

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

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ADVISORY BOARD ON RADIATION AND
WORKER HEALTH

+ + + + +

WORK GROUP ON LINDE CERAMICS PLANT

+ + + + +

THURSDAY
DECEMBER 1, 2011

+ + + + +

The Work Group convened telephonically at 1:00 p.m., Eastern Standard Time, Genevieve S. Roessler, Chair, presiding.

PRESENT:

GENEVIEVE S. ROESSLER, Chair
JOSIE BEACH, Member
JAMES E. LOCKEY, Member

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ALSO PRESENT:

TED KATZ, Designated Federal Official
ANTOINETTE BONSIGNORE
CHRIS CRAWFORD, DCAS
STEVE OSTROW, SC&A
JENNY LIN, HHS
JOHN MAURO, SC&A
LaVON RUTHERFORD, DCAS

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

2 (11:58 a.m.)

3 MR. KATZ: So, let's start with
4 attendance, roll call, Board Members, and
5 since we're speaking about a specific site
6 please speak to conflict of interest as well.

7 (Roll call taken.)

8 MR. KATZ: Welcome, everyone.
9 Mike, have you joined us yet? Zaida, are you
10 on the line? No, okay. Let's carry on then.

11 I have distributed an agenda. It should be
12 posted on the website now. I hope it got to
13 Antoinette as well any other participants.

14 MS. BONSIGNORE: Yes, it did, Ted.

15 Thank you.

16 MR. KATZ: Very good. And so what
17 else do I need to cover. Everyone on the
18 phone please, except when you are addressing
19 the group, mute your phone. Press *6 if you
20 don't have a mute button. Press *6 again to
21 come off of mute.

22 And, Gen, it is your agenda.

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1 CHAIR ROESSLER: Okay. Thank you
2 everyone. I think everyone has done a very
3 thorough job on this.

4 I appreciated that NIOSH provided
5 the Work Group and SC&A with a written summary
6 of the reasons for their reversal of their
7 recommendations on this Class. Earlier in the
8 week, I had the ER from 2010 laid out on my
9 desk along with the one from -- the new one
10 from November 2011. And I found it difficult
11 to compare and extract the information. So I
12 asked NIOSH if they could prepare something
13 written.

14 We did hear a good explanation on
15 our last teleconference by Jim Neton but that
16 was -- we had kind of a short notice as to
17 what was happening. And I thought that was a
18 little difficult to comprehend on such a short
19 notice.

20 So this written summary was sent
21 to the Work Group and SC&A earlier this week.

22 And everyone should have had a chance to

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1 evaluate everything.

2 And then I thought a
3 teleconference would allow us to go through
4 this systematically and come up with a
5 conclusion. So according to our agenda then -
6 - and I guess this will probably be Chris who
7 will present -- and it says brief on the
8 agenda -- the brief NIOSH summary of the
9 revised Evaluation Report.

10 MR. CRAWFORD: Thank you, Gen.
11 This is Chris.

12 To sum up the summary, while we
13 were evaluating or reevaluating the 154 ER, we
14 noticed that while we had a lot of urinalyses
15 for most of the period, there was a mismatch
16 between where some of the workers were and
17 where the monitored employees were.
18 Specifically the H.K. Ferguson employees who
19 were dismantling the uranium processing
20 equipment in Building 30 were independently
21 monitored and we don't seem to have their
22 data.

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1 All the monitoring data that we do
2 have seems to be concentrated on the Step 3
3 processing Linde employees in Building 38.
4 There were also some urinalyses done after
5 that process shut down, and apparently in the
6 clean up through Building 30, which lasted
7 until February of 1950, but far less
8 urinalyses during that period.

9 So what we concluded is that we
10 have a very good handle on what the Step 3
11 process people were exposed to. But this
12 doesn't help with Building 30 where the
13 dismantling of the old Step 1 equipment where
14 uranium ore -- either preprocessed or raw --
15 was converted into oxide.

16 And in that step, as SC&A had
17 pointed out some time ago, there was some
18 concentration of uranium progeny from the
19 unprocessed African ores that was almost
20 certainly present on the equipment in Building
21 30. And, too, in a similar fashion, on the
22 contamination that was left in Building 30.

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1 We found that the H.K. Ferguson
2 people dismantled the Step 1 and Step 2
3 equipment during 1948 primarily. We know that
4 they took three railroad cars of equipment out
5 of there. And most of it was sent to
6 Mallinckrodt we understand.

7 But we don't have a good handle on
8 how much concentrated holdup material they may
9 have run into. And there is no way we can
10 think of to estimate that.

11 It also turns out that there was
12 some -- we think very few but there were some
13 Linde employees as well as the H.K. Ferguson
14 employees who may have been involved in that
15 Step 1 and Step 2 dismantlement.

16 That's just the first of the
17 problems that led us to conclude that we
18 didn't have a good handle on the internal dose
19 for that Building 30.

20 We have two other problems. One,
21 Building 30 was partially turned over to Linde
22 for general use, unrestricted general use in

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1 November of '49, well before the cleanup was
2 finished. This was the shipping and receiving
3 area.

4 So we know that some Linde
5 employees would have been in that building
6 during the subsequent months of cleanup. Now
7 whether the building was cleared out when they
8 did the heavy-duty grinding and so forth, we
9 have no way of ascertaining.

10 Then there's a third area of
11 uncertainty that we discovered, looking more
12 thoroughly at the records. There was a
13 minimal cleanup done in Building 38 in July of
14 '49. And the equipment was essentially
15 mothballed in case they were needed to restart
16 the process.

17 But that process, however, was
18 never restarted. And what we don't know is
19 specifically when Building 38 was cleaned up.

20 In fact, we are certain that it was cleaned
21 up on at least two occasions because in early
22 '54, the AEC, I believe, found that the

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1 building was not decontaminated to their
2 specs.

3 And they ordered Linde to do yet
4 another decontamination, which was completed
5 by mid-April of '54. That's the last
6 decontamination we are aware of.

7 We, however, do not know when the
8 initial decontamination was done. And when
9 the Step 3 equipment was removed. So there's
10 an area in there where we don't have any
11 monitoring and we don't have any data.

12 I think that pretty much sums up
13 why we feel that the internal dose cannot be
14 reconstructed during that time period.

15 Also, Building 30 was released to
16 pretty much unrestricted use after February
17 1950. There were still, however, some
18 residual contamination in that building. And
19 we don't know what kind of work went on in the
20 building.

21 So in a similar argument that the
22 Board accepted for the early residual period,

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1 if we couldn't reconstruct the dose for the
2 early residual period, it is a little
3 difficult to say how we could reconstruct the
4 dose between the end of the cleanup in
5 February of '50 and the end of this 154 period
6 in December of '53.

7 Gen, I hope that is a reasonable
8 summary.

9 CHAIR ROESSLER: I think that was
10 -- to me that was very good.

11 I wonder, do any of the Work Group
12 Members have any questions of Chris?

13 MEMBER LOCKEY: Chris, I reviewed
14 this the last couple days. And I thought your
15 two-page summary was excellent.

16 MR. CRAWFORD: Thank you, Jim.

17 MEMBER BEACH: Yes, Gen, this is
18 Josie. I found it very thorough and have no
19 questions either.

20 CHAIR ROESSLER: Okay. Then on
21 our teleconference in October, as we were
22 discussing our approach on this, we had asked

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1 SC&A to look this over. So SC&A you are on
2 the agenda now. I assume you've gotten the
3 information and you are ready to give us any
4 comments that you have.

5 DR. OSTROW: This is Steve.

6 We did review it. And we also
7 appreciate Chris's layman email. It really
8 laid it out very nicely.

9 We're not in any position to
10 contradict DCAS. If they don't have the data,
11 they don't have the data. And given that they
12 don't have the data and their arguments, we
13 concur with them. We weren't in a position to
14 go back and check whether data actually did
15 exist if they say they didn't have the data.

16 John, is that a good summary of
17 what we reached?

18 DR. MAURO: Yes, we -- this is
19 John Mauro. You know we did have an
20 opportunity to review and discuss this matter.

21 And I guess we came out at a place that said
22 the level of effort for us to go back and

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1 scrub all of the Site Research Database and
2 all of the data the way in which NIOSH did
3 would have been -- with the objective of
4 seeing well, maybe there is some data there
5 that could be used. And do we really agree
6 with these findings? We felt that it was
7 something that, you know, we could, in theory,
8 go through, spend a lot of resources. And at
9 the end, come away with the same answers.

10 That is, it would be quite unusual
11 for SC&A to go through an in-depth review,
12 time consuming, costly, to see if, in fact,
13 NIOSH should not recommend. We've never done
14 that before.

15 And so, you know, we basically
16 understand the arguments made. And given that
17 the data is lacking, as described, and the
18 other problems, you know we really can't find
19 any reason to disagree.

20 And, as I said, though, we did not
21 go back and do an exhaustive review of the
22 material that NIOSH cited to support their

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1 decision. We simply looked at the arguments
2 and found them compelling.

3 CHAIR ROESSLER: And that's really
4 all that we had, I think, asked you to do.
5 And in fact, a comment that I think some of
6 SC&A's comments earlier did lead NIOSH into
7 looking further into some of this information.
8 You had brought up a question about
9 raffinates and time periods and so on. So we
10 appreciate that.

11 DR. OSTROW: This is Steve again.
12 I don't know if this is the right time to
13 bring it up but I'll bring it up anyway in
14 case I forget.

15 In addition to the SEC issues
16 we're talking about today, there's still some
17 open TBD issues that we discussed at our last
18 teleconference. And this arose from the
19 report we wrote on October 11th, 2011.

20 I think there were like three
21 items. One was on the tunnels. Two was on
22 the uranium progeny ratios. Actually it was

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1 just those two, the tunnels and the uranium
2 progeny ratios.

3 I think at the last teleconference
4 Jim Neton had indicated that NIOSH would deal
5 with those issues separately after the TBD was
6 settled. So I don't know if we have any
7 formal mechanism on the project for tracking
8 whether open TBD issues are dealt with later.

9 But it should be remembered or written down
10 somewhere so it doesn't slip through the
11 cracks.

12 CHAIR ROESSLER: Yes, I don't know
13 either how we handle that.

14 Ted, do you have any advice on
15 that?

16 MR. KATZ: Sorry, I was on mute.
17 This is Ted.

18 I mean as far as open issues, I
19 mean ordinarily, you know, Work Groups will
20 follow up on those after the SEC work is done
21 at whatever point in timing it makes sense
22 that the sort of items that are in abeyance or

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1 what have you should be put to bed.

2 So I guess what you'll need is a
3 time frame for when changes would be
4 implemented if there are changes in the work.

5 If there's more analysis to be done, that's
6 another question.

7 DR. MAURO: This is John Mauro. I
8 can help a little bit out here.

9 Joe Fitzgerald has looked into
10 this matter, the matter being a lot of
11 attention, of course, on many sites to the SEC
12 issue. And very often we sort of say okay,
13 these are the really clear SEC issues and
14 these are the Site Profile issues.

15 And as you all know, we give most
16 of our attention or all of our attention to
17 the SEC issues. And eventually the Board will
18 grant -- or recommend granting or denying the
19 SEC. And we all know that there are still
20 some residual Site Profile issues.

21 Joe Fitzgerald has, in fact, went
22 through and collected the residual SEC issues

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1 that were still sort of sitting in limbo. So
2 SC&A has done some work in trying to collect
3 this.

4 And I think at a time that is
5 convenient to the Work Group and/or the Board,
6 where you are ready to say okay, listen, I
7 think, you know, we've taken care of the SEC
8 issues. Let's go back and revisit are there
9 any open -- so we are -- SC&A is in a position
10 to help out when the time comes that the Work
11 Groups or the Board would like to go back and
12 see is there any mop up needed to resolve some
13 Site Profile issues.

14 CHAIR ROESSLER: So it sounds like
15 what you are saying is that this is an
16 overarching issue that will be dealt with.
17 And that perhaps for our call today, we can go
18 right on to our evaluation of whether this
19 Class should be considered an SEC. Am I right
20 on that?

21 MR. KATZ: Gen, Gen, this is Ted.
22 I mean it's not -- no, I mean I know what

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1 John is talking about. And I know, you know,
2 Joe has done some catalogues and so on.

3 But this is -- I mean it is really
4 every Work Group's responsibility to carry on
5 with the TBD issues. So I mean I think it is
6 a fine sort of path forward in terms of
7 today's meeting to first address the SEC
8 matter and put that to bed.

9 But then I mean I think what you
10 want is to have a path forward on the TBD
11 issues so that you know, as I was saying, when
12 matters are likely to be addressed. And then
13 we can, you know, we can query that closer to
14 real time then, whenever that plan is for when
15 TBDs would be changed. And schedule a Work
16 Group meeting to follow up on those matters
17 then.

18 MEMBER LOCKEY: Ted, Jim Lockey.
19 Has that been the standard practice of the
20 other Work Groups?

21 MR. KATZ: It's been for some Work
22 Groups that have carried on in the TBD issues.

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1 It's just, again, every Work Group has both
2 responsibilities for SEC matters and TBD
3 matters. So it's really -- it's on the plate
4 of each Work Group to carry on at the point
5 where that makes sense to do.

6 DR. MAURO: This is John again.
7 To add a little bit to what Ted's position is
8 -- and I know -- I understand where -- one of
9 the problems that we -- SC&A have run into --
10 it's interesting -- very often what would
11 happen is the SEC issues are resolved to
12 however they are resolved.

13 And the PER -- sorry, the
14 Evaluation Report is revised accordingly,
15 however things change if they do change. And
16 the Site Profile is revised, which means there
17 is a new protocol to do dose reconstructions
18 where now things have changed as a result of
19 the SEC process, decision making process.

20 And what we -- and then what
21 happens is as part of this whole program, we -
22 - SC&A -- are very often tasked to review

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1 PERs, Program Evaluation Reports, that are
2 issued, which say okay, we are now going to do
3 the dose calculation differently and go back
4 and redo some of them that were denied. And
5 there is a whole formal process, the PER
6 process, that's implemented.

7 And we are finding, interestingly
8 enough, that when we leave Site Profile issues
9 unresolved and a PER is issued, we are finding
10 ourselves in the strange place that we are
11 reviewing a PER and a Site Profile that has
12 been modified.

13 But we also are aware that there
14 still are issues that remain unresolved. And
15 it puts in a funny place, that is we are
16 checking the degree to which these new cases -
17 - the cases are being revised appropriately in
18 light of the PERs and Site Profile changes
19 when we are also aware that wait a minute,
20 there's still a lot of Site Profile issues
21 that are still in the wings that haven't been
22 addressed.

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1 So the reason I'm saying all of
2 this is that I would recommend, to the degree
3 that the Work Group, the Linde Work Group,
4 could resolve not only the SEC issues but also
5 the Site Profile issues so that when revisions
6 are made to the Site Profile to reflect the
7 recommendations and bindings related to the
8 SEC, they also reflect the resolution of
9 issues related to the Site Profile because
10 this way, the PER only has to be done once.

11 And when the changes are made and
12 everyone is comfortable with the changes,
13 whether they're SEC related or Site Profile
14 related, it is done once, the PER issued.
15 SC&A can review the PER and we can put it all
16 to bed.

17 So I'm sort of echoing what Ted
18 just pointed out why I think it is helpful to
19 try to address both if you can.

20 CHAIR ROESSLER: It seems though
21 today that we should address the SEC issue and
22 make a decision on that. And then when the

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1 Site Profile issues are revised and we are
2 alerted to the fact that we need to resolve
3 that, that then we should schedule another
4 meeting.

5 MR. KATZ: Right. But Gen -- Gen,
6 all I was saying is at this meeting, after
7 we're done with the SEC matter, we can ask --
8 we have DCAS on the line. We can ask them
9 what the path forward is on TBDs. And at
10 least get a sense, or get them thinking about
11 a schedule so that we will have a process in
12 place for then scheduling a Work Group meeting
13 at a time when the work that is needed has
14 been done.

15 CHAIR ROESSLER: Okay.

16 MR. KATZ: That's all I'm saying.

17 CHAIR ROESSLER: Okay. That
18 sounds like a good plan to me.

19 So if that's what we plan to do
20 then, then I think we can move on to the next
21 item on this agenda. And, again, we're
22 concentrating now on the SEC decision.

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1 And the next item is for the
2 petitioner's questions or comments.
3 Antoinette, do you have any?

4 MS. BONSIGNORE: Thank you, Gen.
5 Can everyone hear me?

6 CHAIR ROESSLER: Yes.

7 MS. BONSIGNORE: Okay. I don't
8 have any questions regarding the SEC. I
9 actually very much appreciated the plain
10 language description and narrative that was
11 provided. It was very helpful.

12 I do -- I am concerned, however,
13 about the TBD -- outstanding TBD issues,
14 primarily because not only do I represent the
15 SEC Class, but I also represent those workers
16 and families who do not meet the SEC
17 requirements. And for whatever reason they
18 are outside of the time period or they don't
19 have the appropriate diagnosis.

20 And a good number of those workers
21 have been waiting -- some of them seven, eight
22 years for a proper evaluation, a fair and

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1 complete evaluation of their dose
2 reconstruction claims. And in my estimation,
3 there has not been a complete and accurate
4 Site Profile or TBD available for Linde
5 Ceramics since 2005.

6 So I think this is a very critical
7 issue for those workers. And something that
8 needs to be resolved as soon as practicable.
9 And I just want to impress the importance of
10 that issue for those workers because a lot of
11 them -- I mean just for instance the fact that
12 none of the workers who have ever been dosed
13 to date have ever been dosed considering
14 exposure for the underground utility tunnels
15 because the Site Profile has never taken that
16 into consideration. So that's just one issue.

17 So I would just like to impress
18 upon the Work Group that this is a really
19 important issue for a good number of workers
20 who still have unresolved claims.

21 CHAIR ROESSLER: Thank you,
22 Antoinette. And I think we all agree. And as

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1 a Work Group, we will push to see that that
2 happens.

3 MS. BONSIGNORE: Okay. Thank you.

4 CHAIR ROESSLER: Okay. Then I
5 think the next item on the agenda is for the
6 Work Group to make some decisions. We have a
7 whole new look at this time period. And SC&A
8 has had a chance to look at everything and has
9 no contradictions to NIOSH's recommendations.

10 I'll start out by giving my
11 conclusion. And then ask for input from other
12 Work Group Members.

13 My conclusion is that we need to
14 be consistent with other similar situations at
15 Linde and elsewhere where SECs have been
16 recommended by the Board. And so considering
17 all of this, I agree with NIOSH that this
18 Class should be recommended for an SEC.

19 MEMBER BEACH: Gen, I'm going to
20 second that. I believe you are correct in all
21 of that.

22 CHAIR ROESSLER: Yes, that wasn't

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1 an official motion --

2 MEMBER BEACH: Oh, I know.

3 CHAIR ROESSLER: -- although it
4 can be if we decide to.

5 MEMBER BEACH: I know.

6 CHAIR ROESSLER: So do you agree
7 with that?

8 MEMBER BEACH: Yes.

9 MEMBER LOCKEY: I agree with that
10 also, Gen, Jim Lockey.

11 CHAIR ROESSLER: Okay. And we
12 don't have -- let's ask again, is Mike Gibson
13 on the phone?

14 (No response.)

15 CHAIR ROESSLER: Certainly we can
16 get a hold of him and get his evaluation. I
17 think the way we're going is that we perhaps
18 should take a Work Group vote and then present
19 our conclusions to the Board at our meeting
20 next week.

21 Are there any objections to that?

22 Or any other ideas as to how we go about this?

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1 MEMBER LOCKEY: I concur with
2 that.

3 MEMBER BEACH: I also concur with
4 that. This is Josie.

5 MEMBER LOCKEY: This is Jim.

6 CHAIR ROESSLER: Well, then I'll
7 make the motion that we agree -- the Work
8 Group agrees with NIOSH that this Class should
9 be recommended for an SEC.

10 MEMBER BEACH: I'll second that.
11 This is Josie.

12 CHAIR ROESSLER: Okay. And Jim?

13 MEMBER LOCKEY: I'll vote yes.

14 CHAIR ROESSLER: Voting yes. And
15 I think Ted will be able to get Mike's vote
16 and perhaps get that to us before the meeting
17 next week.

18 MR. KATZ: Yes, Gen, Gen, this is
19 Ted. You don't need Mike's vote to go forward
20 with this. I mean first of all, you have a
21 majority of the Work Group already. So you
22 can carry on with that. And I'm sure Mike can

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1 weigh in at the Board Meeting.

2 CHAIR ROESSLER: Okay. If we do
3 get it from him though, I think it would be
4 nice to say it is unanimous.

5 MR. KATZ: Sure.

6 CHAIR ROESSLER: But if we don't,
7 we'll carry on.

8 MR. KATZ: I will send Mike an
9 email with this follow up and see if he has a
10 chance to get back to me before the Board
11 Meeting.

12 CHAIR ROESSLER: Okay. So then,
13 Ted, I'll prepare something that I'll present
14 at the meeting next week. I will try and get
15 it prepared ahead of time so I can share it
16 with Josie and Jim and Mike and anybody else
17 actually, the NIOSH people and the SC&A
18 people.

19 So I think that's where we need to
20 go at this point with regard to the SEC.

21 MR. KATZ: That sounds good, Gen.
22 And, you know, DCAS will present their

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1 Evaluation Report ahead of you at the Board
2 Meeting. And I will have distributed to all
3 of the Board both the Evaluation Report, the
4 NIOSH two-page summary. Both of those will go
5 to the Board as well. So they'll have all of
6 those materials when the session comes up.

7 CHAIR ROESSLER: And will we
8 expect SC&A to say anything? Or is that not
9 necessary?

10 MR. KATZ: Gen, I think you can
11 report on that in your presentation.

12 CHAIR ROESSLER: Okay. Okay.

13 Okay, other than looking at the
14 TBD issues, is there anything else we need to
15 do on this item?

16 (No response.)

17 CHAIR ROESSLER: Okay. Is there
18 anything we need to, at this point in time,
19 decide with regard to the path forward on the
20 TBDs?

21 MEMBER BEACH: Gen, I think it is
22 really important to establish the dates on

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1 those tunnels. And I'm not sure how you're
2 going to do that or how NIOSH can do that.

3 MR. RUTHERFORD: Gen, this is
4 LaVon Rutherford. I think what we're going to
5 have to do is we're going to -- not only with
6 the tunnels but we're going to have to
7 actually look back and if SC&A has got a
8 matrix that still, you know, has the potential
9 TBD issues in it and that's available to us,
10 we can look at that as well.

11 But we can look back at the
12 matrixes or the transcripts from the past
13 meetings as well. And then we've got to sit
14 down and actually pull together which items we
15 feel are still out there that are TBD issues
16 that need to be addressed. And then we're
17 going to have to get that out to our
18 contractor and internally to determine a
19 timeline for resolving those issues, you know,
20 based on their resources.

21 So I don't think we can come up
22 with a date today. And I think we've got a

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1 little bit of groundwork to do on that. But I
2 think that with doing a little groundwork,
3 getting that information to our contractor and
4 working through them, we can get some dates on
5 when we'll have the TBD revised and out for
6 review.

7 CHAIR ROESSLER: And then we can
8 push you for a date as to when you'll report
9 back to us as to when that date might be.

10 MR. RUTHERFORD: Yes, in fact I
11 was going to offer up that I think with the
12 Board Meeting coming up and the holidays, I
13 don't think we'll be able to give you anything
14 until probably January before we can give you
15 dates, reasonable dates on that.

16 MR. KATZ: LaVon?

17 MR. RUTHERFORD: Yes?

18 MR. KATZ: This is Ted. And I
19 guess if I could add a little bit to that
20 going forward, I think it would be good once
21 you have sort of organized yourselves and you
22 know what it is that you think you are going

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1 to be charging ORAU to do for amending the
2 TBD, I think if you would at least consult
3 with Steve Ostrow --

4 MR. RUTHERFORD: Yes.

5 MR. KATZ: -- and make sure that
6 you are capturing issues that you guys are in
7 agreement of and that you identify whether
8 there might be any issues that actually need
9 to be resolved still at the Work Group level.

10 MR. RUTHERFORD: I agree. I think
11 we can definitely do that, Ted.

12 DR. OSTROW: LaVon, this is Steve
13 Ostrow. I just want to point you to a report
14 I wrote October 11th, 2011, which, I think,
15 summarizes the TBD issues, the major ones
16 anyway. And there's only a few issues.

17 MR. RUTHERFORD: Okay. That's
18 good. I imagine Chris knew that that was
19 there. It just wasn't on the top of my head.

20 DR. OSTROW: Yes, I'm sure Chris
21 is familiar with that report, you know. It
22 was on tunnels and uranium progeny and a few

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1 other smaller things.

2 MR. RUTHERFORD: Okay.

3 DR. MAURO: Yes, this is John
4 Mauro. I have something I'd like to add with
5 regard to the tunnel issue. And I think we
6 briefly mentioned this at the last meeting.
7 This date of the tunnels, I know has been very
8 challenging.

9 But I'm starting to think -- and
10 this is an idea for everyone to contemplate I
11 guess, is it doesn't matter. Each of these
12 buildings have basements. Whether the
13 basements were connected by tunnels or not
14 almost becomes a non-issue if you see where
15 I'm going with this.

16 The implications being that there
17 could be workers working in the basements of
18 these buildings even though there are no
19 tunnels connecting -- whether there are or
20 not. And that means that they are being
21 exposed to radon that might be building up in
22 basements.

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1 So the -- and as long as we know
2 that there is soil that is contaminated in the
3 vicinity of these buildings, which I believe
4 there is evidence to that effect, it means
5 that the concentration, this 99 picocuries per
6 liter, that was derived to be used for the
7 next time period, this 1953 forward time
8 period, in theory, it should also apply to the
9 1947 to '53 time period.

10 Even though there may not be
11 tunnels, there was the basements. So it
12 almost is a way to say that well, you're going
13 to get that radon exposure anyway even if
14 there weren't tunnels because there are
15 basements. It is kind of a simplification of
16 the problem but I see no way around it.

17 Anyway, I wanted to leave that
18 idea with the Work Group and NIOSH to consider
19 when you are thinking about resolving this
20 particular Site Profile issue.

21 MR. CRAWFORD: Gen, this is Chris.

22 May I --

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1 CHAIR ROESSLER: Sure.

2 MR. CRAWFORD: -- break in here?

3 To some extent, I agree with John. But I
4 think it is a non-issue for a different
5 reason, which is if the SEC for the 154 period
6 is granted, and we already have an SEC for all
7 the other periods up through 1969, during that
8 time frame, the tunnels become quite
9 irrelevant because radon really only affects
10 lung cancer. And that is covered by any SEC
11 of any kind. So it is a non-issue from a
12 practical standpoint.

13 On the basement issue, John, it is
14 a little more complicated argument because
15 Building 30 had no basement.

16 DR. MAURO: Oh, okay.

17 MR. CRAWFORD: Building 14 does
18 but that is in an area not contaminated by
19 excess radium. So I think that just opens
20 more the basic problem.

21 DR. MAURO: Oh, I hear what you're
22 saying. So this idea of a basement, I just

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1 presumed there was one. But, as you point
2 out, that's not the case. But I do understand
3 your argument regarding the respiratory tract
4 cancers, it becomes -- from a practical
5 standpoint, it really has no effect on the
6 outcome.

7 MR. CRAWFORD: Excuse me, John.

8 DR. MAURO: I'm sorry.

9 MR. CRAWFORD: I think it is
10 important from the claimant perspective not to
11 think that this is going to be the thing that,
12 you know, changes everybody's claim result if
13 they have non-scheduled cancers if you see
14 what I'm getting at.

15 DR. MAURO: Oh, absolutely. When
16 it comes to radon, the issue is respiratory
17 tract cancers. And they are all covered by
18 the presumptive cancers within the Class.

19 MR. KATZ: This is Ted. Just one
20 other thing to recall is that you might also
21 be out of an SEC Class because you don't have
22 250 days.

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1 MR. RUTHERFORD: Yes, Ted, thanks.

2 I was just getting ready to say that. So we
3 do have to look at those individuals that have
4 less than a year. They may have a presumptive
5 cancer but have less than a year. And so that
6 could effect their dose reconstruction.

7 And I think that we can take what
8 John had mentioned into consideration when
9 we're going back and looking at this.

10 CHAIR ROESSLER: Okay. So it
11 looks like our work isn't done yet today. But
12 we do have one step we can take at the Board
13 Meeting next week. And I think everyone who
14 has worked on this has done a really good job.

15 I think -- I especially appreciate
16 the summary that Chris put together for us all
17 to look at. It made it so much easier to
18 evaluate.

19 So at that point with NIOSH being
20 alerted as to what needs to come up, Ted, do
21 you think we're done?

22 MR. KATZ: Yes, I think so. And,

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1 Gen, if when you have the presentation ready,
2 if you'll just send it to me, I'll get it
3 posted and distributed to the Board and so on.

4 CHAIR ROESSLER: Okay. Do you
5 think this needs to be PowerPoint? Or can it
6 just be a written presentation?

7 MR. KATZ: It's up to you
8 entirely.

9 CHAIR ROESSLER: I'll have to
10 think about that.

11 Yes, Josie and Jim, what do you
12 think?

13 MEMBER BEACH: Gen, I think it is
14 totally up to you also.

15 CHAIR ROESSLER: Okay. Let me
16 think a bit about that. And I'll get you
17 something before we all head out to Tampa.

18 MR. CRAWFORD: Gen?

19 CHAIR ROESSLER: Yes?

20 MR. CRAWFORD: This is Chris.

21 CHAIR ROESSLER: Chris, yes.

22 MR. CRAWFORD: I do know that Jim

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1 has a set of PowerPoints that he will be
2 bringing to that meeting concerning SEC 154.

3 CHAIR ROESSLER: So that might be
4 sufficient. Could he give those to me?

5 MR. CRAWFORD: I'm sure he could.
6 I'll be happy to send him an email to that
7 effect. He'll be back, I believe, Monday,
8 unless Bomber knows different.

9 MR. RUTHERFORD: No, he'll be back
10 Monday. But, you know, we can probably talk -
11 - I know that it is under final review right
12 now, that presentation. And we can probably
13 talk to Chris Ellison and see if we can get
14 that sent out right away.

15 CHAIR ROESSLER: That would help
16 because I really need to do it. We're leaving
17 Tuesday morning. If I'm going to do anything
18 more formal than just an oral report, I'd need
19 to look at it earlier.

20 MR. RUTHERFORD: Well, I know it
21 is under final review. It is actually in
22 Stu's hands. I just got an email. It's in

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1 Stu's hands right now for his approval. And
2 if he approves it today, I'm sure we can get
3 it right out to you, Gen.

4 CHAIR ROESSLER: So maybe like
5 tomorrow?

6 MR. RUTHERFORD: Yes.

7 CHAIR ROESSLER: Yes, okay. Let
8 me take a look at that first and then decide
9 where to go from there.

10 Okay, then I think we're finished
11 for today. Thanks everyone for your time and
12 patience with this.

13 MR. KATZ: Thanks everybody. Good
14 bye everyone.

15 CHAIR ROESSLER: We'll see you
16 next week.

17 MR. KATZ: See you all next week.

18 CHAIR ROESSLER: All right.

19 (Whereupon, the above-entitled
20 Advisory Board Meeting was concluded at 1:41
21 p.m.)

22

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