  
21 hope that's clear.

22 MR. FITZGERALD: Well, I think, I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 think qualitatively you have made a persuasive  
2 argument. I'm just saying that at this stage  
3 of the discussion, since we just are starting  
4 this discussion -- this is the first time we  
5 have actually had the information that Brant  
6 has brought forward in this White Paper -- I  
7 would say the only lingering question I have,  
8 is I think the ventilation pattern is  
9 important. I think the note that Brant made  
10 earlier about the negative pressure I think  
11 would be a key, key issue in my mind, that  
12 okay, yes, I think you got it.

13 But I would like to see certainly  
14 a little more than anecdotal reference from a  
15 worker that that was the case. And that's all  
16 I'm saying.

17 And I think that's got to be  
18 available somewhere, that you in fact have a  
19 ventilation pattern, a negative pressure,  
20 where you can be a little bit more conclusive  
21 that the -- you know, any radon would be  
22 moving in the other direction.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I'm just a little surprised that  
2 all we have is the anecdotal reference from a  
3 worker. It must exist in something on the R  
4 and SW --

5 DR. ULSH: I'm not saying it  
6 doesn't. What I'm saying is that that's not  
7 one of the factors that we have gone into  
8 depth on in the research that we have done so  
9 far.

10 It may very well be sitting in our  
11 SRDB or it may be that we have to go look for  
12 it.

13 MR. FITZGERALD: Yes, yes, and  
14 that's what I'm saying. Just to make sure  
15 it's clear I'm not saying that I find your  
16 overall argument wrong. I'm just saying that  
17 I think, given the circumstances of how this  
18 came about, it would be very important to at  
19 least nail that down and there's a couple of  
20 other things I'd be interested about fume  
21 hoods.

22 I think this -- that actually to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 me is maybe among the most important ones,  
2 that plus a little better tack on tritium  
3 entry, just to make sure that since we have  
4 had some hiccups on that in the past, that you  
5 know, we are pretty clear, if you were a  
6 maintenance person, you wouldn't be crossing  
7 back and forth into the tritium side of R if  
8 you didn't have tritium bioassay, that kind of  
9 thing.

10 DR. ULSH: So, Josie there's a  
11 couple of proposed actions on the table for  
12 further research, and I just want to be clear  
13 that we bring you what you want.

14 In terms of heating or in terms of  
15 ventilation, the ventilation issue, we already  
16 have in the SRDB and a portion of it in this  
17 report, this heating and ventilation drawing.

18 We don't have that drawing in our  
19 possession for the R building, but I am pretty  
20 confident I can get that. Once I do that and  
21 put it in the SRDB and let you guys know that  
22 it's there, is that the information that you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 are looking for on the ventilation question?

2 CHAIR BEACH: That, yes, that is  
3 part of it, for ventilation.

4 DR. ULSH: For ventilation.

5 MEMBER ZIEMER: Let me ask a  
6 question though. Will we be able to tell do  
7 you think from those drawings actually what  
8 the movement, what's hooking up to what, the  
9 words -- for example, will we know that the R  
10 building ventilation goes through this stack -  
11 - that's the only stack in the building --  
12 will we know that from the drawings? How  
13 interpretable are they?

14 DR. ULSH: I don't know Paul.  
15 I'll leave that to your discretion. There's a  
16 sample of it here in the report and --

17 MEMBER ZIEMER: Yes, we'll have to  
18 look at it and see whether we can make  
19 something out of it.

20 MEMBER CLAWSON: Josie, one other  
21 part of this -- because I want you to take a  
22 look at this. When you put a building at

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 negative pressure, you have to have a supply.

2 That's how you maintain it at your negative  
3 pressure, so with the dampers.

4 And if you follow this on with  
5 page 12 over the top where it says the  
6 concrete plenum right here, and you see the  
7 ducts going across that, that's your supply  
8 air coming into the facilities.

9 And it flows into your main ducts  
10 that run down through the center of this.  
11 Through the use of the dampers and stuff is  
12 where you maintain your rooms, and also the  
13 building at it.

14 The thing that's --

15 CHAIR BEACH: Brad, it's not clear  
16 if that -- that looks like it hooks into the  
17 tunnel and it's not clear that it hooks into  
18 the other -- that one goes across the middle.

19 MEMBER CLAWSON: That's -- that's  
20 the point I'm trying to get at --

21 CHAIR BEACH: Okay, sorry. Go  
22 ahead.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   MEMBER CLAWSON:    Because we need -  
2                   - we need to be able to see how the supply --  
3                   because to me right here, what bothers me is  
4                   we've got the tunnel that goes right up and  
5                   right across, and goes right into the bottom  
6                   of this air plenum, and it's got that concrete  
7                   plenum right here.    That's -- that is your  
8                   supply air.

9                   CHAIR BEACH:    Okay, so go ahead --

10                  MEMBER CLAWSON:    So we need a --  
11                  we need to determine from the prints.  If you  
12                  have got it, we can determine the flow chart  
13                  from that.  But it makes me worried about this  
14                  being the tunnel underneath there, and right  
15                  over at the other end of it, this is the  
16                  supply air coming in.

17                  Because if you look at your main -  
18                  - main tunnel right there, you've got 3,450  
19                  CFM compared to the 6,500.  On both sides of  
20                  the building, flowing inward, you have your  
21                  supply air coming into your exhaust going out.

22                  You control -- those rooms are

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 controlled by dampers to maintain the negative  
2 pressure. I just want to be able to make sure  
3 where we are pulling that supply air from.

4 DR. ULSH: So, are you happy with  
5 this drawing or do you want something --

6 MEMBER CLAWSON: Well, this  
7 drawing, what bothers me is the concrete  
8 plenum that you are drawing your air from is  
9 the same one right above the tunnel.

10 DR. NETON: Well, I think we just  
11 need to go get the drawing.

12 CHAIR BEACH: Well, I think we  
13 need -- this is SW. We need --

14 MEMBER CLAWSON: We need, we need  
15 help. We need help. R is going to tie into  
16 it. It's --

17 DR. ULSH: My action item out of  
18 this in terms of the ventilation question is  
19 to go get the corresponding drawing for the R  
20 building.

21 Now the other proposed action  
22 that's on the table is to --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. NETON: Well, I think it does  
2 slightly go beyond just get the drawing but  
3 try to determine, at least internally within  
4 NIOSH, what we believe to be the case, where  
5 did the air -- was under negative pressure --

6 MEMBER ZIEMER: Basically you want  
7 to be able to demonstrate that R isn't drawing  
8 air from SW.

9 DR. NETON: Exactly. I think if  
10 we get the right drawing, we should be able to  
11 do that.

12 CHAIR BEACH: So we're also  
13 looking at the fume hoods in R, if there are  
14 any and --

15 DR. ULSH: There are.

16 CHAIR BEACH: What their source  
17 is.

18 MEMBER ZIEMER: Well, there's  
19 still got to be plenums to supply the rooms  
20 where those fume hoods are.

21 MR. FITZGERALD: It's the same  
22 issue. Are they drawing them out you know,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that kind of thing.

2 MEMBER ZIEMER: Yes.

3 MR. FITZGERALD: Yes.

4 DR. ULSH: Now the other --

5 MEMBER ZIEMER: And you also have  
6 this, and many of these things, where you have  
7 a negative system but if part of the system is  
8 turned off, for example if the SW side is  
9 turned off, does the R side pull air back?

10 I mean I've seen this in hoods --  
11 you have two hoods in the room, you turn one  
12 off and the other one is working and you get -  
13 - you get air exchange. You need a little bit  
14 of definition out of that.

15 Is it possible for the air to move  
16 in the other direction if some subset of those  
17 things is turned off? Some of them work great  
18 if everything is running.

19 Of course nowadays, you get alarms  
20 if the rooms go -- if you lose the negative  
21 pressure. I don't know if they had that in  
22 those days.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. ULSH: Yes, that's covered in  
2 the -- one of the followup interviews that we  
3 conducted, the question was asked, what  
4 happens when you had a power outage.

5 Because this stack right here --

6 MEMBER ZIEMER: Well, even without  
7 a power outage, sometimes you lose negative  
8 pressure for other reasons, but yes.

9 DR. ULSH: The stack right here  
10 was an active stack, not a passive stack. It  
11 was hand-driven.

12 MEMBER ZIEMER: Yes, okay.

13 DR. ULSH: So when power was lost,  
14 that fan would shut off. The alarms would  
15 start to go off across the buildings and  
16 people evacuated. That's what happened.

17 MEMBER CLAWSON: SW was built  
18 first, right, and then R was added on? I  
19 thought I remembered, because getting into  
20 this, the first SW is built and like all these  
21 sites, you know, they add on buildings right  
22 and left, the way it goes in.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 DR. ULSH: I don't know Brad. I  
2 don't know which one was built first.

3 CHAIR BEACH: Okay, so -- oh  
4 sorry.

5 MEMBER CLAWSON: I was just going  
6 to say, 10 to 1 with -- because this is just a  
7 basic flow diagram for SW. You probably have  
8 a fume hood diagram somewhere in their, in  
9 their paperwork.

10 This can show how all that ties  
11 in, also how R ties into the facility too. It  
12 should be relatively easy.

13 DR. ULSH: If it exists over -- if  
14 I can find it, I'll grab it.

15 CHAIR BEACH: Okay, so let's be  
16 clear. Can you just run through your action  
17 items again, just to make sure we have covered  
18 them all?

19 DR. ULSH: I'm going to look for  
20 the drawing, the corresponding drawing for the  
21 R building. I'll do that. If there are  
22 drawings in this collection that deal with

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 fume hoods, I'm going to grab those too.

2 Now Jim talked about some further  
3 deliberations --

4 DR. NETON: To the extent we can,  
5 yes, based on the information we find, can we  
6 document the directionality of the flow of the  
7 air between the R and SW building?

8 That's the main goal here. I  
9 don't want to just throw data out to the  
10 Working group and say okay, here it is , what  
11 do you think?

12 I mean we should do some sort of  
13 interpretation of we find, that's all I'm  
14 saying.

15 CHAIR BEACH: And then tritium  
16 entry requirements, what --

17 DR. ULSH: Yes, that was the  
18 second proposed action and I guess I am asking  
19 you what kind of documentation you want to  
20 see.

21 MR. FITZGERALD: Well, I think  
22 that issue is just to -- you know we have had

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 in and outs on this issue. I think it would  
2 be helpful to see if there's anything that  
3 could clarify, you know, how rigorous I guess  
4 is the best word in terms of people going back  
5 and forth from non-tritium to tritium, whether  
6 or not one would expect them to receive  
7 tritium bioassay, not just for the dropping  
8 the mail off type thing, but you know, if they  
9 in fact had regular duties like maybe  
10 maintenance or something like that.

11 So just to clarify that because I  
12 am still a little uncertain about that  
13 situation, more so now that we learn that even  
14 within R building you had these two camps that  
15 were coexisting.

16 And I think that would help answer  
17 the question I think Brad raised earlier,  
18 which is would you expect to have much  
19 mingling and therefore some problems with  
20 that? I think that would help the Work Group  
21 clarify, no, it was fairly rigorous, there  
22 might have been some intermittent, but

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 certainly not 250 days type of thing. That's  
2 all I'm saying.

3 DR. ULSH: Well, we -- I  
4 understand the intent.

5 MR. FITZGERALD: But as far as the  
6 actual mechanics, I would look for any  
7 progress reports or something that would speak  
8 to Joe Schmo you know, was exposed to tritium  
9 but was not monitored or something that would  
10 show evidence that they were actually managing  
11 that so that you didn't have -- you wouldn't  
12 expect to -- because they had procedures that  
13 said that but I think we are finding they are  
14 not necessarily airtight in all cases.

15 In this case you have two  
16 populations in the same exact building  
17 separated by perhaps a door, where on one side  
18 you had a tritium bioassay presumably, on the  
19 other side you did not.

20 I can't imagine back in the '60s  
21 and '70s that was necessarily as rigorous as  
22 we would think it might be, you know.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   MEMBER ZIEMER:    But in the actual  
2 case though that sort of raised this question  
3 it was sort of the reverse.  It's not a person  
4 who claims they were exposed to tritium --

5                   MR. FITZGERALD:  Right, right.

6                   MEMBER ZIEMER:  They weren't given  
7 that bioassay.  They were not given bioassay  
8 and were in the building that was presumably  
9 what we were designating initially.

10                  MR. FITZGERALD:  Yes, and we were  
11 concerned -- in this original assessment we  
12 were concerned about actually the reverse  
13 issue but --

14                  MEMBER ZIEMER:  But what you are  
15 talking about seems to me it would be a little  
16 different.  Are there people who were exposed  
17 to tritium that didn't have a tritium  
18 bioassay?  That's sort of separate from the  
19 case that raised this.

20                  MR. FITZGERALD:  Oh no, no, I am  
21 not raising that.  I see it as the first,  
22 meaning that with the -- in this case it

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 wasn't a tritium worker, worked on a clean  
2 site, and the presumption is that he did not  
3 go over to the other side without -- because  
4 he didn't get a tritium bioassay.

5 MEMBER ZIEMER: Right.

6 MR. FITZGERALD: But I'm just  
7 saying are we -- how sure we are that -- how  
8 sure of that are we given the fact that this  
9 has come up before about is that a black and  
10 white line as far as entry into the tritium  
11 areas of R and SW or not?

12 MEMBER ZIEMER: Now the case,  
13 Brad, that you raised, the guy, was he  
14 claiming he got into the -- inside the  
15 building or was he --

16 MEMBER CLAWSON: No, he had access  
17 --

18 MEMBER ZIEMER: Or he could get  
19 inside from --

20 MEMBER CLAWSON: Oh, he had access  
21 --

22 MEMBER ZIEMER: this outer -- he

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 was working outside on the main line?

2 MEMBER CLAWSON: Well, yes the  
3 main power feed coming in --

4 MEMBER ZIEMER: Yes.

5 MEMBER CLAWSON: They had to do  
6 electrical upgrade on it as a lot of them did,  
7 especially when they added on buildings, you  
8 could actually gain access into the building,  
9 into the electrical panel room out through an  
10 outside door.

11 There was a door that went into  
12 the --

13 MEMBER ZIEMER: For the electrical  
14 stuff.

15 MEMBER CLAWSON: Yes, but part of  
16 the thing was --

17 MEMBER ZIEMER: It wasn't part of  
18 the regular entry?

19 MEMBER CLAWSON: No, this --

20 MEMBER ZIEMER: I got you.

21 MEMBER CLAWSON: Part of the thing  
22 was, is they were pulling cable from inside

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the facility to do the electrical upgrade.  
2 Well like anything else, especially with the  
3 negative plant, you pull a lot of stuff  
4 through you know, it's what they call influxed  
5 air that runs through the electrical columns,  
6 especially where it's off conduit.

7 CHAIR BEACH: Okay, any other  
8 actions there for radon?

9 MR. KATZ: Is that one clear,  
10 because it's still not clear to me what  
11 exactly how --

12 DR. ULSH: I mean we've got worker  
13 interviews that tell us what the policies  
14 were. I can probably find you written  
15 documentation that will at least cover -- that  
16 will at least be relevant to this.

17 I don't know whether it will  
18 answer every question. It's not clear to me,  
19 beyond those two data sources, exactly what we  
20 are looking for, but --

21 MR. FITZGERALD: Well, I think  
22 it's the rigor of implementation. I think

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 there's policy that says you should get  
2 tritium bioassay if you are in a tritium area.

3 I think no one argues with that.

4 But you know, you called, Brant --  
5 we did interview -- I can't remember who it  
6 was. But somebody -- we point blank asked  
7 them, we said you know, when you went to SW,  
8 did you have to leave a tritium bioassay, and  
9 this individual as I recall -- we can look up  
10 the notes -- responded that no because I  
11 didn't work there, but I went to, if I  
12 remember, I had a meeting or visit or  
13 something, and I thought that oh, that's  
14 interesting.

15 So you know, if you're not a  
16 worker in that building, you can still get in  
17 without a tritium bioassay. So that kind of  
18 raised some questions in my mind about how --  
19 you know these days you could not even walk in  
20 the door without evidence of being bioassayed.

21 Back then it sounded like it was a  
22 little looser. You could go in but as long as

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 you weren't a steady worker, you didn't need  
2 it.

3 DR. ULSH: My recollection of an  
4 interview -- I'm not sure that we are talking  
5 about the same interview.

6 MR. FITZGERALD: Okay.

7 DR. ULSH: But it was a particular  
8 worker, I will tell you his name when we are  
9 on break, said that -- the question was  
10 presented, if you worked in this building,  
11 would you be on tritium bioassay and the  
12 answer was yes.

13 But what about if you just went in  
14 intermittently, what if you went in to deliver  
15 a letter, or something like that, and the  
16 workers --

17 CHAIR BEACH: You had a meeting.

18 DR. ULSH: Right, had a meeting,  
19 right. That was another scenario.

20 CHAIR BEACH: Yes.

21 DR. ULSH: And the worker said,  
22 well, you know, it's possible someone could

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 have gone in for a meeting or to deliver a  
2 letter and not given tritium bioassay. They  
3 were supposed to but I can't swear to you that  
4 that always happened.

5 That's the interview and the  
6 answer that I recall. Again, I'm not sure if  
7 we are talking about the same one.

8 MR. FITZGERALD: I think it was.  
9 I think though that's kind of where we are at.

10 I mean I think it's difficult to gauge  
11 implementation as opposed to policy because  
12 policy is easily written down but how you  
13 actually carry out the policy is always a  
14 question in terms of management of the  
15 program.

16 But in this case I think that it  
17 would be helpful to know if there's anything  
18 that would give the Work Group confidence that  
19 you know, anyone who went into those areas  
20 would have received a tritium bioassay if they  
21 were there you know, any appreciable amount of  
22 time.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   MEMBER ZIEMER:    Is there anything  
2 more we could get that we don't have? We have  
3 this one interview. Are we going to interview  
4 a bunch more people and see how widespread  
5 this is?

6                   MR. FITZGERALD:    I don't know. I  
7 think it's partly can you in fact do anything  
8 more than just say that you know, the  
9 expectation would be that you wouldn't have  
10 that.

11                   Now, this one individual, the  
12 claimant, who was in the no-tritium side of R,  
13 who worked on the non-tritium side of R, I  
14 mean, I don't know if anyone interviewed him -  
15 -

16                   MEMBER ZIEMER:    Well he is not  
17 claiming to have gotten tritium.

18                   MR. FITZGERALD:    No, I would ask  
19 him you know, did you go into the tritium side  
20 of R?

21                   DR. NETON:    I was going to say, it  
22 seems to me the issue is really the robustness

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 of the R -- the two sides of the R, like  
2 before, because there's already a Class based  
3 on this.

4 So presumably we would all feel  
5 comfortable with the fact that the tritium  
6 bioassay program was robust and you could do  
7 it, and now the only real difference here is  
8 that you have a building that's --

9 MR. FITZGERALD: Implementation.

10 DR. NETON: Close to it.

11 MR. FITZGERALD: Yes, oh close to  
12 it, it's --

13 DR. NETON: What I'm saying though  
14 is that if it's going to focus anything, it's  
15 not so much of was that requirement in place  
16 because we have already had a Class based on  
17 that requirement. It's could people who were  
18 in the R building who had much more convenient  
19 access to that other side --

20 MR. FITZGERALD: I mean I would  
21 even -- we could interview this one individual  
22 and say listen, you know, you clearly didn't

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 have it. Now, you and your colleagues, did  
2 you, you know, cross over on a regular basis  
3 because you know, it was just a door.

4 Did you have to in fact -- did you  
5 know you couldn't do that because you were on  
6 tritium -- I mean I just would want to have a  
7 little bit more than we have now, particularly  
8 since this came up the way it came up.

9 DR. ULSH: So we want more work  
10 interviews? Is that --

11 CHAIR BEACH: Does SC&A want to  
12 interview this particular worker that NIOSH -

13 MR. FITZGERALD: It's up to the  
14 Work Group. Certainly the Work Group can make  
15 that call.

16 CHAIR BEACH: I think it's a good  
17 idea.

18 MR. FITZGERALD: Is there any  
19 reason we couldn't?

20 DR. NETON: I don't know. I was  
21 just thinking about that. I mean, this person  
22 is --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   MEMBER ZIEMER:    Is this a closed  
2 case already?

3                   DR. ULSH:    Don't know.

4                   DR. NETON:    I don't know.

5                   DR. ULSH:    The information that  
6 was submitted to us wasn't submitted to us by  
7 the claimant.  It was submitted to us by --

8                   DR. NETON:    The Department of  
9 Labor.

10                  DR. ULSH:    No, no, no.    The  
11 information that suggested that this person  
12 worked in the R building but did not have  
13 tritium bioassay was given to us by a third  
14 person.

15                  DR. NETON:    I don't think so.  I  
16 think --

17                  DR. ULSH:    Well, let's talk about  
18 it on break.

19                  DR. NETON:    Okay.  Maybe I'm --

20                  MR. FITZGERALD:  I think it's an  
21 important qualifier.  But if we could talk to  
22 he and/or his colleagues, his coworkers in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that side, I think --

2 MEMBER ZIEMER: To confirm what  
3 the barriers --

4 MR. FITZGERALD: Just to confirm,  
5 say okay, you guys were not on tritium  
6 bioassay, can we confirm that you did not  
7 spend any appreciable amount of time in the  
8 tritium area.

9 My concern is that they probably  
10 consider themselves Pu workers, not tritium  
11 workers, and -- but did that mean there  
12 wasn't, you know, that part that I hear, I  
13 would like to hear them tell us no, we didn't  
14 go over there because we knew we shouldn't go  
15 over there without tritium bioassay, or if  
16 it's the converse, then it sort of throws that  
17 out.

18 MR. KATZ: My concern is if you do  
19 this, and I think it's fine to do this, talk  
20 to this initial person or whatever, but then,  
21 depending on what you learn, you may need to  
22 talk to a lot more people, because it's not

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 going to get you past -- it's not going to  
2 resolve this issue depending on -- I mean, I'm  
3 not sure how you get a feeling of resolution  
4 from talking to one individual alone.

5 CHAIR BEACH: Well I think it's a  
6 combination of that person plus looking at the  
7 drawings, seeing how the buildings were  
8 connected --

9 MR. KATZ: No, but the drawings  
10 don't get to this issue --

11 CHAIR BEACH: No.

12 MR. KATZ: which is --

13 CHAIR BEACH: But it's a  
14 combination of --

15 (Simultaneous speaking.)

16 MR. FITZGERALD: I preface my  
17 remarks saying we are in a subjective part of  
18 this. There is no way to do it in black and  
19 white. We are just saying you know, weight of  
20 evidence, persuasiveness, and I think this  
21 would add to the persuasiveness of what we  
22 have heard today, and be a little more

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 confirmatory given the circumstances.

2 MR. KATZ: Right and I'm just  
3 saying, depending on what he says, so what if  
4 he says well you know, I did it, you know,  
5 once a month I went over there without a  
6 whatever, so then what do you do? Then you  
7 need to figure out, I mean, if you bring that  
8 back to the Work Group, I don't know what the  
9 Work Group makes of that.

10 MEMBER ZIEMER: I don't think we  
11 know until we hear what the answer is to --

12 (Simultaneous speaking.)

13 MR. FITZGERALD: We do the best we  
14 can. We do as best we can. It may be  
15 equivocal and in which case, you know, no  
16 worse off but we are not going to --

17 MR. KATZ: No, so the only thing I  
18 was just thinking, is there a decision logic  
19 we can have here at the Work Group now as to  
20 if you find this, then you go interview more  
21 people or whatever, so that we don't have you  
22 know, four months between steps here?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   MEMBER ZIEMER:     It may be that  
2     this worker could tell you not only his  
3     personal experience but what about the others  
4     in your group or something.

5                   MR. FITZGERALD:     That's what we  
6     are hoping.

7                   MEMBER ZIEMER:     What was the  
8     practice?     Because if you have one person  
9     either way you can say well that's him, but  
10    maybe there were others who were different.

11                  MEMBER CLAWSON:    I think also, to  
12    the information that we have, the question  
13    will be able to be more addressed towards this  
14    R issue, not just in general, as it was  
15    before.

16                  I think we are getting to the very  
17    end of that and the question can be pretty  
18    quick.

19                  MR. KATZ:        So if he says for  
20    example I don't really know, you know, I  
21    didn't have more exposure, because I don't  
22    really know, do you want at that point for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 SC&A to interview some more workers or --

2 CHAIR BEACH: No, I think -

3 MR. KATZ: That's what I'm just  
4 saying.

5 CHAIR BEACH: At some point we  
6 need to make a decision and move forward.

7 MR. KATZ: I'm just trying to say  
8 do you do this thing step-wise.

9 CHAIR BEACH: Right.

10 MR. KATZ: Since we have this case  
11 maybe we can take advantage of it and learn  
12 something. If not, we leave it.

13 MR. KATZ: Okay.

14 CHAIR BEACH: I agree with that.  
15 And before we move on, Deb, is there any  
16 question you might have on this issue?

17 MS. JARISON: Thank you. The only  
18 thing that comes to mind is, and I don't  
19 remember the time period that I saw this, but  
20 I think in the documents I've looked it, I've  
21 seen references -

22 CHAIR BEACH: We missed that Deb,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 could you say that again? We are going to  
2 turn up the mic a little bit.

3 MS. JARISON: In some of the  
4 documents I have read and I don't remember the  
5 date, but I did see references to air reversal  
6 in R, but that's the only thing I could think  
7 of that speaks to the issue.

8 CHAIR BEACH: Yes, and that's  
9 something we addressed a little bit earlier.  
10 If you think about where those references  
11 were, could you send me an email on that,  
12 because that would be important for us to take  
13 a look at.

14 MS. JARISON: I'll search the  
15 database a little later and see what I can  
16 come up with.

17 CHAIR BEACH: Okay. Thanks Deb.

18 MS. JARISON: Thank you.

19 MEMBER SCHOFIELD: Brant, I've got  
20 a quick question for you. I'll assume the  
21 section at Mound who did all those urinalysis,  
22 fecal samples, all that stuff, had a logbook

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 they maintained. Have those been digitized,  
2 that you guys could search them by - however  
3 they did it -- maybe the employee number or  
4 social security or whatever?

5 DR. ULSH: We -- okay. We located  
6 the collection of tritium urinalysis logbooks  
7 for the time period '59 through '80 with the  
8 exception of those gaps we discussed earlier.

9 Those logbooks have not been  
10 digitized in their entirety. I mean, we  
11 haven't coded them into spreadsheets in their  
12 entirety.

13 What we did do is go through and  
14 pull out -- ORAU did this -- pulled out the  
15 identifying information, the name, the HP ID  
16 and when they gave the tritium urinalysis  
17 result.

18 I'm not sure if we put the actual  
19 result in there. The point was so that we  
20 could assemble a list of name for the SEC  
21 Class. Does that answer your question?

22 MEMBER SCHOFIELD: Well, kind of,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 what I'm kind of thinking of, there's a  
2 possibility that maybe some people are listed  
3 as plutonium workers rather than tritium  
4 workers, but yet they were actually on the  
5 combination bioassay program. And may not  
6 have been in the tritium database but might be  
7 in say the plutonium workers' database.

8 DR. ULSH: Well, in the logbooks  
9 the workers are not identified -- they are not  
10 categorized as plutonium workers or tritium  
11 workers, at least not in the logbooks I'm  
12 talking about.

13 MEMBER SCHOFIELD: Okay.

14 DR. NETON: These are just  
15 bioassay logbook records, they are not  
16 analytical laboratory records. They didn't go  
17 into any kind of detail about the job  
18 location.

19 MEMBER SCHOFIELD: Okay, so I just  
20 wonder if they'd broke them down or something.

21 DR. NETON: Not in this particular  
22 logbook.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MEMBER SCHOFIELD: Okay.

2 CHAIR BEACH: So any more  
3 questions or comments on radon? Has everybody  
4 got their actions? And be thinking about how  
5 soon these actions can be completed too,  
6 because we are going to want to schedule  
7 another meeting for very soon.

8 MR. KATZ: So, and on that last  
9 action, so Brant, NIOSH is doing the look also  
10 at the worker interview for the worker  
11 interview we have, and follow up with that  
12 worker, or is SC&A following up --

13 DR. NETON: We don't have a worker  
14 interview. We have a case.

15 MR. KATZ: The case.

16 DR. NETON: And I don't know if  
17 that person is even available to interview.

18 MR. KATZ: But SC&A would be doing  
19 that interview, or --

20 CHAIR BEACH: I think a  
21 combination of --

22 MR. KATZ: Both together.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 (Simultaneous speaking.)

2 CHAIR BEACH: If it's possible,  
3 then NIOSH will have to provide that  
4 information.

5 DR. NETON: We need to find out.

6 CHAIR BEACH: Yes.

7 DR. ULSH: Yes, I don't -- I don't  
8 know the vital status of this person. I don't  
9 know if they are still alive and available, I  
10 don't know if they are willing to talk to us,  
11 so we are going to have to find out.

12 MR. KATZ: Right, okay.

13 CHAIR BEACH: But that --

14 MR. KATZ: That makes it clear.

15 MR. FITZGERALD: Well, just to  
16 clarify though, I think what Paul was saying  
17 earlier, it's not just that person. We can  
18 identify coworkers in the R building -

19 MEMBER ZIEMER: Well, or if that  
20 person knew what the practice was as a group,  
21 because people often know that, yes, we all  
22 went here and did that --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 MR. FITZGERALD: We had lunch over  
2 in the SW every day or something, you know.

3 MR. KATZ: So, if that case, that  
4 individual case, that worker is not available  
5 for one reason or another, you might look for  
6 someone else who worked in --

7 MEMBER ZIEMER: Worked with that  
8 person.

9 MR. KATZ: the R building and was  
10 similarly situated. Is that what we are  
11 saying?

12 DR. ULSH: We could, or how about  
13 if I just let the Working Group know that  
14 result.

15 MR. KATZ: Yes, that's the first  
16 step. Right. And I think we can, we can go  
17 forward by email on that, if we know what we  
18 learn.

19 CHAIR BEACH: Okay. So we are  
20 finished with radon. Yes, let's take a 10-  
21 minute break.

22 (Whereupon the above-entitled

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 matter went off the record at 10:31 a.m. and  
2 resumed at 10:46 a.m.)

3 MR. KATZ: Okay, we're back  
4 online, a short break. This is the Mound Work  
5 Group.

6 CHAIR BEACH: Okay, and so at this  
7 time we are going to move into neutron and NTA  
8 film track fading and adjustment factors, and  
9 I believe we are going to go ahead and have  
10 SC&A kick this portion off.

11 MR. FITZGERALD: Yes, Ron  
12 Buchanan, are you on the line?

13 DR. BUCHANAN: Yes I am.

14 MR. FITZGERALD: Would you  
15 summarize, and we did receive -- we exchanged  
16 a series of papers over last year and we did  
17 receive the most recent one from NIOSH I think  
18 it was in the spring.

19 CHAIR BEACH: March 2011.

20 MR. FITZGERALD: Right, 2011. And  
21 we just provided our response late summer I  
22 think it was, August or whatever, September.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 So if you can recap what we, you know, this  
2 history a little bit, and how we responded to  
3 the very last NIOSH paper.

4 CHAIR BEACH: So just to be clear,  
5 I believe the report Joe just referred to is  
6 the October 4<sup>th</sup>, 2011.

7 MR. FITZGERALD: Right.

8 DR. BUCHANAN: Okay, yes, that's  
9 correct, October 4<sup>th</sup> was our last memo, and  
10 this summarized all of the previous  
11 discussions and action items down into three  
12 issues on the neutron part.

13 One was the debating over the  
14 correct MCNP correction factor to use, four or  
15 eight inch, a poly or water. We also had  
16 action two which was concerned with the  
17 fading, the track fading after a period of  
18 time, and item three was the data for 1951 to  
19 1960.

20 And so what -- we went through all  
21 the exchanges here and I briefly summarized  
22 them in that memo of October 4<sup>th</sup>. But today I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 will breeze through all those -- I will just  
2 summarize.

3           The first action item one, was  
4 concerned with the fact that we felt -- the  
5 SC&A felt that the eight inches of water was  
6 more appropriately used when modeling the  
7 neutron.

8           This was due to the moderation of  
9 the high energy neutrons to thermal and how  
10 much the NTA film had missed.

11           And so SC&A's last statement on  
12 that is that they would -- they felt that the  
13 four and eight were close and four was more  
14 representative but they would accept the  
15 recommendation and use eight and use the  
16 tables two and three in SC&A's report.

17           And so we agree with that decision  
18 and have no further issues on the fitness of  
19 material to use in that modeling. That was  
20 action item number one.

21           CHAIR BEACH: Any discussion on  
22 that, comments from -- Work Group Members have

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 questions?

2 MEMBER ZIEMER: It sort of ends up  
3 to be a moot point, you are saying in  
4 practice, in terms of the actual values  
5 between the four and the eight, right?

6 MR. FITZGERALD: Yes, but there  
7 was considerable concern early on --

8 MEMBER ZIEMER: Yes.

9 MR. FITZGERALD: That that would  
10 make a difference and as it turned out --

11 MEMBER ZIEMER: But it actually  
12 didn't so --

13 MR. FITZGERALD: It did not.

14 MEMBER ZIEMER: So is that pretty  
15 much true across the board then?

16 DR. ULSH: What do you mean across  
17 the board?

18 MEMBER ZIEMER: Well, are we going  
19 to have -- sort of intuitively you would think  
20 there would be a difference, but in every case  
21 where this is -- this is for calibration I  
22 guess mainly, right? Is it a calibration

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 issue?

2 DR. ULSH: No, it has to do with -  
3 - well like Ron said, it has to do with the  
4 MCNP model that we did.

5 MEMBER ZIEMER: Oh, yes, so if you  
6 model it with eight versus four?

7 DR. ULSH: Right. We proposed to  
8 use four inches. SC&A said no, we think you  
9 should use eight.

10 MEMBER ZIEMER: Right.

11 DR. ULSH: We said you know what,  
12 we still think four's better but it doesn't  
13 make any difference, well, not much of a  
14 significant difference. Going from four  
15 inches to eight, the results are almost  
16 exactly the same.

17 MEMBER ZIEMER: Okay.

18 DR. ULSH: So, in the interest of  
19 coming to closure, we'll just agree.

20 DR. BUCHANAN: Yes, and this had  
21 to do with the number of neutrons that were  
22 missed by the NTA film, and in a couple of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 instances it had made a small amount of  
2 difference, but essentially you plateau out  
3 when you get to between four and eight inches.

4 So I think we have settled that if  
5 there's no other questions.

6 CHAIR BEACH: No.

7 DR. BUCHANAN: SC&A's main concern  
8 is that we need to look beyond four inches to  
9 see what happens out there, and when we did,  
10 we've seen that there wasn't a whole lot of  
11 difference.

12 So that brings us back to item  
13 number two, and this had to do with fading, as  
14 NTA film is worn and then is say, turned in  
15 once a month, and what about the first tracks  
16 that register at the beginning of the month,  
17 there is fading especially if there's humidity  
18 and these weren't originally sealed against  
19 humidity.

20 And so we -- what that comes down  
21 to is that we agree with NIOSH's  
22 recommendation of 33 percent in one-week and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 56 percent in two- and four-week films.

2 What we didn't agree with was the  
3 nine percent fading factor, and so in TBD-6  
4 for Mound, it does state the 33 percent and 56  
5 percent. In the Evaluation Report there is  
6 recommended a -- the SEC Evaluation Report  
7 recommended a nine percent, nine percent  
8 fading factor.

9 And so we agree with this issue as  
10 long as the TBD values are applied, the 36 and  
11 56 percent, and I understand that's what NIOSH  
12 intends to do.

13 DR. ULSH: Yes I think so.

14 CHAIR BEACH: And so does the nine  
15 percent, does that go away, or --

16 DR. BUCHANAN: Right, we -- nine  
17 percent would not be used.

18 CHAIR BEACH: Okay. All right,  
19 and so NIOSH is agreeing that they are going  
20 to use the 33 percent and the 56 percent. Any  
21 comments or questions?

22 MEMBER ZIEMER: I had a question.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1       It wasn't clear to me when whoever did  
2 Mound's dosimetry, did they apply those  
3 factors already or are you applying them on  
4 their results?

5               At what point are those  
6 corrections being applied? I would have  
7 thought they would have been applied  
8 originally by the people reading the dosimeter  
9 based on those time factors.

10               MR. KATZ: Before you answer that,  
11 can I just -- there's someone on the line who  
12 doesn't have their phone muted and there's  
13 feedback, and I don't know, it's -- we can  
14 live with it in here, but I don't know how bad  
15 it is for people trying to listen.

16               So someone on the line needs to  
17 mute their phone, \*6 if you don't have a mute  
18 button. Thank you.

19               DR. ULSH: To answer your question  
20 Paul, I know Ron Buchanan is on the line  
21 because he just spoke, and I am hoping that  
22 Bob Morris is on the line. Bob, are you out

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 there?

2 DR. BUCHANAN: He was on.

3 DR. ULSH: Okay, so I think the  
4 answer Paul, I haven't looked at this because  
5 we were in agreement, but I think the answer  
6 is we are proposing to go back and apply the  
7 fading factor to the reported results.

8 And I think it was based on some  
9 subsequent studies that were done at Mound, so  
10 after the NTA film, you know, had been used,  
11 at some point a study was conducted by Mound  
12 to look at the fading issue, and we are  
13 proposing to apply those --

14 MEMBER ZIEMER: Right, and I  
15 understood that, and it seemed to me that if  
16 they knew what the fading was, they would have  
17 applied it to their final numbers.

18 DR. NETON: But not necessarily  
19 retrospectively. Is that the issue?

20 MEMBER ZIEMER: I don't know.  
21 That's what I'm sort of asking, has it already  
22 been applied, and -- well, even if it's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 retrospective, is there some point at which  
2 you no longer apply it because it's already  
3 been applied?

4 In other words you are taking the  
5 number and recalculating it, or have they  
6 already done it? Do we know the answer to  
7 that? That's all I'm asking.

8 MR. MORRIS: This is Bob, Robert  
9 Morris, Ted.

10 MR. KATZ: Yes, go ahead.

11 MR. MORRIS: In some cases the  
12 record was ambiguous about when or if  
13 correction points were applied.

14 MEMBER ZIEMER: Okay, so if we  
15 don't know, we'll go ahead and apply it, is  
16 what you are saying. But are there cases  
17 where we do know?

18 MR. MORRIS: We do know that in  
19 some cases there were corrections applied and  
20 that in some cases they were the wrong  
21 correction factors from our assumptions,  
22 because we have gone back reconciled and said

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 well, that wasn't conservative enough.

2 So we backed out any correction  
3 factors that we had identified and then  
4 reapplied them in our work that went into the  
5 White Paper where our correction factors were  
6 defined.

7 So our dose reconstruction method  
8 will have taken out correction factors that we  
9 have identified and replaced them with the  
10 correction factors that we specified.

11 MEMBER ZIEMER: I got you. So  
12 even if they applied correction factors,  
13 you'll just start over with the original data  
14 and reapply.

15 MR. MORRIS: That's correct.

16 MEMBER ZIEMER: I got you. Okay,  
17 that will work for me.

18 DR. BUCHANAN: Yes, Paul, this is  
19 Ron Buchanan, SC&A. In Meyer -- most  
20 estimates -- their work was taken from Meyer  
21 and in a lot of -- several cases he would say  
22 at the end of something, oh, this is the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 correction factor, but it never did say, and  
2 he might say it should be applied but it's  
3 never stated that the data was changed and so  
4 we have to assume, unless we see in the  
5 records that it was changed, that it wasn't  
6 changed.

7 MEMBER ZIEMER: Yes, understood.  
8 That's fine. That works for me.

9 MR. MORRIS: Yes I agree with  
10 exactly what Ron just said.

11 CHAIR BEACH: Great. Okay. I  
12 think we are ready to --

13 MEMBER ZIEMER: So both -- those  
14 two agree then and --

15 CHAIR BEACH: So that closes item  
16 two and then on to item three Ron please.

17 DR. BUCHANAN: Okay. On item  
18 three, in a certain period, 1951 through 1960,  
19 there was an individual, it was always  
20 individual neutron data, and so NIOSH proposed  
21 using a categorical data which we had some  
22 problems with in light that there was NTA film

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 available, and instead of trying to do an N/P  
2 method, just use the NTA film directly as it  
3 was, we had requested that NIOSH look at that  
4 and they said that they would go back and look  
5 at that and SC&A at this point does not see  
6 that this is an SEC issue.

7 We believe that either, you know,  
8 the categorical data, what NIOSH proposes or  
9 the method we propose of looking at the raw  
10 NTA data supplies enough information to  
11 provide dose reconstruction or coworker data  
12 for that period.

13 And so we do not believe at this  
14 point it is an SEC issue.

15 DR. ULSH: And to add to that, to  
16 bolster what Ron said, the argument that we  
17 are making is the time period that we are  
18 talking about using categorical data is 1951  
19 to 1960, and we already have an SEC Class for  
20 that time period.

21 So, and that SEC Class includes  
22 all workers. It goes from 1951 to '59, so

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 there is one year additional. But the effect  
2 of saying that we can't reconstruct neutron  
3 doses, it wouldn't add anyone to the SEC  
4 Class, it wouldn't benefit any claimant. It  
5 would just throw out neutron dose because you  
6 are saying we can't do it.

7 CHAIR BEACH: Right.

8 DR. ULSH: I don't know if you  
9 really want to pursue that.

10 MR. KATZ: Although that's not  
11 really a basis for judging feasibility.

12 CHAIR BEACH: No.

13 MR. KATZ: Even though that's what  
14 you say is correct, it's really -- it's  
15 supposed to be just determined on its merits.

16 MEMBER CLAWSON: Correct. Any  
17 questions? So I am going to say that with  
18 that neutron -- the neutron issue 14 and -- oh  
19 -

20 MEMBER ZIEMER: So, one as the  
21 sort of action then is to accept that.

22 CHAIR BEACH: Well, because SC&A

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 is saying that either their calculations or  
2 NIOSH's, they are in agreement with that.

3 DR. BUCHANAN: Yes, it would be a  
4 TBD issue as opposed to an SEC issue.

5 MR. KATZ: But did I understand  
6 you? I thought what you were saying Ron is  
7 that either method, your view is either method  
8 is adequate, is that what you were saying?

9 DR. BUCHANAN: No, I'm just saying  
10 there's two methods available. SC&A  
11 recommends using the categorical data. SC&A  
12 recommends using the raw NTA data. But SC&A  
13 feels like the data is there and so it isn't  
14 an issue.

15 MR. KATZ: Okay, thank you.

16 CHAIR BEACH: And Brant, what are  
17 your plans? Are you going to use the raw data  
18 or -- or just catching you cold here.

19 DR. ULSH: No, actually you are  
20 not. I have thought about this. But there's  
21 been some back and forth between NIOSH and  
22 SC&A about the acceptability of the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 categorical data for 1951 to '60.

2 I think it's accurate to say that  
3 we are not yet in agreement about that  
4 question. We are just at the point where we  
5 both agree that it is not an SEC issue.

6 CHAIR BEACH: Right.

7 DR. ULSH: We have got some  
8 reasons for favoring the categorical data but  
9 I don't know if you want to get into that now,  
10 since it's -- we are saying that it's really  
11 kind of a TBD issue.

12 CHAIR BEACH: What does the Work  
13 Group think?

14 MEMBER CLAWSON: If it's TBD -

15 MEMBER ZIEMER: If we agree that  
16 it's a TBD issue it takes it off the SEC plate  
17 and then we can discuss it as part of the TBD,  
18 which is what I think both sides are  
19 recommending.

20 CHAIR BEACH: Yes, I agree. Okay,  
21 so that closes issue 14 and 15. And well, I  
22 guess I shouldn't close it. Warren, are you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 still on the line?

2 MR. SHEEHAN: Hello.

3 CHAIR BEACH: Hi. Did you have  
4 any questions or comments at this time?

5 MR. SHEEHAN: No. Oh there was  
6 one comment about Brad I think suggested that  
7 the SW building was built before the R  
8 building. That's not right.

9 The R building is part of the  
10 original construction. The SW building was  
11 added on.

12 CHAIR BEACH: I think his question  
13 was when was it built, so thanks for  
14 clarifying.

15 MR. SHEEHAN: Okay. Well it was  
16 built in about 1950.

17 MEMBER CLAWSON: Yes, we were just  
18 trying to figure out how the airflow is going.  
19 We are going to pull up the prints on that.  
20 I appreciate that, though.

21 MR. SHEEHAN: Okay. Regarding the  
22 film fading correction, I believe that the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 nine percent correct was never made on the  
2 films at that time. I don't know if people  
3 have ever substantiated that it was. I don't  
4 think it was.

5 And then later on, I think in the  
6 '60s, when we got into the plutonium-238 oxide  
7 problem and clearly started that calibration  
8 system of '68, I'm not sure that they went  
9 back from '68 to say '60 to correct the fading  
10 problem. I don't know who did.

11 CHAIR BEACH: Okay. Thank you.  
12 All right.

13 MEMBER SCHOFIELD: I have a quick  
14 question. Do we know what shielding they  
15 actually had on the glove boxes? Was it like  
16 four inches of polyethylene or four inches of  
17 water?

18 DR. ULSH: We do. Bob Morris  
19 modeled it. So Bob, what was it?

20 MR. SHEEHAN: Is that a question  
21 for me? I don't know who the question is  
22 directed to.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 DR. ULSH: Sorry, I understand  
2 it's a general question but I am kind of  
3 directing it to Bob Morris.

4 MR. SHEEHAN: All right. Thank  
5 you.

6 DR. ULSH: Hello Bob, are you out  
7 there?

8 MR. MORRIS: This is Robert  
9 Morris. It was water-based shielding.

10 MEMBER SCHOFIELD: Okay.

11 CHAIR BEACH: Okay.

12 DR. MAURO: This is John Mauro.  
13 Can you folks hear me?

14 CHAIR BEACH: Yes, we sure can  
15 John.

16 DR. MAURO: I thought I would just  
17 add a little -- I remember when we ran the  
18 analyses on the thickness of the shielding and  
19 the effects it had on the distribution of the  
20 energy, and one of the questions I asked of  
21 Bob Anigstein who made the runs, does the  
22 model of the glove box itself -- and such as

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 the question that you just raised, the  
2 thickness of the window, or the type of window  
3 and the material.

4 And he looked at a variety of  
5 glove boxes and he said really the glove box,  
6 it doesn't matter. What matters, you know,  
7 what, when we looked at that, that was not a  
8 factor and he was looking at how the energy  
9 distribution of neutrons changed when you  
10 increased from I guess anywhere from two  
11 inches up to 12 inches of water shielding.

12 So I guess to answer your question  
13 Phil, we found that the make and model of the  
14 glove box really didn't have much effect on  
15 the results.

16 MR. MORRIS: This is Robert  
17 Morris. One more thing, just I recall, in  
18 some cases there was Benelex shielding  
19 requiring, and so when we did this analysis  
20 initially, we interchanged Benelex for water  
21 and demonstrated there was not much difference  
22 in the shielding effect.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1           So I think you can almost think of  
2 them as interchangeable kinds of materials.  
3 It's really the question of how much hydrogen  
4 is in the medium.

5           DR. MAURO: We agree with that.

6           CHAIR BEACH: Okay. Thank you.  
7 So if we are ready, let's go ahead and move  
8 into the D&D issue which is item number 10.  
9 And let's see. Just a little bit of history.

10          The Work Group did a little work on D&D and  
11 then Joe sent out a memo back in April I  
12 believe, was it April?

13          MR. FITZGERALD: April 2010.

14          CHAIR BEACH: 2010, with some  
15 specific questions and then NIOSH's later  
16 report, April 2010, replies to all those  
17 questions.

18          MR. FITZGERALD: May 2011.

19          CHAIR BEACH: Or excuse me, May  
20 2011.

21          MR. FITZGERALD: Right.

22          CHAIR BEACH: Okay, so who wants

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 to kick this off? NIOSH? Clarify?

2 MR. FITZGERALD: Yes, clarify. I  
3 think we had a lot of question on D&D and  
4 there was a response, and I can't remember if  
5 it was earlier than April, initial response,  
6 at the last Work Group meeting in January of  
7 2010, and I think there was a position  
8 advanced that there was a -- it wasn't an  
9 issue with bioassay compliance with D&D  
10 workers, yes, there's a couple of papers.

11 And I think at that stage we were  
12 concerned about getting more validation of  
13 that assertion. I think it was a 90 percent  
14 compliance rate that was indicated and we were  
15 concerned because that seemed to be a pretty  
16 high compliance rate compared with other  
17 sites.

18 And that was the genesis of the  
19 note back and the NIOSH response in May went  
20 one step further and did a sampling analysis  
21 of the RWPs and I defer to Brant to go through  
22 that part of it.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           But it was pretty in-depth  
2 sampling of the compliance rate that was  
3 associated with a random selection of RWPs,  
4 and I think it a '97, '98, it was the late  
5 '90s as far as D&D operations.

6           And that came out with a  
7 verification of something in the order of 84  
8 to 90 percent, something like that, high '80s,  
9 which is still an amazingly high compliance  
10 rate but that certainly validates that for  
11 whatever reason Mound had a lot of success in  
12 getting D&D workers to in fact follow through  
13 and get bioassay data into the system, which  
14 satisfies our concern that the coworker model,  
15 if it's going to be applicable across the  
16 board to both the operations as well as the  
17 D&D area, you would need to at least have some  
18 confidence that you are using a full deck of  
19 data, that you are not being short-changed on  
20 the D&D side, which is sometimes the case when  
21 you are dealing with transient workers that  
22 you don't have a whole success rate with

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 having them leave bioassays when they leave  
2 the site.

3 So I guess in sum, if that  
4 validation you know, with that validation and  
5 that sampling analysis, you know, we accept  
6 that high rate even though again, we remain  
7 surprised at that rate, it seems to be in fact  
8 the case at Mound that they had a very high  
9 compliance rate on D&D bioassays.

10 So you know, I think that  
11 satisfies our original concern that there  
12 wasn't sufficient validation, that that  
13 compliance rate was in fact as high as it  
14 appears to be.

15 So that's a short-hand answer.  
16 I'll turn over to Brant.

17 DR. ULSH: I'll respond to any  
18 specific questions, but you know, if we are in  
19 agreement, why rock the boat?

20 CHAIR BEACH: Your response speaks  
21 for itself, right? Is there any other  
22 comments, concerns, about this time period? I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 know I was pushing for this, more data,  
2 because the 90 percent seemed awful high and  
3 so I do appreciate the work that went into  
4 this and the fact that you did it for us, and  
5 I have no further questions.

6 MR. KATZ: Closed.

7 CHAIR BEACH: Closed. Okay. How  
8 are we doing for time?

9 MEMBER ZIEMER: Pretty good.

10 CHAIR BEACH: So, the rest of the  
11 agenda basically deals with tritides and  
12 adequacy and completeness of internal data.  
13 The work packets from NIOSH to SC&A came just  
14 recently so this portion will get into the  
15 discussion, but it's mostly for clarification,  
16 because SC&A is not prepared to give us an  
17 answer at this time.

18 So I think tritides, hopefully we  
19 can get done before lunch and then come back  
20 and finish up with the adequacy.

21 And if not, we will just --

22 (Laughter.)

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   Okay.

2                   MR. FITZGERALD:   Hunger will be a  
3 motivator.

4                   CHAIR BEACH:   Do you want to kick  
5 off with questions, or NIOSH?  I guess NIOSH,  
6 you maybe should since it was your --

7                   MR. FITZGERALD:   Yes, yes, it's a  
8 new approach.

9                   CHAIR BEACH:           It was your  
10 approach, yes.

11                  DR. ULSH:   Okay, tritides, right?

12                  CHAIR BEACH:   Yes.

13                  DR. ULSH:   Okay.   Basically the  
14 situation with tritides is Mound did a lot of  
15 work with tritides for the purpose of tritium  
16 storage, and there was some question raised  
17 about how we could adequately bound the dose  
18 for those compounds because some tritides  
19 behave very differently from the more common  
20 type of tritium, the more common form of  
21 tritium that we are used to thinking about,  
22 and that's gaseous or tritiated water, which

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 is very mobile, goes basically the whole body  
2 is the target organs.

3 Tritides are different. They are  
4 a particulate so it's more of a situation  
5 where the dose is concentrated in the lungs  
6 and there was some question about, for some of  
7 the less mobile of these tritide compounds,  
8 the adequacy of urinalysis data.

9 In addition, there was the  
10 question that has been discussed about which  
11 workers were exposed and which were not. So  
12 one of the issues that we clarified over the  
13 course of these discussions was that we are  
14 not talking about all tritide compounds, just  
15 those very immobile type of tritide compounds.

16 And for that particular compound,  
17 NIOSH has advanced the position that those  
18 workers were all bioassayed, just like any  
19 other tritium worker at Mound, and we knew who  
20 those workers were by name, based on worker  
21 interviews, and furthermore, we also knew of a  
22 few specific incidents that occurred and who

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 was involved with that.

2 I think some concern was expressed  
3 about that approach by the Working Group but  
4 that was our latest position.

5 Now, at the last Mound Working  
6 Group meeting, I mentioned that we also had  
7 access to some tritium wipe samples, because  
8 this had to do with the concern that, yes,  
9 okay, we have got the names of these workers  
10 who were primarily involved, but what about  
11 the maintenance workers or the other people  
12 who could have been exposed.

13 We took the position that there  
14 wasn't a realistic exposure potential for  
15 those folks but concern remained.

16 So I mentioned that we had these  
17 wipe samples for the areas where this  
18 particular compound was handled and I think it  
19 was Paul, if I recall correctly, requested  
20 that we go ahead and look at those wipe  
21 samples and come up with some kind of an  
22 analysis on whether or not that indicated an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 exposure potential.

2 So, NIOSH just recently submitted  
3 to the Working Group and to SC&A, I think it  
4 was, I've got a date, it was November 7<sup>th</sup>, a  
5 series of files that presented our analysis.

6 In the email that I sent,  
7 transmitting those files, I stated that we  
8 were in the process of collating all this into  
9 a more coherent format, a White Paper, but it  
10 would be easier to look at, but I wanted to  
11 get it to you guys with as much lead time for  
12 this meeting as possible.

13 And basically the outcome of that  
14 analysis was we did not see an indication of  
15 widespread exposure to tritide compounds,  
16 based on the tritium wipe samples that were  
17 conducted in those areas.

18 So that's kind of the 40,000-foot  
19 view of our analysis. I'm sure that you all  
20 have some specific questions.

21 MR. FITZGERALD: Okay. Well I  
22 think as Josie pointed out, we are still -- I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 think we have had a couple of weeks so we are  
2 still going through the files and we do  
3 appreciate getting the files. It certainly  
4 gives us a running start at it.

5 So our questions are more  
6 clarifying as you know, we are sort of half  
7 way through this, and we'd like the benefit of  
8 just understanding it better.

9 But I want to break it into two  
10 parts, you know, one I think is the classic  
11 plausibility question. We have been working  
12 this issue it seems like a long time, but just  
13 trying to get to this question of what is  
14 plausible in terms of dose reconstructability  
15 and we have been through a number of, you know  
16 a number of loops dealing with the, as you  
17 have pointed out, the -- can you identify the  
18 workers, exposure potential, those kinds of  
19 things.

20 And then there's the question of -  
21 - of technical feasibility. You know, if one  
22 can get to a source term, can you in fact use

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 resuspension factors and other parameters to  
2 come up with a bounding estimate that could be  
3 used that way?

4           And I think that certainly is a  
5 technical feasibility question and we are  
6 working hard at that, looking at it from the  
7 standpoint of the resuspension factors and the  
8 analysis you have provided in those papers,  
9 these initial papers.

10           But I want to step back to part  
11 one, because I really see them as two separate  
12 questions, you know, one is the plausibility  
13 of going this route. This is certainly a new  
14 way to look at this. We haven't looked at it  
15 quite this way.

16           And the second part is, if you do  
17 look at it that way, is it technically  
18 feasible to derive that dose value in the  
19 process that you have presented?

20           So on the plausibility side, and  
21 now, going back in time, we had this  
22 conversation in Santa Fe at the Board meeting.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 Jim Neton and I presented on this question of  
2 exposure potential, and trying to look at  
3 conceptually under the Act, certainly how --  
4 and the regulations -- how one frames up  
5 plausibility from the standpoint of -- once  
6 you have established the exposure potential,  
7 what data come into play?

8           And in this case, for tritides,  
9 the dilemma is that of course they didn't  
10 certainly have a radiological control program  
11 focused on that, and therefore there weren't  
12 any bioassays as far as looking for tritides,  
13 inside the tritides, air sampling and source  
14 term characterization.

15           So we really don't have a lot of  
16 the specific kinds of data that would be  
17 helpful. And as I understand what you are  
18 proposing, and again, you know, we are just  
19 looking at this fairly fresh, you are  
20 proposing that what we do have is a lot of  
21 tritium swipes for the rooms involved in  
22 handling, and that you know, in terms of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 looking for a conservative estimation of what  
2 the tritide exposure and therefore dose might  
3 be, you can make some assumptions going in  
4 that if what you are smearing is in fact 100  
5 percent tritide, you can then go from there  
6 and do -- using resuspension factors come up  
7 with a 96<sup>th</sup>, 98<sup>th</sup> percentile, you know,  
8 distribution and therefore come up with an  
9 inarguably conservative number for what a  
10 worker might in fact -- what tritide might be  
11 available for that worker to breathe in.

12 Now conceptually am I getting that  
13 right or not? Am I off?

14 DR. ULSH: I don't want to  
15 interrupt.

16 MR. FITZGERALD: Oh okay. What  
17 I'm getting at though is I -- you know I -- we  
18 have gone through this hierarchy of  
19 quantitative data as sort of the basis for  
20 trying to figure out dose reconstructability,  
21 and again we had that conversation back at the  
22 Board meeting in Santa Fe which was kind of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 focused on you know, what is the basis for  
2 making that judgement.

3 And in this case we don't really  
4 have that site-specific information, and we  
5 said this in the very beginning, that one of  
6 the dilemmas with tritide, we don't have good,  
7 site-specific information that would tell you,  
8 you know, what exactly is that insoluble  
9 tritide source term that you could then  
10 somehow come up with a calculation for.

11 And in my opinion, and we've  
12 talked about this before, when you have to  
13 substitute a compound or a nuclide, in this  
14 case you are substituting something that's --  
15 it's very much a carrier agent, the tritium  
16 for the tritide, to me it's sort of a  
17 substitute-nuclide issue of saying we don't  
18 have the information for tritide but we do  
19 have the information for tritium, and if we  
20 make that leap, you know, if we can make the  
21 leap, the presumption that we call it 100  
22 percent tritide, that would in fact lead us

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 down a path of a very conservative, inarguably  
2 bounding estimate.

3 But I would question that leap,  
4 saying that you know, if we don't have the --  
5 any of the quantitative information on  
6 tritides, to make the leap of assuming 100  
7 percent tritide as the starting point for  
8 doing your swipe analysis, I think that is  
9 substituting another compound to enable you to  
10 make a very conservative, you know, inarguably  
11 conservative estimate, but one that is not  
12 rooted in the site information that one needs  
13 to use to come up with dose reconstruction  
14 with sufficient accuracy.

15 You see where I am going?

16 DR. NETON: This is -- I would  
17 argue that you know -- I would agree with you  
18 if those numbers, if those analyses came up to  
19 be extremely high values, tens of rems,  
20 hundreds of rems, thousands of rems.

21 But they don't. And in fact what  
22 I think the analysis demonstrated more than

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 anything is that there are oftentimes good  
2 reasons why people aren't monitored for  
3 bioassay, and it has to do with the source  
4 term that's available.

5 And I think the tritium smears  
6 clearly identify the source term that's  
7 available to these workers and under some very  
8 conservative assumptions, the source term  
9 can't get you there to get you doses that  
10 exceed -- I think 100 millirem was somewhere  
11 near the highest ones, and then more often  
12 than not they were in the 1 to 10 millirem  
13 range.

14 So I don't know that that puts you  
15 in a realm of insufficient accuracy or -- I  
16 think it's just using the data that are there  
17 to demonstrate --

18 MR. FITZGERALD: Well, how do you,  
19 how do yo know if you don't -- I mean you can  
20 assume, based on professional judgment, that  
21 the tritide could not contribute more than  
22 what you are saying. It would be trivial.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           But on the other hand there's no  
2 data that would back that up per se. It's a  
3 small component of the tritium but you don't  
4 know how big or small --

5           DR. NETON: Yes but it would be  
6 just much lower, I mean the doses would be  
7 much lower.

8           MR. FITZGERALD: But before we go  
9 there, okay, we went through this with Pantex.  
10          Clearly this is a question of dose  
11 reconstructability and not dose level, and I  
12 just want to make sure we don't get into  
13 weighing the dose reconstructability by virtue  
14 of how much dose it delivers because I, you  
15 know, I don't think that's the issue as much  
16 as can you come up with a coherent way of  
17 applying the site-specific information that's  
18 available to base a plausible dose  
19 reconstruction on?

20          DR. NETON: I don't buy that  
21 argument at all.

22          MR. SHEEHAN: Well, let me see,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 hold on. I think we are getting bottled up in  
2 language, at least I am not following the  
3 discussion. We started with tritium bioassay.

4 To say that there wasn't monitoring is not  
5 entirely accurate. There was monitoring. It  
6 was tritium bioassay. The results of tritium  
7 air monitoring and there was tritium swipe  
8 monitoring.

9 Now we recognize that this is a  
10 different form of tritium that we are talking  
11 about than is more common, but the way that  
12 you sample for a particulate, especially an  
13 insoluble particulate, is through swipe  
14 monitoring, and fact that's what DOE did to  
15 ensure that they were complying with  
16 regulations, at least in the later years, was  
17 they recognized that the missed dose was  
18 higher than you would want from a regulatory  
19 compliance standpoint using bioassay, and  
20 therefore they relied on swipe monitoring  
21 because it gave you a lower missed dose.

22 And that's what we have shown

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 here, is that there is no huge potential --  
2 there is no potential for huge missed doses.

3 DR. NETON: Right, but I think  
4 what Joe was getting at though is that we  
5 haven't demonstrated that it's either tritium  
6 or tritide that we are smearing and we are  
7 substituting a more insoluble form and I would  
8 argue we do this all the time when we  
9 substitute type S uranium or type Super S or  
10 type M or even F.

11 It's built into our regulations  
12 and we will default to the most claimant-  
13 favorable assumption that's there to quantify  
14 the dose, put an upper bound on it, and that's  
15 just part and parcel of our regulations, and I  
16 don't see that -- I don't see the argument  
17 that you are making that we are substituting a  
18 more insoluble form because we don't know the  
19 exact solubility nature of the tritium.

20 MR. FITZGERALD: No, no, but I  
21 think this is -- I would say this is  
22 different, though. Well, I think you are

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 talking about, you know, going to smears, now  
2 stepping back from this issue, and this is why  
3 the Work Group is concerned, that you know,  
4 you don't have the traditional and key pieces  
5 of the personnel monitoring data that you  
6 usually have, because again, there wasn't a  
7 consciousness, certainly wasn't attention or  
8 focus on monitoring for insoluble particulate  
9 tritium.

10 It just -- that didn't come about  
11 until the late '80s and into the -- I'm sorry,  
12 the late '90s and into the 2000s, that's when  
13 that consciousness arose in DOE and it came up  
14 with the approach for it.

15 So you didn't have any of that,  
16 and you know, when you are smearing, you are  
17 smearing for tritium, I mean you are basically  
18 smearing for tritium and that's the data you  
19 have.

20 And I am just saying that in order  
21 to apply your tritium data, your smear data,  
22 you have to make an assumption that's not

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 rooted in any site-specific information, an  
2 assumption that 100 percent of it is going to  
3 be tritides.

4 We went through this discussion, I  
5 think, early on, when we got into the tritide  
6 issue, I think there was a proposal on the  
7 table at the time that, you know, one approach  
8 to solving this issue was, why don't we assume  
9 that all the tritium that was in the air being  
10 bioassayed for the tritium workers was  
11 tritides, and yes, that would present a very  
12 high and very conservative dose to the lung  
13 but that certainly would be a very  
14 straightforward way to deal with the question  
15 of you know, tritides being mixed in with the  
16 tritium.

17 And I think the conclusion, well  
18 that's not plausible to assume that you know,  
19 that tritium in the air was all tritide and  
20 that all the lung cancers would be in  
21 principle based on that.

22 And so we -- that was backed away

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 from but that was sort of a thinking out loud  
2 you know --

3 DR. NETON: I'm not sure we're not  
4 doing that now.

5 MR. FITZGERALD: Well, that's what  
6 I'm saying. I think we are sort of back to  
7 that construct of saying --

8 DR. NETON: I would challenge you  
9 to explain to me why that is any different  
10 than looking at the solubility properties of  
11 the various compounds that are available and  
12 picking the most insoluble one to be claimant-  
13 favorable, and we do that many, many, almost  
14 all the time.

15 MR. FITZGERALD: But in this case  
16 --

17 DR. NETON: Because it's an  
18 insoluble compound of hydrogen, just like a  
19 more insoluble form of uranium that's an oxide  
20 is more insoluble than a fluoride form. It's  
21 what it's bound to that determines its  
22 solubility class.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           So this is hydrogen and some metal  
2 binding versus some uranium and oxygen or  
3 uranium and fluorine. I don't see the  
4 difference. I really, I really have trouble  
5 with that.

6           DR. ULSH: And we're not proposing  
7 this as necessarily a dose reconstruction  
8 methodology. What we are saying is, even  
9 under worst-case assumptions it doesn't give  
10 you a dose which is not sufficiently accurate.

11           We are saying that this is not an  
12 SEC issue, because here is this analysis that  
13 makes very conservative assumptions and even  
14 then we don't get --

15           DR. NETON: And I don't see the  
16 connection to the Pantex where we had no  
17 monitoring data there, no bioassay, we were  
18 back-extrapolating.

19           MR. FITZGERALD: Well, again --

20           DR. NETON: If we had smears on  
21 all of these pits during that year I think we  
22 would argue that we could probably have done

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 the does reconstruction at Pantex.

2 MR. FITZGERALD: But if you are  
3 going this way, you know, again we went  
4 through this discussion two years ago, that  
5 you could also assume that the tritium that  
6 workers were exposed to in general were  
7 tritides, and it would be the same kind of  
8 thing. You are going the most conservative  
9 route assuming that all the tritium was the  
10 tritide, most insoluble form, and --

11 DR. NETON: If there was  
12 potential. There has to be some reasonable  
13 source term there that would indicate that it  
14 would be a tritide. If it was all water vapor  
15 tritium, we would never assume that source  
16 term.

17 But if there are conditions there  
18 that exist that would make it obvious that  
19 there is a more -- there is potential for a  
20 more insoluble source term, that's when we  
21 would invoke that.

22 MR. FITZGERALD: But again, I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 think the issue for the Work Group though, and  
2 this is where I still have a problem Jim, is  
3 the, you know, is it in fact plausible,  
4 realistic, rooted in site-specific data, that  
5 100 percent of surfaces in these two rooms  
6 were in fact coated with insoluble tritides?

7 I don't think that's plausible. I  
8 mean it's a means to an end but is it  
9 plausible to even make that assumption?

10 DR. ULSH: In fact that's the  
11 argument that we made. This stuff is handled  
12 inside of a tritium-tight glove box, and if  
13 there's any tritium that escapes it's going to  
14 be water vapor. It's not going to be  
15 particulate.

16 But I think you questioned that  
17 assumption.

18 MR. FITZGERALD: Yes I have.

19 DR. ULSH: So to make the argument  
20 come to closure, we said well even if we  
21 accept your argument, even if that's true, the  
22 doses are not thousands of rem. It's at most

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 100 millirem.

2 MR. FITZGERALD: Well, I want to  
3 separate how much dose, you know, to whether  
4 or not one can plausibly assume 100 percent  
5 contamination with -- surface contamination  
6 with insoluble tritide.

7 That's the part -- the dose part  
8 is a separate issue.

9 DR. ULSH: Well, if you want us to  
10 assume 10 percent or 1 percent or 5 percent,  
11 we can do that.

12 MR. FITZGERALD: You can assume  
13 anything you want. That's what I'm saying.  
14 We don't know. Nobody knows and you know, I'm  
15 just saying that there's no site-specific  
16 basis for assuming anything as far as surface  
17 contamination with tritides. We don't know.

18 MEMBER ZIEMER: Well I think the  
19 argument that is made for, for example  
20 high-fired plutonium is a similar argument on  
21 the percent-wise.

22 When you go to -- if you were

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 monitoring an area where you knew there were  
2 tritides, suppose you knew a priori rather  
3 than retrospectively, that there were tritides  
4 there, your smearing would be the same, your  
5 air sampling I think would be the same, your  
6 counting methods would be the same.

7 And then what would you do with  
8 the data?

9 MR. FITZGERALD: You wouldn't --  
10 you wouldn't be able to count -- see there  
11 wasn't any means to ascertain what the tritide  
12 component was.

13 MEMBER ZIEMER: No, I know, but  
14 what would you do if you knew that they were  
15 using both with your sampling data is the  
16 point, I mean you take a tritium smear, you  
17 count it, you analyze it, if you want to use  
18 that to assign dose, what are you going to do?

19 You are going to put an upper limit on it.  
20 It can't be more than this.

21 MR. FITZGERALD: Well I think they  
22 came up with the protocol --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   MEMBER ZIEMER:       It's not an  
2 unreasonable bounding in the sense that you  
3 have a sample. It's not like a location where  
4 we are saying we don't know what the air  
5 concentration was so let's load it up as much  
6 as we can with something that's almost  
7 unbreathable and then calculate it. I mean,  
8 you have the data.

9                   So if you want to bound, you can  
10 assume it's all tritide, and that puts --  
11 that's not an unreasonable bound since you  
12 have an actual number and the worst case is  
13 that it's all tritides, sure, it probably most  
14 of the time isn't.

15                   MR. FITZGERALD: I don't think we  
16 know.

17                   MEMBER ZIEMER: We don't. But it  
18 can't be more than 100 percent so why wouldn't  
19 that bound it?

20                   MR. KATZ: But if we don't know, I  
21 mean then that throws out the -- then you are  
22 saying it is plausible in which case there's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 not a problem with using it as a bounding.

2 MR. FITZGERALD: Well, I'm saying

3 --

4 (Simultaneous speaking.)

5 MR. FITZGERALD: There's nothing  
6 from the site that would give you any basis  
7 for knowing anything, and I -- if you can't  
8 apply anything from the site, other than the  
9 fact that you don't know, I am just raising  
10 this question, if you don't know anything --  
11 if you have no information from the site other  
12 than the fact that we have no data that would  
13 lead you to conclude anything in terms of  
14 contamination, it sort of leaves you with the  
15 only possibility of saying, well, you know,  
16 you go to 100 percent but there's no basis  
17 from the site. There's nothing that tells you  
18 from the site that that's even a plausible  
19 number.

20 MEMBER ZIEMER: Well you have the  
21 possibility of its being a tritide to start  
22 with.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   MR.     FITZGERALD:            Yes,     but  
2     certainly     the     exposure     potential,     the  
3     possibility   of   it   being   a   tritide.   I'm   just  
4     saying   that   that's   as   far   as   it   goes.

5                   You     don't     have     any     more  
6     information   than   that.

7                   DR.     MAURO:.     This   is   John.   I   have  
8     a   couple   of   questions,   if   I   may.

9                   CHAIR   BEACH:    Go   ahead,   John.

10                  DR.     MAURO:.            Yes,     I     can  
11     understand,   and   we   discussed   this   a   bit   over  
12     the   weekend,   and   certainly   Joe   could   probably  
13     expand   upon   it,   we   have   discussed   that   there  
14     might   in   fact   be   a   couple   of   time   periods   at  
15     play   here,   where,   one,   do   you   recall   that  
16     there   was   a   time   that   the   tritium   was   being  
17     processed   as   tritides,   was   being   processed,  
18     and   then   a   time   period   when   it   wasn't.   And   I  
19     am   visualizing   you   are   taking   swipe   samples  
20     and   let's   say   you   are   into   a   time   period   where  
21     you   are   no   longer   processing,   perhaps   there   is  
22     no   tritiated   water   or   tritium   being   processed

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 in the building, and you are -- but now you  
2 have swipe samples taken from surfaces.

3 At that point in time, and this is  
4 a -- I was thinking that -- what would I  
5 expect to be on surfaces and those of you who  
6 are more familiar with swipe samples for  
7 tritium maybe could answer this. So this is  
8 more of a question.

9 Would you expect any old tritiated  
10 water that might have deposited on surfaces to  
11 clear away eventually because of evaporation  
12 and other processes while the tritides would  
13 sort of stay there, on a surface? This is  
14 after you are no longer processing.

15 So I guess the question I have is  
16 that I am trying to find a way to convince  
17 myself that, at least during certain time  
18 periods, the approach that you have taken  
19 might be plausible, if you feel that, well,  
20 you know, we are at a time period when you  
21 would expect the only thing left on surfaces  
22 was tritides.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           It's a question and those of you  
2 who have worked with tritium, you know, I  
3 guess there's really two questions in one  
4 here. One is, were there time periods when  
5 there was really no operations going on, with  
6 either tritide, or where tritium or tritides  
7 was being used, and do you have swipe samples  
8 for that time period?

9           And the second question is more of  
10 a technical one. Would you expect there to be  
11 tritiated water on surfaces, oh, a year or so  
12 after you have stopped operations. Wouldn't  
13 they sort of go away by evaporative processes  
14 or does tritiated water sort of stick around  
15 anyway?

16           MR. STIVER: John, this is John  
17 Stiver. I have looked into the data. We are  
18 going to actually get into that a little  
19 later, about the data representativeness and  
20 the completeness.

21           But one thing that we do have is  
22 that for all these reports that list the swipe

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 samples, we also have air sampling data, and  
2 recall that the air samples used a pre-filter  
3 to get rid of the particulates so you can  
4 pretty safe that what you are looking at is  
5 the oxide H2O, or tritiated gas in the --  
6 those particular measurements were about, if I  
7 recall correct, about three orders of  
8 magnitude higher than what you would get by  
9 assuming the high-side resuspension factor in  
10 the 95<sup>th</sup> percentile from the monthly swipe  
11 data.

12 So it looks like there is indeed  
13 tritiated water in the atmosphere in those  
14 rooms during the period in which this data  
15 were collected. Now --

16 DR. MAURO: . Okay good, that  
17 answers the question, the first part.

18 MR. STIVER: Getting back to the  
19 issue of when operations were going or not,  
20 you are kind of getting into a classified  
21 issue there and so I don't really want to go  
22 there at this point.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           But if you were to assume that  
2 this is post-operational, and we do have  
3 reason to believe that some of the data are  
4 indeed post-operational, that you may see that  
5 you are not just looking at tritides.

6           Plus you don't just have those  
7 two.     You've got you know, hydrogen is  
8 essentially highly reactive, as you know, and  
9 tritium especially so, because of the  
10 ionization potential. It can then react much  
11 easily with other organics and dust particles  
12 and other things in that room aside from  
13 tritides, so you have that complicating factor  
14 as well.

15           DR. BUCHANAN:       This is Ron  
16 Buchanan, SC&A, and John, no, water-based  
17 tritium would not go away in a year. It  
18 certainly moves around more than the tritides,  
19 but it would not evaporate or disappear in any  
20 reasonable amount of time.

21           It's a real long thing to catch  
22 and it doesn't stay put but it doesn't go away

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 either. It moves around on surfaces and in  
2 the air and in the buildings.

3 So you couldn't eliminate water-  
4 based tritium after a period of time.

5 DR. MAURO:. Okay, no, good. And  
6 that helps me think it through. John Stiver,  
7 you had mentioned that there were these air  
8 samples -- collected quite a bit of air  
9 sampling data and there was a pre-filter.

10 And I guess this is -- did we or  
11 did NIOSH see any data measuring the pre-  
12 filter because if there were going to be any  
13 particulates, that's where you would find  
14 them?

15 MR. STIVER: I would have to ask  
16 Brant or Jim, if you guys would --

17 DR. ULSH: Go ahead. Take a shot.

18 MR. STIVER: If you had, I think  
19 you would have used it.

20 MS. JESSEN: I know Mel Chew is on  
21 the line. Mel, is anyone else from your team  
22 on line that could field that question? Or

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 you?

2 DR. CHEW: I'm online. Go ahead.

3 DR. ULSH: No, you go ahead.

4 (Laughter.)

5 DR. CHEW: Ask the question again.

6 MR. KATZ: The question, Mel, is  
7 whether anyone has looked or seen any data on  
8 the pre-filters, as to whether they -- we have  
9 such data.

10 DR. CHEW: Not that I recall.  
11 That doesn't necessarily mean that there  
12 wasn't any such data, but I'm not sure we  
13 analyzed any of the data that was on a pre-  
14 filter.

15 But I'm sure -- I think though,  
16 Brant, you and I had that discussion, we were  
17 -- the pre-filters were counted, is that  
18 right? And so there should be some data.

19 DR. ULSH: I'm sure that they were  
20 but keep in mind, we started with the tritium  
21 swipe data because that's what we were asked  
22 to analyze.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 DR. MAURO:. This is John Mauro.  
2 If you have the counts of tritium on the pre-  
3 filters somewhere, that's golden information.

4 DR. NETON: Well, I don't think so  
5 John, and I mean we run into the same -- it's  
6 sort of a reverse argument here. I would  
7 posit that these are probably not breathing  
8 zone air samples. They are room general area  
9 air samples, and so, to equate that with its  
10 potential exposure to the worker from a recent  
11 stretch of source term doing some kind of  
12 activity, as a maintenance function or  
13 something like that, is probably not going to  
14 be a good comparison.

15 MEMBER SCHOFIELD: You know what,  
16 I've got a general question. I'd like to hear  
17 some clarification on these. On the swipe  
18 samples, did they take them and, say they took  
19 maybe a series of three, they let the first  
20 one cook for 30 minutes, second one, one hour,  
21 then one and a half hours, and then they take  
22 an average of those three?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           Or did they after, say, an hour  
2 and a half, they take that one, or did they  
3 count them immediately? I mean this is  
4 definitely going to have an effect on the  
5 final numbers, how they actually handled the -  
6 -

7           DR. NETON: Are you talking about  
8 letting them decay for radon? Is that what  
9 you are getting at?

10          MEMBER SCHOFIELD: Yes, letting  
11 them sit in there and decay for radon or  
12 possibly even --

13          DR. NETON: Sure they --

14          MEMBER SCHOFIELD: cooked them for  
15 a while. Because I know this -- I have seen  
16 this process go on at times where they give  
17 them a series of 30 minutes, take a 30-minute,  
18 one-hour and a one and a one and a half hour -

19          DR. NETON: The radon progeny that  
20 might be trapped in --

21          MEMBER SCHOFIELD: Yes.

22          MEMBER ZIEMER: Not the swipes

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1        though, the --

2                   MR. STIVER:    This is Stiver again.

3        There is some examples of, in some of the  
4        historical references, where they were trying  
5        to develop methods to really get a handle on  
6        this using inhalation counting, that you would  
7        see over time that if you recounted the  
8        samples, it would go up, and that would  
9        reflect the increasing amount of material that  
10       was actually going into --

11                   MEMBER SCHOFIELD:    Yes, I have  
12        actually seen this go on.  So I mean I know it  
13        was done some -- you know like I said , I can  
14        only refer to LANL as having seen some of this  
15        done and that's why I'm asking.

16                   MR. STIVER:    Most of what I've  
17        seen in that regard is related to radon.  You  
18        wanted to -- you want the radon to stay away.

19                   MEMBER SCHOFIELD:    Just looking at  
20        radon?  Okay.  That's what I need to know.

21                   CHAIR BEACH:        Joe, any other  
22        questions?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   MR. FITZGERALD:     No I think we  
2                   have got to go back since we have gotten into  
3                   the technical feasibility question.  As far as  
4                   the completeness, I guess we have got to be  
5                   careful about dates and locations, but is  
6                   there any clarifying questions?  We are in the  
7                   middle of writing up the analysis so again, we  
8                   are a little hesitant about trying to broach  
9                   things that were not fully -- fully developed  
10                  or fully vetted by DOE.

11                  Is there anything that we can add?  
12                  Ron, Bob, John?

13                  MR. STIVER:     Bob Barton had put  
14                  together kind of a data completeness summary  
15                  and I had made some handouts of that.  It was  
16                  just the tables that -- look, it's the data  
17                  that are available --

18                  MR. FITZGERALD:   And again over  
19                  the last couple of weeks what we have done is  
20                  looked at the spread of the data based on what  
21                  you have given us and one question, I know we  
22                  have had Brant, is the focus seems to be on

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 the individual swipe data from '85 to '89, I  
2 think that was the four years that were  
3 included, as I recall.

4 And you know the period in  
5 question is '80 to 90, I think it is. And so  
6 my question is how representative is '85 to  
7 '89 for that 9 or 10 years that we are talking  
8 about.

9 I mean I can see where you -- you  
10 took the swipe -- individual swipe data for  
11 those four years and that covers, I think it  
12 covers pretty well the D&D era. But I'm -- we  
13 are also concerned about whether it would  
14 encompass any operations as well, without  
15 getting into specifics obviously.

16 DR. ULSH: I'm trying to think  
17 about what I can say. We chose the time  
18 period that we chose because there is a  
19 particular operation that was in question and  
20 we chose the time period to encompass the  
21 operation locations where -- that were  
22 relevant to that question.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1           MR. STIVER:    We have -- kind of  
2           wondering about that, because it looks like  
3           the year you chose, you actually had the  
4           actual data, and some of the other years, I  
5           know in the early '80s, were just a high/low  
6           average and a number of samples.

7           But just the summary data.   So we  
8           are thinking that maybe that was part of the  
9           reason why you guys stuck with those years.

10          DR. ULSH:       I understand your  
11          question.  Let's just note that that's a  
12          question and then we'll --

13          MR. FITZGERALD:    Something for  
14          later but that was one issue that came out of  
15          our initial look, to try to understand better  
16          how that data -- why that data was being  
17          provided the way it was.

18          MR. STIVER:    I'd like to move on  
19          to do the summary if --

20          MR. FITZGERALD:    Yes, because he -  
21          - he hasn't looked at sensitive stuff so he's  
22          fine.  He can talk.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   MR. STIVER:    Yes, Bob are you on  
2                   the line?

3                   MR. BARTON:    Yes, I'm here.

4                   (Simultaneous speaking.)

5                   MR. BARTON:    In addition to the  
6                   data that NIOSH had compiled.  For those like  
7                   Joe just mentioned, that NIOSH compiled data  
8                   for 1985 up through 1989, you have the full  
9                   year in some cases.  In some cases there was  
10                  only half the year or something like that, and  
11                  we originally thought that was just -- because  
12                  those were reports that are available that  
13                  actually show you where in these particular  
14                  rooms this swipe was given.

15                  Beyond that, as John mentioned,  
16                  there were reports that basically will tell  
17                  you on a daily basis how many swipes were  
18                  taken and what the high, the low and the  
19                  average for that day was.

20                  The only problem with those  
21                  reports, if you don't know exactly where in  
22                  the room the swipes were taken, so you don't

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 know if they are on work stations or anything,  
2 but you could probably reasonably assume they  
3 are in similar locations as to the other  
4 reports that NIOSH compiled.

5 I know I am not supposed to get  
6 too specific about what the locations are, but  
7 I can say that there's two rooms that we  
8 looked at.

9 The first room really didn't have  
10 any swipe data we could find until about 1983  
11 and the second room -- we checked that data  
12 for all the years in the '80s except for 1981,  
13 and typically you had sort of data almost  
14 every single week of the year, and depending  
15 on which room it was you had between 15-or 30-  
16 some odd samples taken on a daily basis.

17 So I guess that would kind of sum  
18 up what available data we were able to find  
19 anyway. Like I said before the problem years  
20 appear to be '80 to '82 for one room and then  
21 1981 for the other room.

22 But other than that there appears

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 to be -- at least there's summary swipe data  
2 really on a daily basis for the remaining  
3 years of the 1980s.

4 DR. MAURO:. This is John. I have  
5 a question regarding the swipe data. The  
6 presumption is that the airborne tritides are  
7 there as a result of resuspension, and not as  
8 a result of let's say direct leakage or you  
9 know, being injected direct -- it's almost you  
10 know, I think of it like a uranium facility  
11 that may be hammering or grinding uranium.

12 And if you are in a process of  
13 doing that, you have airborne uranium  
14 particulates from two sources -- the stuff  
15 that is being resuspended, deposited,  
16 accumulated over time, on surfaces and there's  
17 material that is being injected directly into  
18 the air as you are performing your operation.

19 And of course, this is a  
20 completely different operation but it's  
21 conceptually what I have in my head right now.

22 And if you are using swipe samples

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 and resuspension factors, the presumption is  
2 the predominant amount -- it's predominantly  
3 the airborne activity that the person might be  
4 breathing is from resuspension.

5 Now that being the case, let's  
6 just presume that for a moment, certainly if  
7 you have sufficient swipe data that  
8 characterizes the amount of surface  
9 contamination, you certainly can apply a  
10 conservative resuspension factor, and assuming  
11 that the material on the surface is  
12 predominantly tritides, or as Jim said, let's  
13 just default to the worst case, let's assume  
14 it's all tritides.

15 Now to go back to the air sampling  
16 data for a minute and the filter paper, Jim  
17 you had mentioned that -- you are right, it's  
18 not breathing zone, but as you recall, in many  
19 of our other conversations regarding residual  
20 period, and where you are using surface  
21 contamination and then resuspension factors,  
22 you know we always argue 10 to the minus 6, 10

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 to the minus 5 per meter, but we were always  
2 in agreement that once you are in the mode  
3 where the airborne activity that you are  
4 observing, that might be occurring is from  
5 resuspension, the general air samples are not  
6 that bad. I'll explain what I am trying to  
7 say.

8 If it turns out you have a general  
9 air sample, the reason being -- the problem  
10 with having -- not having breathing zone  
11 samples occurs when a person might be close to  
12 the source of the material that is generating  
13 and injecting the aerosol into the breathing  
14 zone.

15 But once you are at a place where  
16 the source is a diffuse, widely dispersed  
17 surface contamination that is being kicked up  
18 from mechanical disturbance, then the air  
19 samples in combination -- the air sample that  
20 you would measure, even with a general air  
21 sampler, would be generally representative of  
22 what's in the air from resuspension.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           So, the question I guess I pose is  
2           that, if there are air particulate samples,  
3           the pre-filters available, and where that was  
4           collected, and you are at a time period where  
5           there is a general consensus that the material  
6           that is airborne is from resuspension, and you  
7           have sufficient surface swipe sample data, you  
8           are in a mode where you are starting to close  
9           down very nicely on the problem and you are  
10          starting to get the kinds of data that's  
11          really going to answer your question.

12           So I go back to say that, you  
13          know, given those sets of conditions I just  
14          described, the air particulate data, if it  
15          exists, might very well be useful.

16           DR. NETON:   Yes, I hear what you  
17          are saying John but I think that this might be  
18          a slightly different situation than we  
19          normally encounter when we are talking about a  
20          uranium facility, like a vast -- inside of a  
21          plant.

22           This is a, in my impression, more

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 like a laboratory type of a situation, like a  
2 room and you have contaminated work surfaces,  
3 lab benches, you know, all kind of stuff like  
4 that, where it's slightly different.

5 So any kind of mechanical  
6 agitation you know cleaning, wiping, you know,  
7 that sort of thing is very different, I think,  
8 than when we have applied this at a very large  
9 uranium type facility. That's my opinion.

10 DR. ULSH: I think I can provide a  
11 little more background on why we chose the  
12 time frames that we did. Keep in mind we are  
13 talking about a tritium compound here, so  
14 remember our earlier discussion about radon  
15 and the R and SW buildings?

16 We are talking about those same  
17 areas, because that's where this happened. So  
18 we were asked to focus on the post-1980 period  
19 because we already have an SEC Class that goes  
20 up to 1980 that would include tritium workers.

21 So there was a special concern  
22 about post-1980. I think I can also say that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 work with the troublesome compounds had  
2 concluded by 1980, so we are talking about a  
3 period after when work with -- active work  
4 with those compounds was occurring.

5 That's not to say that there  
6 wasn't any of that material left on site.  
7 They had some you know historical archive  
8 samples, but the active work had concluded by  
9 1980.

10 MEMBER ZIEMER: Which is to say  
11 then that this would be resuspension only, no  
12 source term generation per se.

13 DR. ULSH: Well, for the most  
14 part.

15 MR. FITZGERALD: Yes, I would have  
16 to qualify this and we can't get into details.

17 MEMBER ZIEMER: Okay, I  
18 understand.

19 MR. FITZGERALD: There was  
20 evolutions after 1980 that the Work Group  
21 needs to look at along with NIOSH and SC&A  
22 that would help put this to bed and I don't

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 think we can do it here.

2 MEMBER ZIEMER: Yes.

3 DR. MAURO:. I have one more  
4 question, and something that was -- Joe, you  
5 brought it up and maybe you could elaborate  
6 because you know more about the facility.

7 But it's my understanding that  
8 where the tritides might be located might very  
9 well be in duct work, and the exposures that  
10 people might have experienced from  
11 resuspension, may very well have been during  
12 maintenance, repair or dismantlement work,  
13 where you are opening up an HVAC duct for  
14 maintenance or removal.

15 And that's where you are going to  
16 get your spoonful of a tritide as opposed to  
17 let's say the swipes that you may routinely  
18 take throughout a bench -- the surface of a  
19 bench or the floor or the walls.

20 So my question goes toward the  
21 scenario, does NIOSH envision that there might  
22 be some scenarios where workers are involved

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 in doing their job where they could be exposed  
2 to uniquely high concentrations of tritides  
3 that are not captured by the swipe sample  
4 data?

5 DR. ULSH: We have discussed this  
6 issue in the past and we interviewed a worker  
7 who was involved with taking down the duct  
8 work. His slant in this question, his answer  
9 was, look, we had -- I think he said 100 CFM  
10 airflow in the duct work.

11 If you are talking about  
12 particulates that are respirable, it would  
13 have been sucked out the duct and blown up the  
14 stack.

15 If you are talking about bigger  
16 particulates, well then it's not really a  
17 concern from a respiratory standpoint.

18 So it seems like the -- you can  
19 say that the respirable fraction of whatever  
20 might have been up there, if anything, would  
21 have been sucked out the duct work and blown  
22 away.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 DR. MAURO: I guess I  
2 misunderstood. If you are working on the duct  
3 work, let's say for maintenance or repair or  
4 dismantlement, there wouldn't be any air  
5 moving through that duct work. Are you saying  
6 that any -- oh I think I see what you are  
7 saying. You are saying that you wouldn't  
8 expect there to be an accumulation in the duct  
9 work of respirable particulates because they  
10 would have blown out during the time when  
11 there was an operation.

12 DR. ULSH: Well that was his  
13 answer to me.

14 DR. MAURO: Yes, I mean I have  
15 got to say, my -- I guess my readings  
16 notwithstanding, the postulate that any  
17 respirable particles would have been blown out  
18 during operations when that duct was being  
19 run, with the 100 CFM, I have got to say I am  
20 a little concerned about that because I think  
21 that you do have buildup of particulates in  
22 duct work that later on when you -- and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 certainly the folks involved in maintenance  
2 could probably speak to this -- that no, there  
3 is an accumulation -- there may be filters,  
4 there may be vents where you do accumulate  
5 particulates in duct work, and when you go and  
6 open them up, for D&D, you will see that yes,  
7 there is the potential for particulate  
8 inhalation when you are working with these  
9 duct works, that there can be respirable  
10 particles resuspended during that kind of  
11 operation.

12 So I am not convinced that the  
13 inside of a duct has been cleaned of any  
14 respirable particles during operation.

15 DR. ULSH: Well, the second part  
16 of his argument was that whenever they did  
17 that, to go up in D&D or take down duct work,  
18 they did smear samples and they never saw  
19 anything.

20 MR. FITZGERALD: Yes let -- can I  
21 jump in because I think John is responding to  
22 something that I had identified. This was an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 interview, and I can give you the name off the  
2 phone, where it was an incident where some  
3 workers who were in fact were doing exactly  
4 this, were dismantling duct work on I think it  
5 was SW, were contaminated, had positive nose  
6 swipes, and they thought it was Pu initially  
7 and then they did some analysis and realized  
8 it wasn't Pu, and in fact was tritium.

9 Now that realization was there and  
10 it was after the fact. This was certainly  
11 later on. I think it was during the D&D phase  
12 actually. This was just in the '90s.

13 And I can give you that interview,  
14 I mean we have done it already, and that's  
15 just an indicator of -- and you know this is --  
16 -- looking at just the representativeness, can  
17 one rely on the smears as a representative  
18 representation of what the workers may have  
19 been exposed to.

20 I just saw that one incident and  
21 was questioning whether or not -- well, that  
22 might be a more elevated case because

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 certainly duct work would have collected  
2 material over a length of time, and this was  
3 the actual exposure that took place in the  
4 incident.

5 So that was the question mark.  
6 And again, we are very early in this process  
7 but that was a question that I would want to  
8 raise to your attention and just get some  
9 reaction.

10 DR. NETON: First of all I am  
11 very, very surprised that they would have  
12 mistook tritium for plutonium contamination.  
13 I don't know how that would happen.

14 MR. FITZGERALD: I don't know  
15 either.

16 DR. NETON: You have an alpha  
17 particle you are mentioning versus an  
18 extremely weak beta --

19 MR. FITZGERALD: I'll show you the  
20 interview. I was most puzzled by --

21 (Simultaneous speaking.)

22 DR. NETON: But secondly I would

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 suspect that this -- I can't believe that a  
2 person actually involved in dismantling duct  
3 work would not be on some sort of a work  
4 permit that would include -- well a  
5 respirator, but it would also include some  
6 sort of bioassay monitoring.

7 CHAIR BEACH: They do it all the  
8 time.

9 MR. FITZGERALD: This person was  
10 in half mask. The people that were doing the  
11 work were in half mask and I couldn't figure  
12 out how they came up positive to begin with.

13 DR. ULSH: Yes.

14 (Simultaneous speaking.)

15 MR. FITZGERALD: Something was  
16 screwy but I'll point you to the interview. I  
17 was questioning --

18 DR. NETON: I would be curious to  
19 look at that and if it's possible we could  
20 even look at the RWP.

21 MR. FITZGERALD: Well the  
22 individual is one of the more prominent

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 individuals we have talked to so it won't be  
2 difficult to go back and do a followup.

3 MEMBER ZIEMER: One other  
4 comment, to pick up a little bit on what John  
5 Mauro said on bends in the duct work, the duct  
6 can act very much like a cascade. In fact we  
7 know that respirable particles can impact,  
8 depending on the velocity of the air train and  
9 the curvatures.

10 So I don't think we can assume  
11 that all respirable stuff was swept out. It  
12 could impact and then be loosened later so,  
13 just as a comment.

14 MR. STIVER: And I would like to  
15 kind of follow on about what Paul just said.  
16 I know when I was working on the NTPR program  
17 where you investigated this issue of fallout  
18 coming down through the duct work in chips  
19 when they'd button the ship up. It actually  
20 would go through some of these fallout  
21 depositions.

22 And there was a lot of issue, at

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 some point they would have to open these up  
2 again and a lot of the veterans would claim  
3 they got -- this stuff, it just came billowing  
4 out onto them.

5 And so we -- I did some  
6 investigations and some analysis, as an  
7 aerosol scientist, I just had given the number  
8 of bends and flow rates and things.

9 And I don't recall the exact  
10 numbers but you know, it's very specific to a  
11 particular case, but there is a good fraction  
12 of those small particles that played out in  
13 the duct work.

14 MEMBER CLAWSON: Also -- excuse me  
15 -- but it also comes down to the size of the  
16 duct going out of there because you are  
17 talking 100,000 or 100 cubic feet per minute.

18 We run 97,000 cubic feet per  
19 second and ours are highly contaminated, not  
20 that we can't ever get into a duct work until  
21 it's been through the HEPA filters because of  
22 the contamination. Also the HPs tell us, or

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 the RadCon techs, we get electrostatic charge  
2 sometimes from going to -- and it captures  
3 these.

4 CHAIR BEACH: Okay, so at this  
5 point I have one action item for SC&A to  
6 provide the interview notes to the Work Group  
7 and NIOSH. So that's it. Is there any more  
8 clarifying --

9 MR. FITZGERALD: Interview notes.

10 CHAIR BEACH: For the --

11 MR. FITZGERALD: This issue?

12 CHAIR BEACH: This issue. For the  
13 positive sample for the individual --

14 MEMBER ZIEMER: And you're going  
15 to have a formal analysis that you are working  
16 on?

17 MR. FITZGERALD: Oh yes, right,  
18 we're two weeks in, so it's --

19 MEMBER ZIEMER: Are these things  
20 that were passed out part of that analysis?

21 MR. FITZGERALD: That was part of  
22 the --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   MEMBER ZIEMER:        Because these  
2 aren't dated or labeled --

3                   MR. FITZGERALD:    No, no, in the  
4 interests of just keeping things moving we  
5 gave you work in progress.

6                   CHAIR BEACH:    So we will see that  
7 again in a formal --

8                   MR. STIVER:    You'll see that in a  
9 -- a subsection of the formal report.

10                  MEMBER ZIEMER:        Well what  
11 happened, they put these in the --

12                                   (Simultaneous speaking.)

13                  DR. NETON:    Where was this, when  
14 was this, and what was this?

15                  CHAIR BEACH:    This came out of  
16 NIOSH's report.  So --

17                  DR. NETON:    What did?

18                                   (Simultaneous speaking.)

19                  DR. MAURO:.    This is John.  By way  
20 of -- if I can interject.  It sounds like that  
21 NIOSH folks have filed those files and I  
22 scanned over them and as you can see, our

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 folks did too. But you are actually in the  
2 process of preparing an integrated report  
3 telling your story and taking your position.  
4 Is there actually maybe a lot of the questions  
5 and concerns that we have been dabbling in.

6 DR. ULSH: Well actually, John,  
7 all the information that we plan to present in  
8 the White Paper is already in those files. We  
9 are just going to put it into a more coherent  
10 framework.

11 DR. NETON: Right now you have an  
12 email that sort of summarizes basically --

13 DR. MAURO:. Oh no, that's fine.  
14 The only reason I bring it up is that -- so  
15 for us to go forward, SC&A to go forward and  
16 prepare our White Paper on using the material  
17 that you had already sent us I guess last week  
18 some time, we are okay with that. Okay.

19 DR. NETON: Yes, I don't think  
20 there would be any reason to wait for our  
21 formal, final report because it's not going to  
22 say anything different than what you have

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 already have.

2 DR. MAURO:. Okay.

3 MR. STIVER: There's no new  
4 analysis or data.

5 CHAIR BEACH: How soon is your  
6 final report coming out?

7 DR. ULSH: I don't know. I'd have  
8 to look it up. Since the information was  
9 already presented to the Working Group and to  
10 SC&A, I didn't put an extremely high priority  
11 on reassembling it into a White Paper, but if  
12 you desire that I do that, we can --

13 MR. STIVER: Our real concern was  
14 just that we wouldn't miss any new analysis.

15 DR. ULSH: No, we are not going to  
16 present new analysis in there.

17 MR. STIVER: If that's the case  
18 then we are fine. We are ready to go.

19 DR. NETON: Yes, I think you know  
20 --

21 CHAIR BEACH: So this means --

22 DR. NETON: They are moving things

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 forward.

2 MR. KATZ: So you're saying there  
3 won't be a report, then?

4 DR. ULSH: Well I'm almost  
5 wondering, if SC&A is going to prepare a  
6 response to what we have already given you, I  
7 am almost wondering if we shouldn't hold off  
8 on issuing the White Paper, because then we  
9 could respond to it in that White Paper.

10 MR. FITZGERALD: I think that  
11 would be more efficient.

12 DR. NETON: Yes I -- in the spirit  
13 of efficiency I don't know that we need to  
14 formalize this into a White Paper. I mean  
15 it's there. You have all the relevant  
16 information.

17 DR. ULSH: Don't take that as a  
18 direction yet.

19 (Laughter.)

20 DR. NETON: I think the concept is  
21 pretty straightforward, as you captured it,  
22 which is we have all this smear data, we have

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 analyzed the smear data, those are the dose  
2 rates that we came up with, if those are the  
3 representative smears for this facility,  
4 that's our position now. You guys are  
5 starting to take a closer look about the  
6 application of that and maybe various other  
7 wider activities or processes and what not --

8 MR. FITZGERALD: One thing I think  
9 we do need though before we would close on the  
10 White Paper to you all is have a secure  
11 meeting, because I think we can't really come  
12 to closure on the full response unless we have  
13 a candid discussion about time periods and  
14 locations, which we will have to have in  
15 Germantown.

16 So I would say we would signal  
17 when we had gotten to the point where we have  
18 most of it together but haven't crossed those  
19 Ts, and then maybe schedule something in  
20 Germantown that would I think help close the  
21 thing out.

22 MR. KATZ: Can you give me just a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 ballpark sense of calender there?

2 I mean, you give them out before  
3 you deliver your report, right?

4 MR. FITZGERALD: Right.

5 (Simultaneous speaking.)

6 MR. FITZGERALD: This is the wrong  
7 time of year. I would say in January some  
8 time.

9 MR. KATZ: Okay. Thanks.

10 DR. MAURO:. This is John again.  
11 One of the things I am a little concerned  
12 about is we had a lot of questions that we  
13 posed based on looking at the data, some of  
14 which, if we had answers to them, could  
15 affect, you know, what we have to say in our  
16 White Paper.

17 For example, I'll bring a couple  
18 of them up. I have heard some discussion  
19 regarding measurements made post-1985 were  
20 predominantly the basis for your calculations.

21 However as I understand it from  
22 listening to Bob Barton, there are a number of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 measurements of a different nature I guess or  
2 level of granularity that were collected in  
3 the 1980 to 1985 time period.

4           Apparently there was some  
5 rationale in your -- why you have elected to  
6 use the post-1985 data and not use the pre-  
7 1985 data.

8           You know, that's -- and there's a  
9 question we had, I wonder why they didn't do  
10 that if you know -- I don't know if the  
11 logistics work out but that's like a question  
12 that would help us understand because you can  
13 envision, when we write our reports, we may  
14 very well have a statement in it that says,  
15 how come, lots of questions that we are  
16 raising right now may still be with us.

17           And the extent to which some of  
18 these questions that came up during this  
19 meeting can be answered, maybe easily, by  
20 NIOSH to supplement what you have already  
21 provided us.

22           Another question was mine, having

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 to do with the air pre-filters. I guess I did  
2 not hear a definitive answer whether those  
3 pre-filter samples data from the air samples  
4 collected, whether they were counted or not,  
5 and whether there are data out there or not.

6 I know that I for one would be  
7 very interested in seeing that data, if it  
8 exists. Again, that would be material that  
9 may very well emerge in one of our reports  
10 when we deliver it, but the extent to which  
11 you could address that before then, that would  
12 be another supplemental information.

13 In other words what I'm saying is  
14 that in light of the conversation we've had  
15 this morning, any supplemental information you  
16 could provide that would address some of these  
17 questions and concerns we have raised, would  
18 certainly help us in writing our report.

19 CHAIR BEACH: Any idea if that  
20 pre-filter data exists?

21 DR. ULSH: No, we can look for it.

22 MR. STIVER: I for one would like

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 to see that.

2 CHAIR BEACH: Okay, so action item  
3 for NIOSH to look for pre-filter data. My  
4 guess is they threw it away because that's not  
5 what they were after but --

6 DR. MAURO:. Yes.

7 CHAIR BEACH: I don't know for  
8 sure.

9 MR. STIVER: More than likely,  
10 yes. But, John, the other issue of that time  
11 frame I think is going to happen at the end of  
12 the classification. It's going to have to be  
13 -- it's not something we can deal with in an  
14 open discussion.

15 CHAIR BEACH: So if we shoot for a  
16 January Germantown meeting, maybe a couple of  
17 weeks after that we can look for SC&A's  
18 report.

19 DR. MAURO:. While you're  
20 scheduling that, I am sorry to interrupt  
21 again, because there are things in my --  
22 another question. This matter of airborne

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealgross.com](http://www.nealgross.com)

1 tritides that people might have been inhaling.

2 As I mentioned earlier, they are from two  
3 sources, namely resuspension, and also direct  
4 injection.

5 Right now I believe the material  
6 you send us is silent related to what  
7 assurance do we have that applying the  
8 resuspension factor to surface contamination,  
9 the way in which you plan to do it, will also  
10 appropriately bound inhalations that might  
11 have occurred during time periods -- this is  
12 the question -- were there any operations  
13 going on where you had direct injection of  
14 tritides into the air in addition to  
15 resuspension for this time period of interest,  
16 namely I guess post-1980, or are we dealing  
17 with a time period when there was no  
18 operations and there was no direct injection,  
19 of possible injection of tritides into the  
20 air?

21 DR. ULSH: Let's talk in  
22 Germantown.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 CHAIR BEACH: Yes, that's a good  
2 topic for Germantown.

3 DR. MAURO: Okay, if you could  
4 answer that, because as you can imagine, I am  
5 pretty familiar with the subject and the  
6 literature on tritides, and the resuspension  
7 factor -- that's right, I'm sorry -- on  
8 resuspension factors, and in general, their  
9 intent is really for the pathway of you know,  
10 surface contamination, although a lot of it,  
11 quite frankly, a lot of the data that was  
12 collected on air samples and surface samples  
13 was collected actually during operations.

14 So interestingly, some of the  
15 higher-end resuspension factors that they  
16 derive in the literature was actually derived  
17 during operations, and they are reflected  
18 both.

19 But that's a complicating factor  
20 that you don't want to have to deal with if  
21 you can avoid it.

22 You see where I'm headed? So the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 degree to which something could be said about  
2 that, if you can, that would also help us in  
3 our deliberations.

4 MR. KATZ: Thank you, John.

5 CHAIR BEACH: Anything else?

6 MEMBER SCHOFIELD: I wouldn't be  
7 surprised if those numbers would be higher  
8 during the operation.

9 DR. MAURO: Yes, during the  
10 operation -- that's, you see, I've got to tell  
11 you what we are thinking, if in fact there was  
12 some operations going on when the swipe  
13 samples were collected and when the -- when we  
14 are going to use them. In other words we are  
15 going to -- let's say it turns out in the  
16 early 1980s there were operations -- I'm  
17 making this up -- there were operations going  
18 on and any person working there that wasn't  
19 wearing any respiratory protection would say  
20 when he -- any inhalation he may have  
21 experienced would reflect what was directly  
22 injected from leakages or whatever the process

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 is, I'm not sure, and resuspension.

2 Now, then you are in this  
3 difficult situation of arguing that the  
4 resuspension factor that we are using and the  
5 data we are using from surface contamination  
6 is more than adequate to cover the fact that  
7 the person was exposed not only to  
8 resuspension, but direct airborne injection.

9 It's a complication that makes it  
10 difficult to accept your method, if that  
11 scenario was real. If it turns out that all  
12 the exposures that people might have  
13 experienced of concern to us today are solely  
14 from resuspension, well, that simplifies our  
15 problem and it makes your approach a little  
16 bit more compatible with what the intent of  
17 the resuspension factor is.

18 DR. ULSH: Well, I can maybe  
19 provide some clarification right now, maybe,  
20 if you don't ask me a whole lot of questions.

21 These were not abandoned facilities where  
22 there was only residual contamination. These

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 are facilities where there was active work  
2 still going on, including active work with  
3 tritium.

4 DR. MAURO:. Okay. With tritium  
5 but not necessarily tritides.

6 DR. ULSH: There was active work  
7 going on --

8 MEMBER SCHOFIELD: You're getting  
9 in too far.

10 MEMBER ZIEMER: John, we  
11 understand your point so --

12 DR. MAURO:. You understand my  
13 point --

14 MEMBER ZIEMER: Yes.

15 DR. MAURO:. Okay.

16 MEMBER ZIEMER: I don't think we  
17 need to discuss it further.

18 MR. STIVER: John, we might want  
19 to get you set up for a Q Clearance.

20 (Laughter.)

21 CHAIR BEACH: And one of the  
22 action items that SC&A had was to deliver the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 interview notes, which Joe just handed to Jim  
2 and so -- glanced at them.

3 Joe will make copies of them at  
4 lunchtime.

5 MR. FITZGERALD: I'll make copies.

6 CHAIR BEACH: So that's then. At  
7 this time is there anything else on tritium,  
8 tritides, and if not we'll go to lunch?

9 (No response.)

10 So let's break for an hour.

11 MR. KATZ: So we'll be back around  
12 quarter after one. Thank you everyone on the  
13 line.

14 (Whereupon the above-entitled  
15 matter went off the record at 12:12 p.m. and  
16 resumed at 1:16 p.m.)

17

18

19

20

21

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701



1 DR. ULSH: I can.

2 CHAIR BEACH: Okay, that would be  
3 great.

4 DR. ULSH: It seems like we are  
5 left with the issues that have been ongoing  
6 for, I don't know, years maybe, and this is  
7 certainly one of those.

8 We've talked about this a number  
9 of times in the intro to our report that we  
10 put out dated August of this year. I cover  
11 all the iterations that we have had on this  
12 issue.

13 And basically we focused at this  
14 point on exposure to exotics and by exotics we  
15 are talking about, at Mound at least,  
16 radionuclides other than the main ones that  
17 they had there, which were plutonium, polonium  
18 and tritium, so anything else, at least in the  
19 Mound context, we would call an exotic. It's  
20 kind of a loose term.

21 SC&A has expressed a concern that  
22 there were situations where workers had an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 exposure potential to some of these exotic  
2 radionuclides for which there is not  
3 corresponding bioassay and then they asked the  
4 follow-on question, how are we going to do  
5 dose reconstruction.

6 So after a lot of back and forth  
7 on this issue at the last meeting, we finally  
8 got to the situation where SC&A was going to  
9 provide some specific examples of what they  
10 were talking about, so that we could -- NIOSH  
11 could -- investigate those specific situations  
12 and determine whether or not there was an  
13 issue for -- what we described for you, where  
14 we couldn't reconstruct dosage from exotics.

15 SC&A did provide some specific  
16 situations in their last report, so in this  
17 report that we just issued in August,  
18 basically I took all of the specific  
19 situations that were provided and we did a  
20 number of things.

21 Number one, we looked at what  
22 radionuclide was involved. We looked at what

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 bioassay, if any, was done and we also looked  
2 at what the exposure potential was.

3           And we walked through every  
4 specific case that was provided and at the end  
5 of the day, NIOSH was left with the conclusion  
6 that we didn't see any examples here that  
7 would indicate, certainly not a widespread  
8 exposure potential to exotics, and I would  
9 contend that we didn't find an example that we  
10 could point to and say you know, we've got an  
11 unmonitored exposure situation here.

12           So our report was 79 pages long.  
13 I'd be happy to answer any specific questions.  
14 I'm sure Joe's probably got some thoughts to  
15 offer on this, but that's truly kind of the  
16 long and short of it.

17           CHAIR BEACH: Okay, thanks.

18           MR. FITZGERALD: Yes, I -- we are  
19 fairly far along, at least I am fairly far  
20 along in going through this. And these issues  
21 are not new issues so I think we will have  
22 something relatively soon, but I can't give

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 you a specific date. I think this is -- but I  
2 wanted to walk through this, particularly for  
3 the people on the phone, just you know, it is  
4 a lengthy history, I agree with Brant, and so  
5 we have gone through a number of steps.

6 So I have kind of outlined some of  
7 them. The issue began as separate  
8 deliberations on specific radionuclides --  
9 exposure potential to exotic radionuclides.

10 Okay, issue one from -- and this  
11 derived from the Site Profile carried forward  
12 into the SEC discussion -- was actinium and  
13 thorium after the initial SEC period.

14 Issue two was -- I think that was  
15 radon, actually. Issue three was the  
16 transuraniums other than plutonium, so  
17 americium-241, curium, neptunium.

18 Issue four was the various uranium  
19 isotopes. Issue five was isotopes of Pu other  
20 than the weapon 239, 238. And then issue  
21 seven was fission activation products.

22 And then we had issue eight, which

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 was sort of other radionuclides, exotics,  
2 beyond some of these others, and that was  
3 essentially what we started out with, is --  
4 and I think, again, the -- and this is going  
5 back a couple of years, but the position I  
6 think that NIOSH presented to us on some of  
7 those issues in the initial discussions that  
8 you know, while some of these exotics were  
9 handled in some quantities in the early '60s,  
10 pretty much in general with more bench scale  
11 in the later years and '70s and '80s and I  
12 think that's kind of what the response was.

13 The second issue that arose early  
14 on was the so-called King report in terms of  
15 you know, what the actual intent and use of  
16 that report was, and was it in fact a roadmap  
17 for D&D or not, and I think the NIOSH position  
18 was it didn't necessarily connote an exposure  
19 potential by itself, that it required you  
20 know, a corroboration via the quantities  
21 involved and the dosimetric significance  
22 involved.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1           So there was other additional  
2 information that was needed and not just  
3 simply a listing in the King report.

4           And I think a third aspect of that  
5 discussion was that you know , there were some  
6 concerns about the historic use of gross alpha  
7 and whether or not that could distinguish some  
8 of the byproduct alpha, source nuclides that  
9 were involved and whether those were masked by  
10 the process or not.

11           And that's kind of where all this  
12 sort of started. And we had other issues  
13 which I'll get to, that sort of dealt with the  
14 classic data completeness and adequacy.

15           We initiated that as a separate  
16 issues. And in the end I think a lot of these  
17 issues kind of blended so the Work Group chose  
18 to go ahead and make it one consolidated issue  
19 dealing with the internal dose  
20 reconstructability.

21           But after we got through that  
22 iteration, I think NIOSH introduced what has

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1       been called or labeled the roadmap as a  
2       response to at least these airway issues and  
3       what it was trying to do was match the  
4       radionuclides to location, time and bioassay  
5       availability, a sort of matrix.

6                   And what became clear and what was  
7       made clear was that based on the King and  
8       Meyer reports, and it spoke to available  
9       bioassay procedures, and not necessarily that  
10      they were employed under all applicable  
11      exposure conditions.

12                   So you know I think there was a  
13      lot of parsing outs to figure out what the  
14      matrix really provided and what it didn't  
15      provide, and I think what it provides is a  
16      pretty good graphic representation of the King  
17      and Meyer documents in terms of where source  
18      terms existed over time, location, what have  
19      you, but not necessarily whether or not there  
20      would have been an exposure potential or a  
21      need for bioassay during those particular time  
22      frames and locations and I think that was

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 something that came out of the discussions.

2 And I think, as Brant pointed out,  
3 there was some debate over that interpretation  
4 because the terminology used in the King  
5 report on usage and some of the other  
6 phraseology I thought was rather ambiguous on  
7 that point.

8 And there were subsequent  
9 interviews that were done that I'm not sure  
10 necessarily clarified everything, but  
11 certainly suggested that there was a viable  
12 point to be made that the context of the  
13 document might have been more in line of  
14 pointing out source terms rather than pointing  
15 out exposure potential.

16 So you know, looking back over  
17 this long litany I think it's a little  
18 ambiguous exactly how in the end the King  
19 report was being applied, but again this is  
20 just a document, I don't disagree -- I don't  
21 think we disagree that corroboration of some  
22 sort would seem to be necessary if you are

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 dealing with something as consequential as  
2 determining an SEC Class.

3 Beyond that, we have had some  
4 exchanges on data completeness and adequacy  
5 which is sort of a side issue which dealt with  
6 the alpha and beta, gross alpha-beta, analytic  
7 techniques and whether or not they adequately  
8 address the secondary nuclides and whether or  
9 not they were masked and I think all that  
10 process and we went to some lengths to find  
11 people who would have been perhaps expert on  
12 those processes, and I thought it was  
13 surprising at least from our standpoint, we  
14 didn't find people that really had -- were  
15 contemporary enough or really could walk  
16 through those enough and we did make some  
17 contacts.

18 So I think that was left without a  
19 firm conclusion as to whether or not there  
20 were some issues and I think NIOSH presented  
21 some reasonable arguments about the fact that  
22 one could rely on and in fact were relied upon

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 in others -- at other sites.

2 So in general I think it kind of  
3 was left, I thought it was resolved that we  
4 didn't have any lingering issues on gross  
5 alpha and beta as far as the analytic side of  
6 that goes.

7 Now, that's a quick history over  
8 about two and a half years. We get to the  
9 final point, and you know, we sort of got into  
10 a final questioning of the King report roadmap  
11 that I think at the Work Group meetings early  
12 last year it was pretty clear to me that it  
13 had evolved into a more qualitative, very  
14 subjective discussion of what the King report  
15 did or didn't do, and whether exposure  
16 potential, really, may have been there or may  
17 not have been there. We weren't making much  
18 progress.

19 I think it was my suggestion to  
20 the Work Group that you know, listen, just to  
21 bring this to a close, if we can't come up  
22 with specific examples of exposure potential

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 that would demonstrate that it's less  
2 subjective, then I think it's not compelling  
3 enough, and that was the genesis of -- and we  
4 didn't have any a priori sense of whether or  
5 not there were a lot of specific examples but  
6 we felt that we needed to look for those.

7 And that was the genesis of the  
8 June 2010 White Paper that we would try to  
9 highlight what we could in terms of specific  
10 examples and we have since now got a NIOSH  
11 response to that.

12 Now, to bring that up to speed, I  
13 do have some questions, clarifying questions,  
14 on the response, Brant, and just to help me  
15 understand where you are coming from, as I  
16 indicated you know, yes, on the King report I  
17 think that isn't something that I find  
18 compelling from the standpoint that I would  
19 argue -- I wouldn't argue that you would need  
20 some corroborating information in order to  
21 apply it. It's not enough by itself.

22 I think there's a lot of ambiguity

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 about how it's framed and how some people have  
2 said it was implemented but I think there was  
3 enough of that that I would not see that as  
4 being a whole point.

5 I would recommend to the Work  
6 Group that, as far as that goes, I think we  
7 accept the fact that some degree of  
8 corroboration seems to be necessary in order  
9 to apply what information is in the King  
10 report, and I think that's actually a pretty  
11 major leap for us.

12 But I -- looking at this thing I  
13 think that's kind of where I am at at this  
14 stage. I think that's a reasonable approach.

15 The second point I get from the  
16 response is -- there's 111 of them, I have to  
17 say, it was many, many days in front of  
18 various football games that I have gone  
19 through these thing, all 111, and tried to  
20 frame up all the responses in terms of what  
21 kind of categories of responses.

22 And one category of response that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 gives me some pause, there seems to be some  
2 reliance on a programmatic basis, meaning that  
3 sort of reliance on the program performance,  
4 and I'll give you some examples.

5           You know certainly you continue to  
6 point to Meyer's bioassay history in terms of  
7 the procedures that were in that document.  
8 There's a reiteration of Mound laboratory  
9 incident findings.

10           You know, you have an incident at  
11 a typical DOE site and you get a -- I don't  
12 want to call it boilerplate but it sort of  
13 sounds like a boilerplate response where they  
14 say the incident did not result in any  
15 injuries, radiation exposure to personnel or  
16 loss of equipment.

17           You get that same -- over time.  
18 And there was another response, just another  
19 example I found in the -- and these were  
20 repeated over a number of these, that you have  
21 faith in the researcher, supervisor or  
22 bioassays in making the correct calls in terms

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 of communicating the need for monitoring, that  
2 kind of thing.

3 The only thing I would say is I --  
4 you know, we have done this at other sites.  
5 It's -- certainly it's helpful to have some  
6 faith and confidence in the early performance  
7 of the programs but I think, I always hesitate  
8 because I think the reason the program was  
9 inaugurated was some of these programs, even  
10 though they were staffed with expert HPs and  
11 were managed well, they didn't always make the  
12 right call.

13 So I'm a little concerned about  
14 using a programmatic basis as a reason for the  
15 exposure being handled correctly, and I'll  
16 just use that in a general way.

17 And then sort of turning it back  
18 to say well it's up to you to prove otherwise,  
19 well, you know, I can't accept necessarily  
20 that the program did the right thing at face  
21 value either, and recommend to the Work Group  
22 to accept it at face value.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           So this is just a -- we have only  
2 had this for a little while, but just a  
3 reaction to some of those responses that a  
4 programmatic basis for again, claiming that  
5 the exposure potential was addressed or did  
6 not exist I think is a problem from our  
7 standpoint.

8           That doesn't apply to all of them.  
9 It only applied to, like I said, I came up  
10 with a matrix just trying to figure out which  
11 ones had that kind of a response but that  
12 gives me some pause.

13           And that doesn't impugn the  
14 expertise and credibility of Mound's HP  
15 community. It's just I think it's the reality  
16 of some of the historic practices at the  
17 sites.

18           Now the second thing, one standard  
19 response was you are talking about the  
20 primaries and not the exotics. I mean that  
21 was sort of a, what are you doing, the Work  
22 Group didn't ask you about you know, the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 poloniums and the what have you, Pu-238s. You  
2 are off-scope.

3           And actually, the original  
4 document had a -- I actually jotted the page  
5 number -- had a -- oh page 13 of our response  
6 pointed out that there was a section in the  
7 White Paper that indicated that we are looking  
8 at radiological controls, the integrity and  
9 performance of radiological controls in  
10 general, and for that section, we were  
11 pointing out that the loss of control, even  
12 for primaries, would have some implications,  
13 understandably for the secondaries and I  
14 wanted to draw that parallel.

15           So you know, I think you sort of  
16 sliced the issues down to very specific issues  
17 but I think that that qualifier got lost in  
18 the shuffle, that we certainly understood what  
19 the Work Group was asking in terms of exotics  
20 but wanted to at least draw that parallel that  
21 for loss of radiological control, it would be  
22 useful just to point at some of the instances

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 where that happened in a significant way for  
2 the primaries and we did so, and page 13 gives  
3 you that background before we got into that  
4 discussion.

5 So somehow that got lost in the  
6 context of the response to those issues. And  
7 there was a number of them that had that one  
8 response that you were off-message in terms of  
9 even thinking about primaries versus exotics.

10 There was another thing. I'm  
11 going to just throw these out because again,  
12 we are in the midst of this and I think it  
13 would be helpful to just give you some of the  
14 sense of what we are reading.

15 You note that instances cited by  
16 SC&A with event-driven bioassays, in other  
17 words that resulted in an event-driven  
18 bioassays were not examples of, quote,  
19 unmonitored exposure.

20 But I guess my question is, we are  
21 looking at examples that are suggestive of an  
22 exposure potential and certainly we understand

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 that these instances in most cases are cases  
2 where they are not unmonitored, they did have  
3 event bioassays, so prima facie, they did have  
4 a bioassay after the incident.

5 That wasn't the issue. I think  
6 the example was to illustrate that there were  
7 in fact instances where the radiological  
8 control was lost in that particular situation  
9 and resulted in a release and, yes, there was  
10 a bioassay because that release was  
11 recognized.

12 But it demonstrated the potential  
13 for that particular nuclide to be released and  
14 then the question becomes, well, did they in  
15 fact report all incidences or in fact, only  
16 the -- this is the case, a lot of sites, only  
17 the ones that rose to a certain level of  
18 significance or not, and I think those  
19 examples were just to illustrate that there  
20 was this loss of control.

21 So it's not so much unmonitored  
22 exposure, it was whether or not they more

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 importantly showed an exposure potential by  
2 virtue of these -- an example, failure to rad  
3 -control to preclude worker exposure in those  
4 instances.

5 And then some of the things I sort  
6 of picked up in the responses, certainly in  
7 several of the responses but specifically  
8 response number 64, you seem to agree with  
9 SC&A's contention in its June 10<sup>th</sup>, 2010 White  
10 Paper that the existing -- and again, I am not  
11 sure how to address this very well because it  
12 does have to do with actinium and thorium and  
13 radium, saying that the conditions for the  
14 current Class, one could argue, existed eight  
15 or nine months before, and I don't know where  
16 to take that except that, yes, I think there  
17 seems to be some convergence on the fact that  
18 that is the case, and I wouldn't use this  
19 vehicle to raise it but I guess I -- that  
20 would be a question for you and Jim as to what  
21 happens to that particular point and the Work  
22 Group certainly needs to at least be aware of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 that particular point in terms of that --  
2 whether the additional nine months or eight  
3 months, whatever it is, should be considered.

4 CHAIR BEACH: I believe that has  
5 come up in previous Work Group meetings.

6 MR. FITZGERALD: It has come up.

7 CHAIR BEACH: But it's never been  
8 --

9 MR. FITZGERALD: This has been I  
10 think - it looks like it's -- we are  
11 converging. I'm not sure what it takes to go  
12 to the next step. I just sort of am  
13 mentioning that I saw that in a couple of the  
14 responses.

15 And then there's, again, excuse  
16 this stream of consciousness, but going  
17 through the report at this point, there's  
18 another one where you point that SC&A is  
19 addressing issues that are already covered by  
20 existing SEC Classes. You know I think this  
21 has come up before. Maybe counsel can help.  
22 But I think the fact that an issue is already

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 covered in a current SEC Class doesn't  
2 preclude pursuing another SEC issue that might  
3 involve workers from that period.

4 I thought that came up in a  
5 different context and I remember somebody  
6 pointing out that you know, yes, I mean, you  
7 shouldn't use an existing SEC Class to  
8 preclude pursuing an issue that might in fact  
9 go into that time period. But I can't  
10 remember the exact context.

11 CHAIR BEACH: That was tritium.

12 MR. FITZGERALD: Is that tritium?

13 CHAIR BEACH: Yes, because the  
14 radon Class had existed and tritium  
15 overlapped.

16 It was a brief discussion of --  
17 yes, last year.

18 MS. LIN: I don't think that would  
19 be a legal issue.

20 DR. NETON: No, it's not a legal  
21 issue, it's -- I think Ted pointed out  
22 earlier, every instance of reconstruction

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 should be based on its merits.

2 CHAIR BEACH: And not whether --

3 MR. FITZGERALD: And not made moot  
4 by an existing Class.

5 DR. NETON: No, I mean it is  
6 sometimes -- there's a tendency to point that  
7 out in the sense that, well, then you leave no  
8 recourse for that. But technically there is  
9 no --

10 MR. KATZ: Right, I think the only  
11 other nuance or element to that discussion was  
12 that if you have a Class that covers everyone  
13 who worked with tritium already and then you  
14 have another issue and it's fully enveloped  
15 within that Class, the Board can't recommend  
16 another Class that's a subset of a Class that  
17 already exists because it --

18 MR. FITZGERALD: Yes, it's the  
19 uranium --

20 MR. KATZ: Right. So there's no -  
21 - maybe that is the context but --

22 MR. FITZGERALD: Yes, okay. But

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that was -- some of the responses spoke to  
2 that and I thought that was where it came out  
3 so I wasn't sure whether -- well, I remembered  
4 that that actually seemed to be certainly  
5 justified but it seemed like it was a concern  
6 that we were doing that.

7 The other issue, it was a question  
8 on thorium-232 when it was used as a  
9 substitute for Pu-238 in R&D analytic programs  
10 and this is the '60s to '80, and that was -- I  
11 would put a space holder in there that you all  
12 indicated that you were investigating a  
13 thorium issue, and the Work Group might want  
14 to understand, if you can, what that means  
15 because it didn't really say too much more  
16 about it as far as the status of that.

17 And that's again, pretty much an  
18 outline of, at least at this stage, the  
19 takeaway. We are working on a response but  
20 those are some of the, I guess, reactions to  
21 the responses and certainly a pretty  
22 comprehensive, 111 specific issues so it takes

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 a little while to sort of get your arms around  
2 them all.

3 But you know, I think it was a  
4 reasonable analysis on the specific examples  
5 that were provided, and we will certainly try  
6 to come back with a response.

7 DR. ULSH: I have got some  
8 thoughts to offer Josie, if now is the  
9 appropriate time.

10 CHAIR BEACH: Yes, that would be  
11 great.

12 DR. ULSH: I took some notes, as  
13 you were talking there, Joe, and I captured  
14 six points anyway. So I'd like to walk  
15 through and offer some responses on that.

16 The first one that you raised was  
17 the interpretation of incident reports and in  
18 particular you characterize it as boilerplate  
19 language.

20 The reason that I thought it was  
21 important to include those is that it was my  
22 understanding that SC&A was going to provide

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 examples of situations where there was a  
2 potential for unmonitored exposure to exotics.

3 So I looked at each incident that  
4 was provided, that was cited by SC&A as an  
5 example. And so number one, was it an exotic  
6 radionuclide, and that's another point that  
7 you raise and I'll talk about later. Number  
8 two, was it unmonitored, because if these  
9 incident reports are being offered in support  
10 of the case that, hey, here's a situation, we  
11 are having unmonitored exposure, I think it's  
12 legitimate to point out in those situations,  
13 based on the reports that were cited, if they  
14 said there is no radionuclide exposure, I  
15 think that's an important point to know,  
16 because I would say that that's not an example  
17 of an unmonitored exposure to exotics.

18 Now granted, if that was the only  
19 thing that I offered, just this boilerplate  
20 language, you know you could take it for what  
21 it's worth.

22 But it was kind of a weight of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 evidence approach, that number one, you are  
2 citing this report as an example of an  
3 unmonitored exposure when the report itself  
4 says there was no exposure.

5 I went on to look whether or not  
6 it was monitored, whether it was bioassay, et  
7 cetera, but I thought it was a -- it's  
8 important to represent those cited reports  
9 accurately and that was in there, so that's  
10 why I cited it.

11 MR. FITZGERALD: Well, before you  
12 leave the first point, I think there seems to  
13 be, and I want to clarify this for our  
14 response, a distinction between unmonitored  
15 exposure, which I think in terms of the  
16 instances that were in fact reported, clearly  
17 the site responded and did, eventually, a  
18 bioassay.

19 Of course you would have to, if  
20 you had a formally notified incident, you  
21 would have to respond and do your subsequent  
22 bioassays.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1           I think the original analysis  
2           tried to demonstrate that for the nuclides in  
3           question, you obviously had a breakdown of  
4           some sort and had an exposure and this was  
5           indicative of an exposure potential.

6           Now, you know, the discussion of  
7           whether that represented or was emblematic or  
8           an example of an exposure potential is the  
9           issue I think we are trying to drive at.  
10          Whether there was unmonitored exposure, I  
11          don't think there's any question. Of course  
12          it was -- if they had bioassays it wasn't an  
13          unmonitored exposure.

14          So I think the whole thing was  
15          driven by trying to come up with instances  
16          where you could show for the nuclides in  
17          question there was an exposure potential.  
18          These instances did occur, and in that  
19          context, I think what I am saying is that the  
20          only thing that gives me some pause in the  
21          response is I am uneasy about the sort of the  
22          blanket statement that the sites tend to do on

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 some of these that you know, ding ding ding  
2 ding, no exposure, none of this, none of that.

3 And I understand that's all you  
4 have to work with. I am just pointing out  
5 that would be -- that would not answer my  
6 question about the exposure potential.

7 But it would answer my question  
8 about the fact that it was in fact bioassay-  
9 monitored after the fact, and so it wasn't  
10 unmonitored exposure necessarily.

11 But it shows exposure potential,  
12 and I think that's kind of one of the things  
13 I've noticed in the give and take is that we  
14 may be talking past it a little bit, that the  
15 task which I recommended to the Work Group  
16 that we took on, was is there any way you can  
17 actually get your arms around exposure  
18 potential by looking at the operational  
19 history and looking at history reports and  
20 what have you.

21 And it's very difficult but what  
22 you have to work with, frankly, is the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 historic record of what incidences occurred,  
2 where you had breakdowns and what have you.

3           They weren't reported. There's no  
4 history. So it's either interviews or  
5 incident reports, which primarily make up your  
6 basis for pointing at breakdowns and whether  
7 or not these particular source terms can get  
8 out and be exposed -- workers could be  
9 exposed.

10           So really I think the point there  
11 is that we are not arguing unmonitored  
12 exposure, but we are trying to say these were  
13 provided in the context of the exposure  
14 potential, that in fact the workers could have  
15 been and in fact were exposed in some cases  
16 and I am not sure I would write it off because  
17 the site wrote it off in the '50s or '60s as,  
18 you know, we didn't see any exposure, because  
19 I think in some cases that might have been a  
20 pretty standard answer back in the day.

21           DR. ULSH: Well that leads to the  
22 second point that I heard you make, and that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 was primaries versus exotics and radiological  
2 controls.

3 And the reason that you gave in  
4 your White Paper for citing these instances --  
5 incidents, many of which, I think most of  
6 which involve primary radionuclides, was to  
7 demonstrate a general loss of radiological  
8 controls.

9 And I think you said that that  
10 kind of got lost. I didn't lose it. It's at  
11 the bottom of page 13 of our report.

12 I clipped out the text from SC&A's  
13 report that talks exactly about that, why they  
14 cited these reports, and it's as Joe said,  
15 demonstrate weaknesses in general radiological  
16 controls, and I responded to that on page 14,  
17 so it didn't get lost. It's in there.

18 And my problem with this approach  
19 is that the logic seems to be that SC&A went  
20 to great pains to point out at that incidents  
21 happened and people were exposed. We have  
22 never said otherwise. We will posit that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 incidents happened and people were exposed in  
2 situations, well, with these general -- with  
3 these primary radionuclides.

4 The problem is SC&A appears to  
5 then be extrapolating and saying, see, because  
6 these incidents happened and people were  
7 exposed to these primary radionuclides, then  
8 incidents must have happened or there must  
9 have been exposures to these other exotic  
10 radionuclides.

11 Well okay, fair enough. If you  
12 are going to extrapolate that way, then I  
13 think it's fair to extrapolate that, when  
14 these incidents happened, exposures were  
15 monitored, bioassay was performed; why  
16 wouldn't they then do that with the exotics?

17 MR. FITZGERALD: That was my  
18 point.

19 DR. ULSH: Well again, I don't  
20 think that came across in the individual you  
21 know -- the individual responses basically  
22 tactically, not generally, tactically address

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 and say this was a primary not exotic, that's  
2 the way the specific response was written.

3 I'm just saying that the context  
4 of that response -- the context of the issue  
5 is exactly the way we put it at the beginning,  
6 and you responded generically at the bottom of  
7 page 13 in the report but you know, you go  
8 through like 20 specific responses that  
9 basically say this is a primary not an exotic,  
10 have you lost your mind type of thing. I'm  
11 just saying --

12 MR. FITZGERALD: I don't think I -  
13 -

14 DR. ULSH: I'm just saying --  
15 (Simultaneous speaking.)

16 MR. FITZGERALD: Listen, you know,  
17 I could come up with a generic response, no, I  
18 mean we kind of explain why we are doing it,  
19 you can argue that, but as I was reflecting on  
20 the report, I said well, you know, I think  
21 it's understood why those were raised and  
22 there may be some real legitimate differences

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 on that point. But I'm just sort of  
2 advertising when we get into this thing that  
3 we are not going to argue each and every one  
4 of these responses because clearly you know  
5 where we are coming from and you may differ  
6 from it generally, but we didn't miss the  
7 mark. We purposely wanted to raise those. So  
8 --

9 And that was quite a few, like I  
10 said I went through this matrix, and I said  
11 well okay, I understand why there's this  
12 difference, but it does make for a lot of  
13 specific disagreements when in fact, I think  
14 it was just a general misunderstanding,  
15 perhaps.

16 DR. ULSH: So I will posit, on the  
17 record, we agree that incidents happened, and  
18 there were exposure potentials, certainly over  
19 the course of Mound, certainly with plutonium,  
20 polonium, and I won't even say -- I'm not  
21 trying to say that there are zero incidents  
22 that occurred with exotic radionuclides.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           What I'm saying is, based on the  
2 evidence that has been provided, it appears  
3 that, when those exposures happened, Mound  
4 performed bioassay.

5           That's what the evidence shows  
6 here.

7           MR. FITZGERALD: And I think -- I  
8 don't think we disagree.

9           DR. ULSH: Okay.

10          MR. FITZGERALD: I think this give  
11 and take -- you know this was something that  
12 wasn't clear to me when I proposed this a year  
13 ago, you know, we would go and look at these  
14 things and see whether or not -- again, not so  
15 much whether it was unmonitored exposure but  
16 whether or not these would suggest an exposure  
17 potential that may have been missed for these  
18 specific nuclides and I think two things came  
19 out of the analysis, one of which is what you  
20 just said. Basically for every incident you  
21 could demonstrate that they did have an event-  
22 driven bioassay and follow-up that was

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 adequate apparently, and in terms of exposure  
2 potential, you know I think, as you said also,  
3 it's clear it was an exposure potential but it  
4 was addressed with the event-driven bioassay.

5 And that's about as far as you can  
6 take it with the record. So I don't think we  
7 have any disagreement there.

8 DR. ULSH: Okay. Well let's move  
9 on to another one where we don't have a  
10 disagreement. You mentioned the radium,  
11 actinium, thorium and the time frame February  
12 through September to '49. Oh here it is, yes,  
13 comment 64.

14 Kathy raised this issue, pointed  
15 out this gap, a long time ago. To kind of set  
16 the stage for it, we have an SEC for Monsanto  
17 which was the predecessor for Mound that goes  
18 up through, oh gosh, I'm going to say it wrong  
19 if I say it specifically, I think it goes up  
20 to 1949.

21 We designated the radon -- sorry,  
22 radium, actinium, thorium Class from February,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1       sorry, from September 30<sup>th</sup> 1949 up through  
2       1959.

3               The reason we picked that start  
4       date was because that was when the material  
5       involved arrived at the Mound site so that's  
6       why we picked that particular start time.

7               Kathy has pointed out that there  
8       was a gap between the end of the Monsanto SEC  
9       and the beginning of the Mound SEC, and at the  
10      time, I thought that was a good observation  
11      and I thought that we might want to expand  
12      either the Monsanto Class or the Mound Class  
13      to cover that gap, and I still think that.

14              With regards to procedurally how  
15      we go forward, I don't know, my thought was,  
16      let's wait until the dust settles and there  
17      will probably be a list of things that we want  
18      to address.

19              But I think that certainly this is  
20      one of them. I wouldn't argue that there  
21      should be a gap. I mean, that's how it came  
22      about, but now that Kathy has pointed out that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 there is a gap, I think we need to address  
2 that.

3 CHAIR BEACH: I guess I wonder why  
4 you'd wait for the dust to settle. If you've  
5 seen it and you know it exists why not 83.14  
6 and move forward.

7 DR. ULSH: We could, well I assume  
8 we could. That's for Ted and Jim to say. But  
9 I think we could do that. It would be cleaner  
10 just to do one big one and kind of cover all  
11 the bases but I don't know --

12 MR. KATZ: One big -- it depends  
13 if you have other --

14 DR. ULSH: Right exactly, let's  
15 say at the end of the day you have got three  
16 or four issues where you think the SEC needs  
17 to be expanded, well, wouldn't it just be  
18 easier just to cover that all at once?

19 MR. KATZ: If they are independent  
20 of each other then I don't think that's  
21 necessarily -- they are independent Classes, I  
22 don't think so. Then you could go ahead and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 do this. But if they overlap or intermingle  
2 somehow, that would be different.

3 DR. NETON: This is -- I agree.  
4 This is something that we need to take up  
5 independently and we are looking at it. This  
6 is also sort of coincidental with a  
7 redefinition of the Mound site at this time by  
8 Department of Labor or Energy.

9 I believe -- I hope I'm not  
10 getting this wrong -- but I believe it's  
11 changed -- reverting to a DOE site at some  
12 point in earlier years now. There's some  
13 movement going on about some redesignation.

14 MEMBER ZIEMER: Because of what?

15 DR. NETON: Well, proprietary  
16 ownership I think, though I might not -- I may  
17 be misremembering.

18 DR. ULSH: Mound site.

19 DR. NETON: Not the Mound, maybe  
20 the Monsanto; I don't know. I need to --  
21 there's some movement with this early time  
22 period right now. I am not clear on it so

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 just take that for what it's worth.

2 But I think that I do agree that  
3 this is something that we need to take up  
4 ourselves, an independent effort, maybe  
5 outside of this discussion.

6 DR. ULSH: Okay, so there are some  
7 procedural questions about how to move  
8 forward, but I think on this particular sub-  
9 issue we are in agreement that somehow or  
10 other, that gap should be closed.

11 In terms of existing SEC classes  
12 and issues that are entirely enveloped, I'm  
13 not necessarily arguing that that's a  
14 legitimate basis for dropping an issue, but I  
15 do know that I want the Working Group and the  
16 Advisory Board to be informed about what the  
17 outcome would be.

18 So for instance, just to give you  
19 an example that's not from this report, the  
20 neutrons issue that we talked about earlier,  
21 where I said look, this is not going to result  
22 in the addition of anyone to the Class. That

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 doesn't mean it's not a legitimate issue or it  
2 is a legitimate issue. It's just when you  
3 think about, you know, what's the effect going  
4 to be.

5 And you know you could choose not  
6 to consider that, or if the law doesn't allow  
7 you to consider that, fine. But --

8 MR. FITZGERALD: I mean I'll  
9 accept, certainly I think it's what Jim said  
10 earlier and what you are saying now, is a  
11 piece of additional information or perspective  
12 and that's all.

13 DR. ULSH: Yes, exactly.

14 MR. FITZGERALD: I -- some cases,  
15 and I read the response, was saying I don't  
16 think that's a message to us not to go there,  
17 it's just sort of an additional perspective  
18 just to be aware of.

19 DR. ULSH: And the last issue was  
20 thorium-232. The reason I went ahead and  
21 issued this report was because it's already 79  
22 pages and I didn't want to hold it up while we

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 have internal discussions about how to handle  
2 the thorium issue.

3 So at the time that I issued this,  
4 that was and still is an outstanding issue,  
5 how to handle thorium-232. At Mound largely  
6 this is a question of the gazillion oxides and  
7 oxalates -- the residues that Mound received  
8 in the '50s in advance of an anticipated pilot  
9 program to process that into fuel for the  
10 breeder reactor program.

11 Basically Mound received all this  
12 stuff, about 1,000 drums of it or so, in 1955  
13 and then --

14 CHAIR BEACH: That was the stuff  
15 they were continually re-drumming. Correct?

16 DR. ULSH: Yes. They received it  
17 in I think the winter of '54, '55, and shortly  
18 after that, I think that summer, the pilot  
19 program was cancelled. So there was Mound  
20 sitting there with all these drums of stuff,  
21 and they didn't have anything to do with it.

22 And as Josie said, over the next

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 10 or so years, the drums deteriorated because  
2 they were stored outside and they had to be  
3 repackaged a couple of times.

4 And then finally they were emptied  
5 into building 21 and stored there until they  
6 were removed from the site in 1975.

7 So anyway you have got this rather  
8 large collection of thorium residues and Jim  
9 and I have been talking and some of the other  
10 members of the ORAU team have been talking  
11 about how we handle thorium dose  
12 reconstruction. We haven't come to a  
13 conclusion yet. We are still talking about  
14 it. I would present it as an outstanding  
15 issue. But geez, if that was the only one  
16 left out of these 79 pages I think that would  
17 be a monumental step forward.

18 I will point out that back in the  
19 1990s, early 2000 period, MJW -- part of the  
20 ORAU team -- but separately from that, even  
21 before this program started, MJW did a  
22 reconstruction for Mound workers, dose

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 reconstruction for Mound workers, and they  
2 were able to reconstruct thorium dose for  
3 Mound. We might take a look at that and  
4 decide that it's not appropriate for what we  
5 do or we might say it's okay, I don't know, we  
6 are just not there yet.

7 So I would characterize that as an  
8 outstanding issue.

9 CHAIR BEACH: Any idea when you  
10 will have some formal response?

11 DR. ULSH: How much work are you  
12 willing to do on others?

13 CHAIR BEACH: Well I think this is  
14 our last item, so you have already got your  
15 work.

16 MEMBER SCHOFIELD: Just one  
17 question for you, Brant, in the documentation  
18 they are looking to, do you know if, after the  
19 incidents, it sounds like they might have  
20 actually had a fairly good program -- what the  
21 levels or what the drivers were for reportable  
22 incidents where they did bioassay and did the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 -- were the decon crews under a bioassay  
2 program?

3 MR. FITZGERALD: What would the  
4 trigger be an event-driven bioassay? I don't  
5 know that I can give you an exhaustive list,  
6 but certainly, if the air monitors alarmed  
7 during a job, that would be a trigger. If  
8 they took nasal swabs and those came up  
9 positive, that would certainly be a trigger.

10 In general, these folks are going  
11 to be on a routine bioassay program. The  
12 incident bioassay is going to be layered on  
13 top of that because you are going to want to  
14 get a result quicker than you might get with a  
15 routine bioassay program.

16 So I would say those are some of  
17 the precipitating events. Jim, I don't know  
18 if you have --

19 DR. NETON: Yes, I guess I think  
20 when you pose the question more in the realm  
21 of the exotics where they might have not had a  
22 routine program, but I think the same trigger

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 criteria would be in place, and that is --  
2 the discovery of contamination outside of  
3 where you would expect it to be. I mean,  
4 someone would detect contamination outside of  
5 the hood where they were working with it or  
6 something to that effect.

7 But I don't know in this earlier  
8 time period that there were formal criteria  
9 like there are now. That's certainly true.

10 DR. ULSH: I don't know. I would  
11 have to go back and look.

12 MEMBER CLAWSON: I guess I need to  
13 jump back to the very first one that I wanted,  
14 because I thought when we got into this, you  
15 showed me an example where they had the  
16 potential for exposure, because I know in the  
17 earlier years, these exotics, they really  
18 weren't looking for, and I believe SC&A did  
19 just what the Work Group says, we'll show you  
20 examples of where there were releases.

21 I don't think that they were  
22 monitoring for the exotics because if you had

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 uranium, plutonium, you would probably have  
2 some of the other stuff, because that's what  
3 they were working for.

4 And I think the point that SC&A  
5 was trying to make and that I agreed with was  
6 we wanted to be able to show that there were  
7 releases, unmonitored, monitored or whatever,  
8 the potential for releases and the potential  
9 for these exotics are there.

10 Now if we don't have the  
11 information, if we didn't monitor for those  
12 exotics, that in itself is an issue.

13 DR. NETON: I tend to agree with  
14 you, Brad. I think the question is, were  
15 there potentials for routine releases such  
16 that a routine bioassay program was necessary.

17 You know, and I think -- one can  
18 demonstrate -- this sort of goes along the  
19 line of what Joe and I had talked about a year  
20 or two ago at the Board meeting that you know,  
21 because exotics were there, you need to  
22 demonstrate that there was enough potential

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 there for them routinely to be dispersed in  
2 the workplace where you would have to be on  
3 like an upper routine frequency and I don't  
4 know that this really answers the question,  
5 that they were monitored, there was -- I agree  
6 that it demonstrates a potential for exposure.

7 But I think at some point, we also  
8 are trying to describe what those potentials  
9 were on a more routine basis. I mean it's  
10 possible they could have had some experiment  
11 ongoing that was not routine where things kind  
12 of went awry, but if for instance, I don't  
13 know what, pick a nuclide, curium or something  
14 like that, if they had a very small quantity,  
15 it was confined to hoods, they didn't do  
16 anything outside of wet chemistry experiments  
17 with it, I would argue that one doesn't need a  
18 routine bioassay program for something of that  
19 nature. That's -- you need -- I agree that we  
20 need to describe that, those conditions, to  
21 some degree.

22 DR. ULSH: And I think we have in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 here.

2 DR. NETON: You see that's where -  
3 - we haven't heard that discussion yet, about  
4 the potential outside of these sort of  
5 incidents that might have occurred.

6 MR. FITZGERALD: Well I think the  
7 -- we went to the instances, the examples  
8 because we were having a sort of qualitative  
9 discussion about what the program of control  
10 was for exotics and it wasn't getting us very  
11 far because it was like proving a negative, it  
12 was sort of like you know, how do you know you  
13 have a substantial or lengthy enough program  
14 that involves exposure potential such that you  
15 have a routine program or not, and since there  
16 wasn't any bioassay data being collected, we  
17 didn't have routine programs, so you are  
18 trying to find if that were --

19 DR. NETON: Well yes.

20 DR. ULSH: You are trying to  
21 figure out okay, if it wasn't anything there,  
22 was that because there was no need for one or

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 because they neglected to do it when they  
2 should have done it, if you can see where I am  
3 going with it.

4 DR. NETON: It's a chicken or egg  
5 kind of thing.

6 DR. ULSH: Chicken or egg so okay,  
7 we went back and forth on that for almost a  
8 year, and finally said let's look for  
9 instances where it's pretty clear that there  
10 was an exposure potential but there was no  
11 routine program in place and there should have  
12 been, and quite frankly, it was the last  
13 straw, there was no other -- I couldn't think  
14 of any other way to really get a handle on  
15 that particular question so --

16 MR. KATZ: So wouldn't you have  
17 program information that would say they were  
18 doing X, Y, Z in this building?

19 MR. FITZGERALD: We did. You had  
20 the Meyer report, you had procedures and stuff  
21 like that.

22 MR. KATZ: So if you know that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 they were doing X, Y, Z in this building with  
2 this radionuclide, this radioactive material  
3 whatever, and you also can show that there was  
4 no monitoring, that would be an instance  
5 right, that you were looking for.

6 MR. FITZGERALD: No, because we  
7 had -- here's the dilemma, is that -- this is  
8 why we spent so much time on the King report.

9 We were looking for some documentation that  
10 would define an operational activity other  
11 than bench scale by time and location such  
12 that you know there was a program that has a  
13 source term that one could say it should have  
14 been routinely bioassayed.

15 But I think we did get hung up on  
16 the King report in the sense that it wasn't  
17 clear the fact that that did provide that  
18 information.

19 And there were certainly  
20 procedures in the Meyer's report that says you  
21 know they did have techniques and did these  
22 kinds of things, but then the question became

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 did they actually apply them and use them in  
2 instances where you had an actual activity  
3 that would have entailed not just an events-  
4 driven thing which would have been maybe a  
5 small bench scale operation but something a  
6 little more extensive.

7 DR. NETON: But then I think that  
8 gets into the routine alpha monitoring program  
9 and what they were really measuring with the  
10 urine samples, right?

11 DR. ULSH: The first part of  
12 SC&A's report was talking about specific  
13 incidents. The second part of SC&A's report  
14 talked about specifics, what they termed  
15 programs, so for instance the Cotter  
16 concentrate activities, the activities with  
17 uranium, the ionium program.

18 That was in SC&A's report and we  
19 responded to that. We have shown where Meyer  
20 talked about here's the bioassay techniques  
21 that were available, and we have talked about  
22 what bioassay was taken. So that's covered in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 here. We do have specific situations like  
2 that.

3 MEMBER ZIEMER: Were they working  
4 with the work permit process in those  
5 programs?

6 MR. FITZGERALD: Not in --

7 DR. ULSH: I can tell you that  
8 they were in later days but I don't know when  
9 they started.

10 (Simultaneous speaking.)

11 MR. FITZGERALD: Not in the  
12 earlier years but --

13 MEMBER SCHOFIELD: You did what  
14 you wanted.

15 MEMBER CLAWSON: It's the same as  
16 all the other sites, about 1985, you start  
17 seeing the difference.

18 MR. FITZGERALD: But you know, not  
19 putting too fine a point on it, I think you  
20 know everybody did due diligence on the issue,  
21 to answer your question, and I certainly at  
22 this stage wouldn't advise the Work Group that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 we have found a salient enough example sorry,  
2 but -- I'm not advertising -- of exposure  
3 potential that would have required you know, a  
4 routine bioassay.

5 Now, I didn't have that pre-  
6 judgement going into this. I think that had  
7 to be tested and that's what we wanted to do,  
8 and looking at both the examples that Kathy  
9 came up with, and the responses, I am not that  
10 far apart from Brant in the sense that you  
11 know, I still have some questions and some  
12 concerns, but overall, I don't think there's  
13 anything that's glaring that suggests that we  
14 missed something.

15 MR. KATZ: That's all I was  
16 reflecting --

17 MR. FITZGERALD: But this is such  
18 a convoluted thing because you are trying to  
19 prove -- you are trying to actually validate  
20 something and there's a, you know --

21 MR. KATZ: But we have had that  
22 other side, we have definitely come across

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 these situations where there was a whole  
2 process and then --

3 MR. FITZGERALD: I think what  
4 skewed this thing is that we had this  
5 wonderful, I think we had this wonderful King  
6 report that, for once, somebody historically  
7 went back and mapped everything and so you had  
8 place, location, time, nuclides, available  
9 bioassay, and sort of like end of story, and  
10 then when you compared that against the actual  
11 bioassays that were taken, you say, well, wait  
12 a minute.

13 And I think that kind of threw  
14 things off for a bit and then we realized that  
15 that wasn't necessarily going to deliver the  
16 goods and then you had to go back and say,  
17 well, what can you do beyond that.

18 And I think this is about all you  
19 can do and so you know, we will write this up  
20 but that's kind of where I'm -- I think where  
21 we come out at this point.

22 CHAIR BEACH: So out of this we

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 have SC&A's response due to NIOSH's White  
2 Paper and for NIOSH, the action items are to  
3 complete that thorium-232 report and I think  
4 that the Work Group would like to track that  
5 issue about framing up that time frame from  
6 February 1<sup>st</sup> '49 to September 30<sup>th</sup> '49. That  
7 did come out of this Work Group, so we would  
8 like to follow that through.

9 DR. NETON: I'll take that as an  
10 action item and follow up with our folks  
11 internally.

12 CHAIR BEACH: So really where we  
13 are is -- what I'd like to know is if we can  
14 get our secure meeting in mid-January, a Work  
15 Group scheduled at the end of January, and  
16 report out -- or the 1<sup>st</sup> of February at our  
17 next Board meeting, and be finished with Mound  
18 by the end of February.

19 MR. KATZ: Yes, that's when the  
20 Board meeting is. We should give SC&A enough  
21 time following the secure meeting, since there  
22 are some questions that have a bearing on --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   MR. FITZGERALD: Well we have to  
2 go through DOE clearance ===

3                   MR. KATZ: And that itself is  
4 another --

5                   CHAIR BEACH: We need to push for  
6 that secure meeting as --

7                   MR. KATZ: So I think relatively  
8 early in January if it's possible would be  
9 better if you are trying to make an end of  
10 February Board meeting. I think it's sounding  
11 a little bit tight.

12                   MR. FITZGERALD: Well, the meeting  
13 in Germantown can be done fairly readily. I  
14 mean I think we can get that arranged and I  
15 think it's just the timing of how that feeds  
16 into our final response but we surely can move  
17 to make that earlier rather than later in  
18 January.

19                   CHAIR BEACH: Well I'd say the  
20 first week of January, 1<sup>st</sup> to 2<sup>nd</sup>. Or the  
21 second.

22                   MR. KATZ: First week is tough for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 people in terms of --

2 CHAIR BEACH: Oh, what's the --

3 (Simultaneous speaking.)

4 MR. KATZ: Well actually this year  
5 it's isn't because December, it comes at the  
6 end of a pay period or whatever, there is no  
7 January use or lose --

8 CHAIR BEACH: No.

9 (Simultaneous speaking.)

10 CHAIR BEACH: So I'm thinking end  
11 of the first week, beginning of the second  
12 week.

13 MR. KATZ: Do you want to look at  
14 the calender --

15 CHAIR BEACH: Yes.

16 MR. KATZ: Because do you want to  
17 send something to Greg soon to sort of set  
18 this up?

19 MR. FITZGERALD: We can do that.

20 MEMBER ZIEMER: I think I'll be  
21 through the DOE process by then.

22 MR. KATZ: Yes, I hope so.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   MEMBER ZIEMER:     All my stuff's  
2     been in for quite a while.

3                   MR. FITZGERALD:   Tritides takes a  
4     while for some reason up there.

5                   MR. KATZ:     No no, Paul has his  
6     clearance.

7                   (Simultaneous speaking.)

8                   DR. ULSH:     The second week is not  
9     great for me.     There is a Procedures  
10    Subcommittee meeting on January 9<sup>th</sup>.

11                  CHAIR BEACH:    How does the 5th/6th  
12    look?

13                  MR. FITZGERALD:   Fifth or sixth?

14                  CHAIR BEACH:    Yes.

15                  MEMBER CLAWSON:   I'm just getting  
16    back from Hawaii.

17                  MR. FITZGERALD:   The sympathy is  
18    overwhelming.

19                  MEMBER CLAWSON:   I can tell that.

20                  MR. KATZ:     When do you get back  
21    Brad?

22                  MEMBER CLAWSON:   I get back on the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 4<sup>th</sup>.

2 MR. KATZ: That's a long flight.

3 DR. NETON: You can just fly all  
4 the way back to Washington.

5 CHAIR BEACH: There you go.

6 MR. KATZ: That's a little bit  
7 cruel.

8 MEMBER CLAWSON: Dump my wife off  
9 on the end there.

10 CHAIR BEACH: Well, if the meeting  
11 is on the sixth you have got the fifth to fly.

12 (Laughter.)

13 CHAIR BEACH: What's next then?  
14 Let's see then, the week of the 9<sup>th</sup> is no good  
15 for Brant, the whole week?

16 DR. ULSH: Well, there's the  
17 Procedures meeting on Monday that -- I'm  
18 supposed to go to Savannah River the rest of  
19 that week but --

20 CHAIR BEACH: Yes.

21 MR. KATZ: Okay, but then that's  
22 pushing everything for --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR BEACH: It's -- that's why  
2 I'm saying if Brad can agree to do the 6<sup>th</sup> --

3 MEMBER CLAWSON: You know what,  
4 bottom line is you guys go look for fast --

5 CHAIR BEACH: You should be rested  
6 up.

7 MEMBER CLAWSON: I would go for  
8 the 5<sup>th</sup> or 6<sup>th</sup> and --

9 CHAIR BEACH: I understand that if  
10 we wait until the 16<sup>th</sup> then SC&A is not going  
11 to --

12 MEMBER CLAWSON: I understand --

13 MR. KATZ: Why don't we at least  
14 do the 6<sup>th</sup>, which makes it at least possible  
15 theoretically that you could make it, but  
16 whether you want to do that to yourself is a  
17 separate question.

18 MEMBER CLAWSON: Well, yes, I've  
19 got some other things on the plate there, so  
20 what I would do is I would set up on the 6<sup>th</sup>  
21 and we'll shoot for that and go from there.

22 CHAIR BEACH: What's a second date

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 in case that doesn't work? Is there any flex  
2 in your Savannah River or would we have to go  
3 clear to the --

4 DR. ULSH: Well, the third week.  
5 (Simultaneous speaking.)

6 MEMBER ZIEMER: Well the  
7 Procedures Subcommittee, but I would think if  
8 worse came to worst we could move that one  
9 Ted.

10 MR. KATZ: What date do we -- we  
11 have that for the --

12 MEMBER ZIEMER: I don't know  
13 there's anything pressing for Procedures.

14 MR. KATZ: Wait which day are you  
15 talking about?

16 DR. ULSH: January 9<sup>th</sup>.

17 CHAIR BEACH: Oh, the Procedures  
18 Subcommittee.

19 MR. KATZ: Oh not, but that  
20 doesn't -- oh I see. You are saying --

21 MEMBER ZIEMER: No I'm saying,  
22 what if Procedures could move theirs. I mean

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 there --

2 MR. KATZ: It's possible.

3 MEMBER ZIEMER: It's sort of a  
4 routine meeting.

5 MR. KATZ: They're all routine.

6 MEMBER ZIEMER: I mean they don't  
7 have things that are pressing like SEC.

8 CHAIR BEACH: Okay, well let's  
9 shoot for the 6<sup>th</sup> and check for the 9<sup>th</sup>, Ted,  
10 if that --

11 MR. KATZ: Okay. And 6<sup>th</sup>, 9<sup>th</sup>  
12 alternate. And this would -- let me -- I will  
13 send an email to Greg about this. This would  
14 be Board Members and who, Brant?

15 DR. ULSH: Probably Mel.

16 MR. KATZ: Mel.

17 DR. ULSH: Mel and Karin.

18 MR. KATZ: Karin. Okay and then  
19 Joe, you.

20 MR. FITZGERALD: Myself, John  
21 Stiver.

22 MS. LIN: Do you need legal

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 counsel there?

2 MR. KATZ: Probably not. But you  
3 are there in Washington, so if you want to --  
4 it's Germantown.

5 MS. LIN: It would be Rob.

6 MR. KATZ: It would be Rob.

7 MS. LIN: Yes.

8 MR. KATZ: I don't think we need  
9 him, really, for this. I don't think there's  
10 anything very tricky about this at all.

11 MEMBER CLAWSON: Whenever we do it  
12 we have Isaf is --

13 MR. KATZ: Isaf. Greg can look at  
14 that, cover that. Okay. So I will -- anyway  
15 I will this week send Greg an email, try to  
16 set this up.

17 CHAIR BEACH: Do we want to try to  
18 go for our Work Group meeting?

19 MR. KATZ: And for that, let me  
20 just ask before we finish on that topic, they  
21 don't need any specific materials to be  
22 available for that, or they do?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   MEMBER CLAWSON:       The classified  
2 wing.

3                   MR.       FITZGERALD:           We     have  
4 classified   documents   already   stored   in  
5 Germantown that deal with this issue from our  
6 past work.    I don't see adding to that  
7 collection at this point.

8                   MR. KATZ:    So those would be --

9                   MR. FITZGERALD:   They are already  
10 there.

11                  CHAIR    BEACH:        You    could    just  
12 provide a list for what --

13                  MR. KATZ:    So Joe, you will give  
14 them a list of what you want.

15                  MR. FITZGERALD:   We'd just ask for  
16 the folder.   I looked at the folder last week,  
17 it's still all there, your notes, my notes.

18                  MR. KATZ:    And you are talking  
19 about the Mound folder, the -- how do you  
20 identify that to them?

21                  MR. FITZGERALD:   It's the Mound  
22 tritides folder.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. KATZ: Okay. Thanks.

2 MR. FITZGERALD: They know what  
3 that is.

4 MR. KATZ: Okay. That's good to  
5 know. Okay. So I'll take care of that  
6 probably tomorrow and keep you abreast.

7 CHAIR BEACH: And then do we want  
8 to try and shoot for a Work Group date?

9 MR. KATZ: Yes so let's do that.  
10 So that --

11 CHAIR BEACH: How much time do you  
12 think SC&A, you -- I mean, Joe, would you  
13 need?

14 MR. FITZGERALD: After this  
15 meeting?

16 CHAIR BEACH: Well, and then we  
17 need to know --

18 MR. KATZ: We need clearance --

19 CHAIR BEACH: -- some of your  
20 items because I would like to have all the  
21 action items available, so that means --

22 DR. ULSH: Radon is not going to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 be a problem.

2 CHAIR BEACH: Okay so radon should  
3 be easy.

4 DR. ULSH: Thorium may not be  
5 easy.

6 DR. NETON: I don't think so. It  
7 depends. It could be quick. It could be --  
8 it's not going to be in between.

9 CHAIR BEACH: So I don't mind  
10 giving a little extra time.

11 MR. KATZ: Oh absolutely, we have  
12 some time to play with here, I mean the Board  
13 meeting is at the very end of February.

14 MR. FITZGERALD: I think we can  
15 get the tritide response in to DOE certainly  
16 in a couple of weeks after that meeting. The  
17 joker in the deck, I think, is DOE, but I  
18 think we can, with Greg, try to expedite that  
19 as much as possible knowing that we need it  
20 sooner than later and hope that will work. We  
21 don't have as much control in that. It might  
22 take a couple of weeks to get out.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   MR. KATZ:    So what about the week  
2 of -- I just lost my calender -- I was going  
3 to say the week of February 15<sup>th</sup>.   How does  
4 that work?

5                   DR. NETON:    There is no week of  
6 February --

7                   CHAIR BEACH:  It's February 13<sup>th</sup>.

8                   MR. KATZ:    Yes, well whatever you  
9 want to call it.

10                  CHAIR BEACH:  President's Day is a  
11 holiday so we don't want to get into that.  I  
12 think it's a holiday.

13                  MR. FITZGERALD:  Some time during  
14 this week.

15                  CHAIR BEACH:  Yes, the week of the  
16 13<sup>th</sup> is fine.

17                  DR. ULSH:    It's the 20<sup>th</sup> that's  
18 President's Day.

19                  MR. FITZGERALD:  Week of February  
20 13<sup>th</sup>.

21                  DR. ULSH:    Oh you are really going  
22 to go on Valentine's Day?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   MEMBER ZIEMER: Valentine's Day,  
2                   that's the --

3                   CHAIR BEACH: Well, a week is a  
4                   week. And we only need one --

5                   (Simultaneous speaking.)

6                   CHAIR BEACH: We can shoot for the  
7                   15<sup>th</sup> 16<sup>th</sup>, 17<sup>th</sup>.

8                   MR. FITZGERALD: Yes, the end of  
9                   that week.

10                  DR. NETON: The 16<sup>th</sup> is better for  
11                  me.

12                  CHAIR BEACH: Let's try to stay  
13                  away from Monday. And what date, does  
14                  Thursday the 16<sup>th</sup> or Friday the 17<sup>th</sup>?

15                  MR. KATZ: Friday is probably  
16                  worst for you right? You'd like to get home  
17                  before --

18                  CHAIR BEACH: No I just don't want  
19                  to travel on Sunday.

20                  DR. NETON: The 16<sup>th</sup> is good for  
21                  me.

22                  CHAIR BEACH: The 16<sup>th</sup> is fine.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 The 17<sup>th</sup> is fine. Sometimes I have Fridays  
2 off.

3 MR. FITZGERALD: The 16<sup>th</sup> would  
4 probably be the ideal.

5 MR. KATZ: So 16<sup>th</sup>.

6 CHAIR BEACH: Okay.

7 MR. KATZ: Okay, let's book that  
8 then. So February 16<sup>th</sup>. Here, right? Here?

9 MEMBER SCHOFIELD: No, actually  
10 Tampa Bay.

11 MR. KATZ: You'll get your Tampa  
12 thing soon enough.

13 MEMBER SCHOFIELD: I'm just  
14 thinking of the weather. It might be easier  
15 for us to get in and out of Florida than here.

16 MR. KATZ: Cincinnati is really  
17 not that brutal. I mean the airport is right  
18 there and we don't get that much real winter  
19 here.

20 (Simultaneous speaking.)

21 CHAIR BEACH: Okay so anything  
22 else?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   MR. KATZ:   Okay, we are adjourned.  
2           Thank you, everyone on the line for bearing  
3           with us.

4                   (Whereupon     the     above-entitled  
5           matter went off the record at 2:20 p.m.)  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701