

UNITED STATES OF AMERICA
CENTERS FOR DISEASE CONTROL

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NATIONAL INSTITUTE FOR OCCUPATIONAL
SAFETY AND HEALTH

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ADVISORY BOARD ON RADIATION AND
WORKER HEALTH

+ + + + +

86th MEETING

+ + + + +

THURSDAY, SEPTEMBER 20, 2012

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The meeting convened at 8:30 a.m.,
Mountain Daylight Time, in the Denver Marriott
Tech Center, 4900 South Syracuse, Denver,
Colorado, James M. Melius, Chairman,
presiding.

PRESENT:

- JAMES M. MELIUS, Chairman
- HENRY ANDERSON, Member
- JOSIE BEACH, Member
- BRADLEY P. CLAWSON, Member
- R. WILLIAM FIELD, Member
- DAVID KOTELCHUCK, Member
- RICHARD LEMEN, Member
- WANDA I. MUNN, Member
- GENEVIEVE S. ROESSLER, Member
- PHILLIP SCHOFIELD, Member
- PAUL L. ZIEMER, Member
- TED KATZ, Designated Federal Official

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

2 (8:30 a.m.)

3 CHAIRMAN MELIUS: Good morning.
4 This is the third day of our 86th Meeting here
5 in Denver, and I'll turn it over to Ted to do
6 the roll call.

7 MR. KATZ: Thank you. And let me
8 just note for people on the line we have one
9 main agenda item today, Nuclear Metals SEC
10 coming up. If you're interested in the
11 materials for that, they're posted on the
12 NIOSH website under the Board section under
13 today's date, or September 18th, because that
14 covers all three days -- I mean, September,
15 June, no, September.

16 MEMBER BEACH: September.

17 MR. KATZ: Thank you. I know what
18 time of year it is.

19 Okay. And, also, for folks on the
20 phone please mute your phones. Press *6 if you
21 don't have a mute button. And that will take
22 care of it. Let's do roll call. And we have no

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1 conflicts for today's agenda item, so I won't
2 be speaking to them individually.

3 (Roll call.)

4 MR. KATZ: Very good. Thank you.

5 CHAIRMAN MELIUS: Okay, good
6 morning. So, we have like two items of
7 business we'll do. We'll do Nuclear Metals,
8 and then after that we will do the Board
9 letters. And just so you know, you have, I
10 believe, four letters there. There's only one
11 Mound. We're going to hold off on the letter
12 on the other Mound, which is the second
13 presentation yesterday. We need to get a
14 little clarification, make sure we write that
15 one correctly, so don't think you're missing
16 one. That's all.

17 So, let me now start with Nuclear
18 Metals, Inc., and Sam Glover will be
19 presenting. Welcome, Sam.

20 DR. GLOVER: Thank you, Dr.
21 Melius. You only get to hear from me one time
22 this Board meeting, and I'm the last --

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1 CHAIRMAN MELIUS: Well, we went
2 back to Stu, and then Jim, so we're working
3 our way up to you.

4 DR. GLOVER: See, there's a
5 reassignment going on. So, today we're going
6 to talk about Nuclear Metals, Inc., and this
7 was delayed. We did have a large data capture
8 that occurred, and we got 16,000 new documents
9 from the EPA. So, we had to go through those,
10 so this was delayed by three months, so it was
11 a lot of material.

12 So, Nuclear Metals, Inc. They grew
13 out of the special metallurgical operations
14 conducted by MIT, and that was during the
15 Manhattan Engineering District time frame. In
16 about 1945 or `6 that was consolidated at the
17 Hood Building, which was a DOE facility. And
18 the Hood Building is a former, or one of the
19 SEC facilities that we have taken up
20 previously. NMI took over the MIT operations
21 at the Hood Building as a private company, in
22 1958 transferred the operations to Concord.

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1 NMI provided the AEC special
2 fabrication facilities for Nuclear Metals,
3 special alloys, uranium, thorium, a lot of
4 different elements, and a lot of these things
5 still remain classified today.

6 In the mid-1970s, NMI began large-
7 scale fabrication of depleted uranium
8 munitions. The covered period for NMI as an
9 AWE facility begins October 29th, 1958 and
10 runs through 1990 with a residual period of
11 1991 through March 1, 2011.

12 The petition was received October
13 20th, 2011. The proposed Class was fairly
14 specific as they requested all employees in
15 Buildings, A, B, C, D, E and the Butler
16 Building, external storage containers and
17 outside areas immediately adjacent to the
18 plant grounds at the Nuclear Metals, Inc.
19 facility from January 1, 1970 through December
20 31st, 1983, and they kept that in a limited
21 time frame because that's the time period when
22 they were employed at the plant, so they

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1 didn't feel it would be appropriate to be
2 outside of that.

3 On January 17th, 2012, the petition
4 qualified for evaluation. NIOSH expanded the
5 time period and the scope of evaluation versus
6 that requested by the petitioner based on our
7 preliminary investigations, that similar
8 activities were ongoing before 1970. And,
9 also, that there were no real boundaries that
10 would prevent it being all employees, so we
11 would make sure to review the entire complex.

12 So, NIOSH evaluated all employees
13 who worked at Nuclear Metals, Inc. facility in
14 West Concord from January 1, 1958 through
15 December 31st, 1983. You will note that
16 there's a discrepancy, not discrepancy,
17 there's a difference between the covered
18 period. The Department of Labor later
19 determined that October 29th, 1958 is the
20 actual date, the earliest date that they can
21 be considered to be an AWE, so the covered
22 period versus the evaluated period are

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1 slightly different.

2 And as you all are well aware, the
3 sources of available information, the standard
4 sources, the TIBs and the TBDs, our Research
5 Database, the claimant files, affidavits
6 provided by the petitioner, and they did
7 provide a lot of information. We conducted
8 nine worker interviews.

9 We had a fairly extensive outreach
10 meeting conducted by ATL, our ORAU team and
11 NIOSH. We had three outreach meetings in
12 Concord, and those were attended by us or with
13 SC&A. They were -- the Board was invited to
14 attend and SC&A did have a participant. We had
15 about 50 to 60 workers, as well as former
16 company management who go all the way back to
17 day one when the building was actually built.
18 So, they provided a lot of good history and
19 perspective.

20 We collected information from
21 OSTI, all the standard database searches,
22 internet. As you know, we've gotten to many

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1 facilities across the country, the classified
2 repositories at OSTI, Hanford. We collected
3 information from many of these different
4 places regarding Nuclear Metals, Inc., the
5 type of material they did. The early
6 Environmental Measurements Laboratory,
7 information from the Hagley Museum & Library,
8 NRC. As I said, we got 16,000 documents from
9 the Department of Environmental Protection
10 from Massachusetts.

11 What happened was is that all the
12 records from NMI went to a long-term storage
13 facility, and when the company finally closed
14 down, nobody paid the bill. So, those were
15 denied to us for many years. Eventually, they
16 were sent back to the facility and were just
17 left in this abandoned facility. So, that's
18 the state of -- you can imagine the state of
19 records. So, they helped us, and they
20 considered the contaminated area so they boxed
21 up and then sent relevant records to a
22 facility where we could actually capture

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1 those. So, we really appreciate their
2 assistance, but I did want to let you
3 understand the state of records as we looked
4 at them.

5 Not a large facility, at this date
6 we have 23 claims. Many people who worked at
7 the Hood Building transferred to this
8 facility, so they were actually oftentimes may
9 have been compensated under the previous SEC
10 Class as the Hood Building.

11 Nineteen claimants who worked here
12 in the proposed SEC total number DR 16 at DOL.
13 We have 15 claims with internal dosimetry, and
14 18 with external dosimetry.

15 So, very quickly the background.
16 They operated at the Hood Building next to the
17 MIT campus until October 28th, 1958. Of
18 course, there was a transition time frame as
19 they began moving the facility. It was located
20 at Concord, Massachusetts on approximately 30
21 acres of land. In the 1990s they expanded that
22 to 46.4 acres for this expanded operations.

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1 And as I mentioned, that they have been -- as
2 of October 29th, 1958 DOL has determined that
3 is the time when they become an AWE facility.

4 The workforce varied from 60 to
5 over 650 workers over time. The original
6 facility consisted of three buildings,
7 Building A, B, and C. They had basically
8 office space and research laboratories in A,
9 cafeteria and supplies, services in B. And
10 Building C was the main production facility.
11 As they got more advanced or more -- when they
12 got busier, as they began taking on new work
13 before they built new facilities, many of the
14 facilities would get used for storage or
15 packing. The cafeteria was actually used for
16 packing depleted uranium parts at one time
17 because they ran out of space. So, this is
18 approximately the operations in each facility.

19 Additional buildings were added
20 over time, 1978 they added Building D to
21 expand the production space. Building E in
22 1983 for wet processes including pickling,

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1 which is basically soaking uranium in 8 molar
2 nitric acid to passivate the surfaces, coolant
3 reduction, waste treatment. Butler Buildings
4 were added over time and used for storage. And
5 I've identified some of those were for
6 depleted uranium, operations, or radiological,
7 some of those were not.

8 This is -- we slightly touched
9 this up. Unfortunately, the original diagram
10 had some -- was difficult to read but we tried
11 to clarify the title so you can get a better
12 feel for how the 1994 NMI, they basically just
13 built and added to the additional structures.

14 And when we first wrote the
15 Evaluation Report, I felt like I was reading
16 the Iliad because it was just list after list
17 after list of all of the things the NMI has
18 done. We significantly consolidated that
19 because it would have really been -- it would
20 have had to have been an appendix. So, pre-
21 1972, essentially more of a research kind of
22 operation, fundamental metallurgy, physical

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1 metallurgy, chemical metallurgy, engineering,
2 product development, fuel element development
3 and manufacture, and manufacture of high-
4 temperature materials.

5 They began shifting into more of
6 an operation scale in '72 to '79 and began
7 looking at depleted uranium shields,
8 counterweights, armor penetrators, metal
9 powders, beryllium, beryllium alloys, and
10 special titanium parts. And after '79
11 operations continue, and as you may have
12 noticed in our Evaluation Report with that
13 16,000 documents we have reserved the post-
14 1979 time frame for further evaluation.

15 While we believe we have a good
16 handle on the pre-'79 and all that additional
17 information, and the new data that we have, we
18 believe we need more time to evaluate whether
19 we can do dose reconstruction after 1979.

20 Unbelievably, for a facility that
21 handled as much material as they did, they had
22 no trained health physics staff until 1981. To

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1 remind you, this started in 1958. You know, in
2 the discussions that we had, you know, because
3 they weren't trained health physics staff,
4 oftentimes as they began evaluating this
5 research material they weren't aware of the
6 new hazards that were being introduced. It was
7 mentioned that they really didn't even
8 understand as they rolled the uranium and
9 produced the daughter products, they never
10 realized even until the late '70s that that
11 was a problem. So, it certainly is something
12 to consider very heavily as you think about a
13 very active research facility.

14 The program evolved over many
15 years, and you'll see periods of improvement
16 and lapses as people come in to review them,
17 so it's not a clear-cut "this is how we do
18 things," but you would see that devolving at
19 times.

20 And just very briefly, mid-1960s
21 described significant uranium spills,
22 contamination which were left unreported. And

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1 the inspection reports in the '70s reporting
2 emphasis on a lack of contamination controls
3 and monitoring.

4 Improvements in the Radiation
5 Protection Program coincided with the growth
6 of the company in the '70s and '80s.
7 Improvements in the period after 1979 will be
8 described in a future report. They included
9 access control enforcement, increased air
10 monitoring programs, air and swipe program
11 analysis brought in-house to reduce delays,
12 employee Radiation Safety Training Program,
13 was for the first time actually provided,
14 increased health physics coverage for all
15 three work shifts, and a large increase in the
16 amount of bioassays, you'll see.

17 NMI's research and production
18 activities involve numerous sources of
19 exposure. These amounts go up and down with
20 time. Some NMI activities and source terms
21 remain classified. Sources of internal dose
22 included uranium: depleted, natural, and

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1 enriched, including highly enriched, in many
2 physical forms as a result of fires and
3 explosions. They had thorium: oxides, powders
4 and metal, uranium and thorium progeny, and
5 recycled uranium components.

6 So, I want to emphasize thorium.
7 Thorium was transferred to the Hood Building
8 from the very beginning. We believe that at
9 least one ton was transferred at that time.
10 Records are clearly -- we do not have all
11 transfers, complete documentation, but we know
12 that in the 1960s they were extruding thorium
13 rods for the British and French companies. We
14 know that they were converting thorium rods to
15 powder, extruding thorium powder at this time.
16 We know that Nuclear Metals, Inc. was casting
17 thorium to billet size following machining,
18 jacketing, extrusion, pickling, and then
19 additional machining.

20 Given the limitations in records,
21 NIOSH believes we've identified a persistent
22 and radiologically significant thorium source

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1 term over the operating history of NMI, which
2 no monitoring exists for the period 1958
3 through 1979.

4 As a source of external exposure,
5 as we discussed, depleted, natural, enriched
6 uranium and thorium metal submerged in
7 contaminated air and exposure to contaminated
8 surface, concentration of progeny during
9 metalworking, and a separation process,
10 enhanced radiation. They had several X-ray
11 sources, including two industrial X-ray units,
12 40 millicurie unencapsulated iridium-192, and
13 40 curies of iridium-192, and 100 kV medical
14 X-ray machine.

15 External monitoring program data
16 availability, personnel monitoring program in
17 place prior to the relocation of operations.
18 In the late 1950s, we believe that film badges
19 were issued to all uranium processing
20 personnel, in the 1960s all personnel wore
21 film badges according to the documentation,
22 processing about every six and a half weeks.

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1 And clerical personnel badges were processed
2 annually.

3 So, this provides, based on the
4 records that we have found, there is nobody
5 actively managing the records. They don't have
6 people to -- so, we have to go to the hard
7 copy records and review them based on just
8 what we received. '58 we have 98 badges, and
9 I've provided the SRDB reference for each of
10 these, so you can kind of get a feel for the
11 external -- the number of badges as they
12 change and go over time, quickly going up to
13 about 1,000 and staying with that until we get
14 into the late 1970s when you see a large
15 increase in badging.

16 We do see that they had a weekly
17 smear program in 1958, only very limited
18 results have we been able to find. In '69, AEC
19 inspectors remarked that they weren't taking
20 them as required, other inspection reports
21 that they weren't recorded on log paper, that
22 they may have been recorded somewhere but it

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1 wasn't even on an official form. They may have
2 basically just -- well, essentially, they were
3 on a temporary form -- looked at, it was okay,
4 they threw them away, so there's no long-term
5 record retention.

6 Internal dose monitoring programs
7 data availability of bioassay program
8 consisted of urinalysis and lung counting
9 program during particular points in time. It
10 evolved over time to the AEC/NRC inspections.
11 In 1977 you'll see the bioassay program
12 starting to ramp up. By 1983, it was
13 reportedly consistent with Regulatory Guide
14 8.11.

15 NIOSH currently has identified
16 2,600 urine bioassay samples for the period
17 '58 to '79, and from the period 1980 through
18 '83 we have 12,500. You see a marked increase
19 as they began the munitions manufacture.

20 We do not have urine samples for
21 '68, '72, and '75, and some of that may be due
22 to how record retrieval has occurred. We do

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1 find lung counts for uranium annually during
2 the '82 to '86 time frame. We have about 500
3 lung counts that was done by Helgeson. And
4 here you'll see a graph that shows the number
5 of urinalysis samples, the massive ramp-up.
6 You're not talking about a lot of urine
7 samples early on, very limited. But then
8 again, so not nearly as many employees as we
9 ramp up to 650 around 1980. And this just
10 gives you a feel of the number of lung counts
11 versus urinalysis, and about what time they
12 occurred at.

13 Again, in this post-1970 time
14 frame which I'm asking you that we reserve for
15 a future report, just give you a feel for some
16 of the -- as they looked at the lung counting
17 data you'll see that in 1982 when they
18 initiated this they had a fairly high depleted
19 uranium -- not fairly high but certainly much
20 larger -- it dropped down quite a bit after
21 1982. It went from 154 and dropped down to 11
22 for the massive depleted uranium in the lung.

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1 So, NMI did maintain an air
2 monitoring program from the earliest years.
3 These were sort of fixed air samples. We
4 obtained a few of these from 1980, 31 of 255
5 reports is all we found so far. The summary
6 data, which provide average/minimum/maximum
7 concentration, describes having 12 fixed air
8 samples located throughout the plant, and this
9 was to increase later.

10 1959 reports operations involving
11 enriched uranium or special jobs where they
12 have additional air sampling. But if they did,
13 we don't have the results. 1974 inspection
14 results report specifically that the fixed air
15 sample did not approximate worker breathing
16 zone samples. New data available to NIOSH, we
17 basically have 28,000 breathing zone samples
18 between 1980 and 1983 to evaluate.

19 So, summary of monitoring gaps.
20 Well, not really one to consider neutrons as
21 being a significant source of exposure at a
22 natural uranium plant. There are light

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1 elements which can interact with it, so we
2 believe that even though there is no
3 monitoring we have guidance which would
4 provide a suitable estimation of dose. For
5 internal dose, however, the early bioassay
6 programs pre-1980 are often sparse, and NIOSH
7 cannot verify they represent the worst case
8 exposures. Early air sample data is limited
9 and not equivalent to breathing zone samples.
10 Late 1970s, it's difficult to determine if
11 bioassay results included incidents. No
12 results for thorium operations urine or air,
13 and we also have no results for thorium
14 sources.

15 So, a summary of why the Class:
16 workers were potentially exposed to enriched
17 uranium, thorium, uranium progeny, and thorium
18 progeny who were not monitored, nor does a
19 suitable dose reconstruction method exist. The
20 decision was based on lack of adequate
21 biological monitoring data, sufficient air
22 monitoring information, and/or sufficient

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1 process and radiological source term data to
2 reconstruct dose with sufficient accuracy.

3 Why everyone? Based on reports by
4 the AEC and facility layout, the process areas
5 were not isolated from the non-process areas
6 and no barriers to access were in place, in
7 particular they were not enforced.

8 What about employees not included
9 in the SEC? NIOSH intends to use any internal
10 or external monitoring data that may become
11 available for an individual claim and can be
12 interpreted using existing dose reconstruction
13 processes and procedures. Therefore, dose
14 reconstructions for individuals employed at
15 Nuclear Metals during the time October 29th,
16 1959 through December 31st, 1979 but who do
17 not qualify for inclusion in the SEC may be
18 performed using these data as appropriate.

19 NIOSH intends to estimate doses
20 from medical X-rays using information from
21 employee medical records and claimant-
22 favorable medical dose reconstruction

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1 assumptions and methods.

2 Why stop at 1979? A continuing
3 analysis affects only post-1979. NIOSH
4 determined that it is appropriate to proceed
5 with the pre-1980 feasibility evaluation while
6 continuing to analyze the impact of newly
7 obtained data on post-1979 dose
8 reconstruction. Therefore, NIOSH is reserving
9 its full assessment with available post 1979
10 data and will continue to evaluate the
11 feasibility of sufficient, accurate dose
12 reconstruction for the period January 1, 1980
13 to December 31st, 1983.

14 And the standard "health
15 endangerment." We saw evidence of accumulated
16 chronic radiation exposures, and consequently
17 specifying that health may have been
18 endangered.

19 Proposed Class: all Atomic Weapons
20 Employees who worked at the facility owned by
21 Nuclear Metals, Inc. or subsequent owner in
22 West Concord, Massachusetts during the period

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1 from October 29th, 1958 through December 31st,
2 1979 for a number of work days aggregating at
3 least 250 work days occurring either solely
4 under this employment or in combination with
5 work days within the parameters established
6 for one or more other Classes of employees
7 including the Special Exposure Cohort.

8 And our standard closure slide. We
9 have feasibility no. Health endangerment, yes.
10 Thank you, Dr. Melius.

11 CHAIRMAN MELIUS: Okay. Thank you,
12 Sam. Good presentation. Board Members with
13 questions? Yes, Paul.

14 MEMBER ZIEMER: Sam, I noticed in
15 the original Class Definition there was some
16 descriptive information referring to the plant
17 grounds outside the buildings, and it wasn't
18 clear to me whether this was all fenced in.
19 Does this new definition include what was
20 originally referred to as these grounds
21 immediately outside the buildings? You know,
22 I'm really asking --

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1 DR. GLOVER: We were careful to
2 modify it. We originally said in the buildings
3 or in the facility. We want to make sure that
4 it's the entire facility owned by that, so
5 it's the entire designated facility, so it
6 includes the entire grounds and also the
7 structures.

8 MEMBER ZIEMER: And that was fenced
9 off so others could not access the grounds?

10 DR. GLOVER: Well, within the AWE,
11 they'd have to be an AWE -- DOL would have to
12 certify them as being an employee of this
13 contractor.

14 MEMBER ZIEMER: Okay.

15 DR. GLOVER: So we're not
16 segregating the grounds that are part of the
17 facilities.

18 MEMBER ZIEMER: Gotcha.

19 CHAIRMAN MELIUS: Could I just add,
20 because I want to make sure -- in the proposed
21 Class you'll see it says "Nuclear Metals, Inc.
22 or a subsequent owner." I think that's -- I

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1 thought LaVon was trying to trip me up or
2 something when we were getting ready for this
3 and reviewing it, but I think the Department
4 of Labor, as I understand it, has requested it
5 serve as standard language now with these
6 sites because ownership changes, and I think
7 some of the issues is the grounds may be
8 split, people take over buildings, and trying
9 to keep which is the actual AWE facility in
10 mind, because that's really what it's focused
11 on. So, we may see that language later on
12 other sites, also. So, I was wrong. LaVon
13 wasn't trying to catch me on something. Okay,
14 Gen.

15 MEMBER ROESSLER: I notice in your
16 presentation you said that there was no
17 trained health physics staff until 1981, and
18 yet it appears from what you've presented that
19 there were some changes in '79 or certainly
20 during 1980, so what was the change that
21 happened to make things, it appears to be,
22 very different?

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1 DR. GLOVER: I would imagine that
2 there's some contractual obligations that you
3 have in that '70 time frame, but I'm not
4 completely -- it is clear that changes were
5 occurring, the number of samples had to
6 increase, but whether that was part of an Army
7 requirement or a contractual change, it's not
8 clear to me. But it wasn't until that time
9 frame, that '81, that we actually got an
10 increase in the health physics staff.

11 CHAIRMAN MELIUS: Wanda, then Dave.

12 MEMBER MUNN: There's an awful lot
13 of information here, Sam. It is of concern, I
14 think, that we have such apparently good
15 badging information and it appears to be
16 ultimately worthless when we come down to
17 identifying whether or not we can perform
18 individual dose assessments.

19 Winnowing this down to its
20 absolute bottom essence, does this really boil
21 down to the fact that since we don't have
22 thorium and radon monitoring for internal

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1 exposure we're hogtied with what we can or
2 can't do? Is that the bottom line?

3 DR. GLOVER: And that's why I
4 emphasized the thorium component. I believe in
5 our Evaluation Report we will likely be able
6 to do at least components of the uranium based
7 on the data that we have. But without the
8 thorium, there are a number of alloys and
9 processes that we do not have anywhere near
10 full documentation of the facility to
11 determine all the source terms. And there's a
12 number of classified sources as well. So, it
13 was a substantial source term at the facility
14 over time, and we simply have no way to
15 correlate the air sampling data with it. And
16 there's no bioassay, either in vitro or in
17 vivo.

18 Now, post-1979 that source term
19 exists. However, with the increased air
20 sampling data, we're not going in and just
21 saying we can't do it. We do want to carefully
22 evaluate whether this new data and all the

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1 additional breathing zone samples, whether
2 that gives us a path forward to doing dose
3 reconstruction.

4 MEMBER MUNN: Okay, thanks.

5 CHAIRMAN MELIUS: Dave, then Paul.

6 MEMBER KOTELCHUCK: I wonder, NMI
7 no longer exists, right? As a company.

8 DR. GLOVER: That's correct.

9 MEMBER KOTELCHUCK: And I'm just
10 curious, do you know if that facility or --
11 did it come across that that facility is
12 still in use privately? I'm just wondering
13 about successor companies, not -- obviously,
14 they're not part of our compensation program.

15 DR. GLOVER: It was cleaned up or
16 is in the process of being cleaned up. It
17 became Starmet. It then became bankrupt. I'm
18 not sure if there's not a small operation on
19 site. I'd have to refresh my memory. I
20 apologize, I didn't --

21 MEMBER KOTELCHUCK: No, no, no,
22 it's not necessary. But I just was curious

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1 sort of how life proceeded after it left the
2 government contract.

3 DR. GLOVER: I believe it was
4 abandoned for a number of years. Now, the
5 Massachusetts Department of Health is having
6 to work on cleaning it up.

7 MEMBER KOTELCHUCK: Thanks.

8 CHAIRMAN MELIUS: Paul.

9 MEMBER ZIEMER: The feasibility
10 chart doesn't really give the usual breakdown.
11 I assume it's feasible to do external partial
12 dose reconstructions in the early years. Is
13 that correct, from the film badge data?

14 DR. GLOVER: I believe the
15 terminology they use, and it's a little bit of
16 a difference. I think we put "may be
17 feasible." Certainly, we're going to use any
18 data that people have in their records to do
19 their dose reconstruction, so if their
20 external dose -- I don't know if you would
21 have as much -- we have -- I don't think we
22 have a coworker model so to speak.

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1 MEMBER ZIEMER: Okay. You have a
2 partial external, and you don't have the other
3 components that the badge might have missed.
4 You referred to a little bit of neutron and
5 there were --

6 DR. GLOVER: Enhanced beta
7 radiation from the daughter progeny, so there
8 may be aspects for which we don't have a full
9 --

10 MEMBER ZIEMER: Well, these badges
11 do not include beta?

12 DR. GLOVER: Well, but for, say,
13 extremity dose, or for operations where the C-
14 - they certainly would have beta --

15 MEMBER ZIEMER: But you would do
16 partials to the extent you could, for
17 externals.

18 DR. GLOVER: Yes, sir.

19 CHAIRMAN MELIUS: Gen.

20 MEMBER ROESSLER: So, there was no
21 affiliation with MIT after they once got
22 started.

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1 DR. GLOVER: So, right, MIT staff -
2 - it was to segregate all that activity that
3 was at MIT in the Hood Building. And then
4 essentially the staff who were -- that
5 separate company became NMI, if that's what
6 you mean. And then Nuclear Metals, Inc.
7 actually moved -- changed from the Hood
8 Building out to Concord, but they were no
9 longer associated with MIT.

10 MEMBER ROESSLER: Yes, that's what
11 I mean.

12 DR. GLOVER: Yes, ma'am.

13 MEMBER ROESSLER: Okay.

14 CHAIRMAN MELIUS: I don't know if
15 MIT had health physics staff, but I think they
16 would.

17 MEMBER ROESSLER: They did.

18 CHAIRMAN MELIUS: Yes.

19 MEMBER ZIEMER: I think Dr.
20 Roessler and I are thinking about certain
21 people that we know at MIT and wondering why
22 this happened.

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1 CHAIRMAN MELIUS: Yes, that was my
2 comment to Paul, when Sam was partway through
3 his presentation, with that. But I guess
4 that's a separate issue and so forth. And I
5 was a little bit surprised also how slow they
6 seem to be responding to some of their
7 inspection reports also.

8 MEMBER ZIEMER: Well, if I could
9 add another comment, I think Josie has a
10 comment, but I assume this was an NRC-licensed
11 facility during those early years. And it's a
12 little surprising with the amount of materials
13 they handled that there wasn't some sort of
14 radiation safety staff required to get the
15 license. Although, I know in those early days
16 many facilities had people designated as
17 radiation safety officers, and that was a
18 title for somebody who was kind of clerically
19 responsible for certain things.

20 DR. GLOVER: I used the term that
21 it was the first time they had a trained
22 health physicist on staff.

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1 MEMBER ZIEMER: Right. Exactly.

2 DR. GLOVER: So, they may have had
3 a safety office.

4 MEMBER ZIEMER: Right.

5 DR. GLOVER: They may not have had
6 training in the field.

7 CHAIRMAN MELIUS: Josie.

8 MEMBER BEACH: Sam, I'm looking in
9 the Evaluation Report under your summary of
10 feasibility findings, and for the natural and
11 depleted uranium it says that you're going to
12 reconstruct dose using some monitoring and
13 TBD-6000. Can you kind of explain that? You
14 may have already mentioned it, but what the
15 percentage that you have samples?

16 DR. GLOVER: Is that where we said
17 "may" -- let's go to --

18 MEMBER BEACH: Yes, it says "May be
19 feasible" --

20 DR. GLOVER: I don't have that in
21 front of me. I apologize.

22 MEMBER BEACH: -- "to reconstruct

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1 internal doses," but it says you're going to
2 use available claimant information and TBD-
3 6000. So, I was just wondering --

4 DR. GLOVER: I believe it was
5 between the two where it's appropriate. TBD-
6 6000 would not cover all the operations that
7 they had here. So, we will have to carefully
8 look at what our path forward is. That's why
9 we used the language "may." We have not fully
10 developed all the alternate dose
11 reconstruction methods which may be utilized,
12 certainly existing bioassay data that can be
13 utilized under existing claimant methods will
14 be used.

15 MEMBER BEACH: So, that may be
16 something that we want to look at once you
17 make a determination for that time period it
18 sounds like, from '58 to '79.

19 DR. GLOVER: Yes, so there will be
20 a -- we will have either a TBD or an appendix
21 for this facility.

22 MEMBER BEACH: Okay, thanks.

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1 DR. GLOVER: That would have to
2 conclude what we're supposed to do. That's
3 correct.

4 MEMBER BEACH: Okay.

5 CHAIRMAN MELIUS: Any other
6 questions or comments? If not, do I hear a
7 proposal from the Board? Brad.

8 MEMBER CLAWSON: I move that we
9 accept NIOSH's recommendation.

10 CHAIRMAN MELIUS: Okay.

11 MEMBER FIELD: I'll second.

12 CHAIRMAN MELIUS: Second, okay. Any
13 further discussion?

14 MEMBER BEACH: I just wonder if
15 we're going to set up -- has SC&A been tasked
16 to look at this? Probably not.

17 CHAIRMAN MELIUS: I personally
18 think it's a little early for that. Because
19 they have to do the post-'79 period, and I
20 would think -- let's wait. I think that would
21 be, at least in my mind, would be more of a
22 priority, and then let's see what the work

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1 plan is from there in terms of doing that. So,
2 I think it's just early to set up a Work
3 Group. It certainly may depend -- the future
4 priority may actually depend on what they
5 decide to do with the '79 to '83 period.

6 MEMBER FIELD: Jim, there's no
7 petitioner?

8 CHAIRMAN MELIUS: Pardon?

9 MEMBER FIELD: There's no
10 petitioner?

11 CHAIRMAN MELIUS: Thank you for
12 reminding me. Is the petitioner on the line
13 and wishes to make comments?

14 MR. WALTZ: Yes. This is Mark
15 Waltz, the petitioner.

16 CHAIRMAN MELIUS: Okay.

17 MR. WALTZ: In North Borough,
18 Massachusetts. I would like to first
19 compliment Dr. Glover. I know he and his team
20 there at Oak Ridge had a very intensive task
21 with the scope of information we provided, and
22 he and his team have done an excellent job.

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1 I'd like to thank Vern McDougall as well as
2 the petitioner counsel, Josh Kinman, for their
3 assistance over this period of time. Again,
4 thank you for your efforts.

5 I can shed some light on some of
6 the questions raised. One was what happened
7 with the company in its transition from
8 bankruptcy. I am aware that when the company
9 went bankrupt, I think it was around 2001 time
10 frame. I may be off on that a little bit. But
11 there was a representative from Bank of
12 America that held the mortgage to oversee the
13 dissolution of the company.

14 That fellow ended up purchasing
15 the assets of the company, the technology and
16 proprietary information and all that, and he
17 and a small group of employees continued to
18 inhabit the building and operate in the area
19 of some beryllium alloy work and some
20 specialty products, powders and so forth, up
21 until perhaps two years ago. I believe he sold
22 off segments of the business or relocated it

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1 or whatever, and they were perhaps in the
2 2001-on time frame, perhaps 25 employees
3 working at the facility.

4 But right now I also have a
5 suggestion that since this report is so
6 exhaustive and really sheds some light on
7 activities that weren't fully appreciated at
8 the company during the '60s and '70s and then
9 into the '80s, that the EPA that is there with
10 a team of prior owners of the facility over
11 time to decommission the facility, that the
12 reports and information that's been gathered
13 by Dr. Glover and his team perhaps be shared
14 with the EPA, because there was some
15 activities, particularly with the enriched
16 material on thorium, that aren't fully
17 appreciated perhaps by the decommissioning
18 team, and the potential hazards they may face
19 in decommissioning the facility. So, I think
20 that suggestion could be useful to them.

21 I do have two questions. One, Dr.
22 Glover, in your presentation you note that I

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1 think 19 of the 23 outstanding claims on NMI
2 would be covered by this petition, but it
3 wasn't clear to me. Was that for the '58 to 83
4 time frame or for up until the '79 time frame
5 that you're recommending?

6 CHAIRMAN MELIUS: Sam Glover is
7 coming to the microphone to answer.

8 MR. WALTZ: Oh, okay.

9 DR. GLOVER: That should go through
10 '79 which is the covered -- which is the point
11 of this particular report.

12 MR. WALTZ: Okay, thank you.
13 Another question I have for you is when we
14 were doing our data search, and we have
15 uncovered the information that the Department
16 of Energy was recycling the spent fuel rod
17 material in the depleted uranium stream, so
18 there were fission products in the depleted
19 uranium that we were unaware of. We just
20 assumed it was textbook-grade depleted uranium
21 that the government was providing us. Were you
22 able to confirm that activity, and what

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1 impact, if any, did it have on your
2 evaluation?

3 DR. GLOVER: For the recycled
4 uranium components --

5 MR. WALTZ: Yes.

6 DR. GLOVER: Most of the recycled
7 uranium in the stockpile at that time was
8 recycled and not just depleted, and if you
9 look at the munitions, what the Army has
10 utilized, those -- and this is talking off the
11 cuff. I don't have the report in front of me -
12 - but those also include other products. But
13 I'd have to -- we didn't go into the details
14 on that. We really focused on some of the
15 thorium aspects, and we would include -- we
16 have some default values for recycled uranium
17 that could be utilized.

18 We will have to address that as
19 part of the 1979 through '83 report, so that
20 would be really the focus of that when we go
21 into large-scale depleted uranium munitions.
22 I'll make sure that we include that

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1 specifically in our next report.

2 And I did -- I was reminded to be
3 very clear that the Department of Labor makes
4 all determinations on who is eligible who
5 would be included in the SEC. It's just our
6 first estimate of the number of claims that
7 would be part of that.

8 MR. WALTZ: Sure. Thank you. There
9 was a mention before about the health physics
10 staff, and whether or not there was an RSO.
11 And I believe [identifying information
12 redacted], who was the [identifying
13 information redacted] in at least the '60s and
14 '70s later became [identifying information
15 redacted], I believe in the late '70s. He was
16 interviewed, a telephone interview, and in my
17 discussions with him he commented to me what
18 when he was assigned responsibility, he didn't
19 have any formal training, and it was kind of a
20 learn-as-you-go experience for him. And he did
21 the best he could, but there were limitations.
22 And, in fact, there was no one with formal

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1 training in health physics in charge of the
2 health and safety program, which is probably
3 responsible for the quality of the program
4 that's been cited in the evaluation.

5 That's all the comments I have.
6 Welcome if anyone has any questions that I
7 could answer, I'd be more than happy to.
8 Again, thank you for the effort, Dr. Glover,
9 and the whole team.

10 CHAIRMAN MELIUS: Thank you for the
11 comments. Any questions for the petitioner?
12 Okay. I don't believe anyone has questions.
13 Now, I would just certainly urge you to keep
14 in touch with Dr. Glover and the NIOSH team
15 involved in terms of information. They will be
16 following up and so forth on this. So, anyway,
17 thank you. Appreciate your comments.

18 MR. WALTZ: Thank you.

19 CHAIRMAN MELIUS: Thank you, Bill,
20 for reminding me of that.

21 Okay. Any further questions? If
22 not, Ted, do you want to do the vote?

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1 MR. KATZ: Dr. Ziemer.
2 MEMBER ZIEMER: Yes.
3 MR. KATZ: Mr. Schofield.
4 MEMBER SCHOFIELD: Yes.
5 MR. KATZ: Dr. Roessler.
6 MEMBER ROESSLER: Yes.
7 MR. KATZ: Ms. Munn.
8 MEMBER MUNN: Yes.
9 MR. KATZ: Dr. Melius.
10 CHAIRMAN MELIUS: Yes.
11 MR. KATZ: Dr. Lemen.
12 MEMBER LEMEN: Yes.
13 MR. KATZ: Dr. Kotelchuck.
14 MEMBER KOTELCHUCK: Yes.
15 MR. KATZ: Dr. Field.
16 MEMBER FIELD: Yes.
17 MR. KATZ: Mr. Clawson.
18 MEMBER CLAWSON: Yes.
19 MR. KATZ: Ms. Beach.
20 MEMBER BEACH: Yes.
21 MR. KATZ: And Dr. Anderson.
22 MEMBER ANDERSON: Yes.

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1 MR. KATZ: So it's unanimous,
2 motion passes, a number of absentee votes to
3 collect.

4 CHAIRMAN MELIUS: Very good. So,
5 I'll now draw your attention to the -- we
6 should have four letters for review. And I'm
7 going to start in reverse order, but our
8 counsel is approaching the table.

9 Okay. I'm going to start with the
10 site we just discussed.

11 "The Advisory Board on Radiation
12 and Worker Health (the Board) has evaluated
13 Special Exposure Cohort (SEC) Petition 00195
14 concerning workers at the facility owned by
15 Nuclear Metals, Inc. and a subsequent owner in
16 West Concord, Massachusetts under the
17 statutory requirements established by the
18 Energy Employees Occupational Illness
19 Compensation Program Act of 2000 (EEOICPA),
20 incorporated into 42 CFR Section 83.13.

21 "The Board respectfully recommends
22 that SEC status be accorded to, quote, `all

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1 atomic weapons employees who worked at the
2 facility owned by Nuclear Metals, Inc. or a
3 subsequent owner in West Concord,
4 Massachusetts during the period from October
5 29th, 1958 through December 31st, 1979 for a
6 number of work days aggregating at least 250
7 work days occurring either solely under this
8 employment or in combination with work days
9 within the parameters established for one or
10 more other Classes of employees included in
11 the Special Exposure Cohort.'

12 "Recommendation is based on the
13 following factors: individuals employed at
14 this facility in West Concord, Massachusetts
15 during the time period in question worked on
16 research and production for materials used in
17 the production of nuclear weapons. Two, the
18 National Institute for Occupational Safety and
19 Health (NIOSH) review of available monitoring
20 data as well as available process and source
21 term information for this facility found that
22 NIOSH lacked sufficient information necessary

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1 to complete individual dose reconstructions
2 with sufficient accuracy for internal
3 radiological exposures to enriched uranium,
4 thorium, uranium progeny and thorium progeny
5 to which these workers may have been subjected
6 during the time period in question. The Board
7 concurs with this determination.

8 "Three, NIOSH determined that
9 health may have been endangered for employees
10 at this facility during the time period in
11 question. The Board also concurs with this
12 determination.

13 "Based on these considerations and
14 discussion at the December 18th to 20th, 2012
15 Board meeting held in Denver, Colorado, the
16 Board recommends that this Class be added to
17 the SEC. Enclosed is documentation from the
18 Board meeting where this SEC Class was
19 discussed. The documentation includes copies
20 of the petition, the NIOSH review thereof, and
21 related materials. If any of these items are
22 unavailable at this time, they will follow

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1 shortly."

2 Comments? Questions? Okay.

3 Moving on, this is the Mound 83.14
4 petition.

5 "The Advisory Board on Radiation
6 and Worker Health (the Board) has evaluated
7 Special Exposure Cohort (SEC) Petition 00207
8 concerning workers at the Mound Plant in
9 Miamisburg, Ohio under the statutory
10 requirements established by the Energy
11 Employees Occupational Illness Compensation
12 Program Act of 2000 (EEOICPA), and
13 incorporated in 42 CFR Section 83.13.

14 "The Board respectfully recommends
15 that SEC status be accorded to, quote, `all
16 employees to the Department of Energy, its
17 predecessor agencies and their contractors and
18 subcontractors who worked at the Mound Plant,
19 Miamisburg, Ohio from September 1st, 1972
20 through December 31st, 1972, or from January
21 1st, 1975 through December 31st, 1976 for a
22 number of work days aggregating at least 250

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1 work days occurring either solely under this
2 employment or in combination with work days
3 within the parameters established for one or
4 more other Classes of employees included in
5 the Special Exposure Cohort', close quotes.

6 "Recommendation is based on the
7 following factors: individuals employed at the
8 Mound Plant in Miamisburg, Ohio for the time
9 period in question worked on research,
10 development, and production related to nuclear
11 weapons. Two, National Institute for
12 Occupational Safety and Health (NIOSH) review
13 of available monitoring data as well as
14 available process and source term information
15 for this facility found that NIOSH lacked
16 sufficient information necessary to complete
17 individual dose reconstructions with
18 sufficient accuracy for internal radiological
19 exposures to radon to which these workers may
20 have been subjected during the time period in
21 question. The Board concurs with this
22 determination.

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1 "Three, NIOSH determined that
2 health may have been endangered for these
3 Mound Plant employees during the time period
4 in question. The Board also concurs with this
5 determination.

6 "Based on these considerations and
7 discussion in the September 18th to 20th, 2012
8 Board meeting held in Denver, Colorado, the
9 Board recommends that this Class be added to
10 the SEC. Enclosed is documentation from the
11 Board meeting where the SEC Class was
12 discussed. Documentation includes copies of
13 the petition, the NIOSH review thereof, and
14 related materials. If any of these are
15 unavailable at this time, they will follow
16 shortly."

17 MEMBER BEACH: Under that first
18 bullet you said 83.13; shouldn't that read 14?

19 CHAIRMAN MELIUS: No.

20 MEMBER BEACH: No? It should be a
21 13?

22 CHAIRMAN MELIUS: It's always 13.

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1 MEMBER BEACH: Okay.

2 CHAIRMAN MELIUS: We used to
3 include both, but our attorneys advised us
4 that's no longer necessary.

5 MEMBER BEACH: Okay, thank you.

6 CHAIRMAN MELIUS: And we believe
7 them.

8 MEMBER BEACH: Gotcha.

9 CHAIRMAN MELIUS: Okay. Any other
10 comments or questions? Okay.

11 Next I'll do the Weldon Spring.

12 "The Advisory Board on Radiation
13 Worker and Health (the Board) has evaluated
14 Special Exposure Cohort Petition 00143
15 concerning workers at the Weldon Spring Plant
16 in Weldon Spring, Missouri under the statutory
17 requirements established by the Employees
18 Occupational Illness Compensation Program Act
19 of 2000 (EEOICPA) and incorporated into 42 CFR
20 83.13.

21 "The National Institute for
22 Occupational Safety and Health has recommended

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1 that individual dose reconstructions are
2 feasible for, quote, 'all employees at
3 Department of Energy, Department of Energy
4 contractors or subcontractors who worked in
5 any area of the Weldon Spring Plant in Weldon
6 Spring, Missouri during the applicable covered
7 operational period from January 1st, 1957
8 through December 31st, 1967.'

9 "NIOSH found that it has access to
10 adequate exposure monitoring, other
11 information necessary to do individual dose
12 reconstructions with sufficient accuracy for
13 members of this group, and therefore a Class
14 covering this group should not be added to the
15 SEC. The Board concurs with this
16 determination.

17 "Based on these considerations and
18 discussion at the September 18th to 20th, 2012
19 Board meeting held in Denver, Colorado, the
20 Board recommends this Class not be added to
21 the SEC. Enclosed is documentation from the
22 Board meeting where this Class was discussed.

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1 Documentation includes copies of the petition,
2 NIOSH review thereof, and related materials.
3 If any of these items are unavailable at this
4 time, they will follow shortly."

5 Comments or questions? Okay. Last
6 but not least here, the United Nuclear
7 Corporation.

8 "The Advisory Board on Radiation
9 Worker Health (the Board) has evaluated
10 Special Exposure Cohort (SEC) Petition 00116
11 concerning workers at the United Nuclear
12 Corporation in Hematite, Missouri, under the
13 statutory requirements established by the
14 Energy Employees Occupational Illness
15 Compensation Program Act of 2000 (EEOICPA) and
16 incorporated into 42 CFR 83.12.

17 "The National Institute for
18 Occupational Safety and Health (NIOSH) has
19 recommended that individual dose
20 reconstructions are feasible for, quote, `all
21 site employees who worked in any area of the
22 United Nuclear Corporation, Hematite, Missouri

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1 site from January 1st, 1958 through December
2 31st, 1973, and the residual period January
3 1st, 1974 through July 31st, 2006.'

4 "NIOSH found that it has access to
5 adequate exposure monitoring and other
6 information necessary to do individual dose
7 reconstructions with sufficient accuracy for
8 members of this group and, therefore, a Class
9 covering this group should not be added to the
10 SEC. The Board concurs with this
11 determination.

12 "Based on these considerations and
13 the discussion at the September 18th to 20th,
14 2012 Board meeting held in Denver, Colorado,
15 the Board recommends that this Class not be
16 added to the SEC. Enclosed is the
17 documentation from the Board meeting where
18 this SEC Class was discussed. Documentation
19 includes copies of the petition, the NIOSH
20 review thereof and related materials. If any
21 of these items are unavailable at this time,
22 they will follow shortly."

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1 Okay. Any additional business? I
2 will follow up on -- to complete the two Work
3 Groups. Loretta had to leave, and also I need
4 to check with John Poston. He had actually
5 expressed an interest in a Work Group, and I
6 want to always get consent before appointing
7 anybody. But I will try to get that done. I'm
8 not sure how long John is away. Okay, so I'll
9 follow up with him and get that.

10 I think we have our meeting
11 scheduled, and I don't believe there's any
12 correspondence. I'm not aware of any pending.
13 And I think we can -- do I hear a motion to
14 adjourn?

15 MEMBER ZIEMER: So moved.

16 MEMBER CLAWSON: Motion to adjourn.

17 MEMBER BEACH: Second.

18 CHAIRMAN MELIUS: Okay. Note Dr.
19 Ziemer made the motion, Josie seconded it.
20 Brad was a close third, and we'll see
21 everybody in Oak Ridge.

22 Oh, yes, Ted, the last Mound

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1 letter I will circulate around when I receive
2 that back from our counsel's office, so you're
3 aware of it. The action stands so I think
4 we're set. It's just making sure the wording
5 is coordinated with the Department of Labor.

6 You need to turn the mic on.

7 MS. LIN: Dr. Melius, I think we're
8 ready to present a letter here, and we can
9 conclude all the Board business. And if
10 there's any more language that needs to be
11 revised, then we'll bring it back to the Board
12 for your approval.

13 CHAIRMAN MELIUS: Okay.

14 MS. LIN: If that's okay.

15 CHAIRMAN MELIUS: Yes. If everyone
16 could just wait a second, hold the adjournment
17 in abeyance. Someone gag the parliamentarian
18 quickly.

19 (Laughter.)

20 CHAIRMAN MELIUS: And you'll have
21 to bear with me. You'll have to listen to
22 this. This is the other Mound. And I will

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1 still circulate the final, but --

2 "The Advisory Board on Radiation
3 and Worker Health (the Board) has evaluated
4 Special Exposure Cohort Petition 0090
5 concerning workers at the Mound Plant in
6 Miamisburg, Ohio during the period from March
7 1st, 1959 through December 31st, 2007, under
8 the statutory requirements established by the
9 Energy Employees Occupational Illness
10 Compensation Program Act of 2000 (EEOICPA)
11 incorporated into 42 CFR 83.13.

12 "The National Institute for
13 Occupational Safety and Health (NIOSH) has
14 recommended that individual dose
15 reconstructions are feasible for `all
16 employees of the Department of Energy,
17 Department of Energy contractors or
18 subcontractors who worked in any area of the
19 Mound Plant in Miamisburg, Ohio during the
20 period from March 1st, 1959 through December
21 31st, 2007, except for the workers covered in
22 the approved SEC 00171 and the approved SEC

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1 00207.' Close quote.

2 "NIOSH found it has access to
3 adequate exposure monitoring and other
4 information necessary to do individual dose
5 reconstructions with sufficient accuracy for
6 members of this group and, therefore, a Class
7 covering this group should not be added to the
8 SEC. The Board concurs with this
9 determination.

10 "Based on these consideration and
11 discussion in the September 18th to 20th, 2012
12 Board meeting held in Denver, Colorado, the
13 Board recommends this Class not be added to
14 the SEC. Enclosed is the documentation of the
15 Board meeting where this SEC Class was
16 discussed. Documentation includes copies of
17 the petition, the NIOSH review thereof, and
18 related materials. If any of these items are
19 unavailable at this time, they will follow
20 shortly."

21 So, basically, it's the original
22 petition minus what we -- and it's a little

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1 complicated because they actually consolidated
2 some petitions there, so we have an earlier
3 time period that is covered. Yes, Paul.

4 MEMBER ZIEMER: If I might make one
5 comment, a bit of concern as I hear these
6 words for the first time. But the exclusion of
7 this group expressed in terms of the other
8 groups, I want to make sure that if there's
9 someone that lacks the 250 days in the other
10 groups would still be able to pick up the rest
11 in this. It sounds like if they're already --
12 I guess if they're already in the other group
13 they already have their 250 days, so maybe it
14 -- yes, I'll withdraw that.

15 CHAIRMAN MELIUS: Yes, I think --
16 Jenny and I talked about this, and I think
17 one of the things we want to make sure is that
18 the language coincides with Department of
19 Labor language so that we're not inadvertently
20 causing a problem like that. So, I think
21 that's most likely the change that would take
22 place.

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1 MEMBER ZIEMER: No, I think it's
2 not a problem.

3 CHAIRMAN MELIUS: Yes.

4 MEMBER ZIEMER: Now that I heard
5 what I had to say.

6 CHAIRMAN MELIUS: Well, when I'm
7 reading the letter I found another error, too,
8 but -- threw an extra state name in there, but
9 that's okay. But yes, I think that's the
10 issue. The discussions -- these letters are
11 actually harder in some ways to write than --
12 especially when it's a long history like
13 this, than others, and you throw in an 83.14,
14 and so forth, so we do that. But, again, I
15 will circulate what we finally do. And then
16 you can call me up and talk about it again,
17 and we can go through it.

18 Okay. I think we can go ahead and
19 adjourn now.

20 (Whereupon, the above-entitled
21 matter was adjourned at 9:30 a.m.)

22

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