

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

+ + + + +

ADVISORY BOARD ON RADIATION AND
WORKER HEALTH

+ + + + +

WORK GROUP ON LINDE CERAMICS

+ + + + +

WEDNESDAY
FEBRUARY 15, 2012

+ + + + +

The Work Group convened telephonically at 10:00 a.m., Eastern Standard Time, Genevieve S. Roessler, Chair, presiding.

PRESENT:

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

NEAL R. GROSS

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

ALSO PRESENT:

TED KATZ, Designated Federal Official
TUONA BATCHELOR
ANTOINETTE BONSIGNORE
NICOLE BRIGGS, SC&A
CHRIS CRAWFORD, DCAS
ROB DAVIDSON
STU HINNEFELD, DCAS
JENNY LIN, HHS
JOHN MAURO, SC&A
THOMAS MURPHY
JIM NETON, DCAS
STEVE OSTROW, SC&A
LAVON RUTHERFORD, DCAS
JAMES SPECIALE

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

C-O-N-T-E-N-T-S

	<u>Page</u>
I. Welcome and Roll Call/Introductions	4
II. SC&A Report	6
III. Linde Ceramics Worker Representative Letter and/or Comments	41
IV. WG Discussion and Recommendations	66
V. DCAS TBD Revision/Implementation Plans	97
VI. Adjournment	162

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

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

2 (10:02 a.m.)

3 MR. KATZ: This is the Advisory
4 Board on Radiation and Worker Health, Linde
5 Work Group.

6 Let's begin with roll call. And
7 since we're speaking about a specific site,
8 please speak to conflict of interest as well.

9 And let's begin with Board Members.

10 (Roll call.)

11 Okay. Very good. All right.
12 There is an agenda for this meeting. It is
13 posted on the NIOSH website under the Board
14 section under "Meetings," for anyone who wants
15 to follow along with that.

16 We also have a report -- two
17 reports that have been made available, one by
18 DCAS, giving sort of a written narrative to
19 the report they gave at the last Board meeting
20 about the analysis of the maps and worker
21 statements, and we also have a review --
22 another review from SC&A on the same topic of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 both the initiation of -- when the tunnels
2 were built, that question, and also duration
3 of work inside -- or occupancy factors I think
4 it's called inside the tunnels. So we have
5 those two reports to discuss.

6 And, Gen, it's your agenda. I
7 think we can start. Let me just remind
8 everyone on the line to mute your phone except
9 when you are addressing the group. And if you
10 don't have a mute button, if you press * and
11 then 6, that will mute your phone. And then
12 press * and then 6 again to come off of mute.

13 Gen, it's your agenda.

14 CHAIR ROESSLER: Thanks, Ted. The
15 agenda shows that we will start with the SC&A
16 report. I don't have anything on the agenda
17 for DCAS, to review their report, but I don't
18 think that is maybe necessary. They will come
19 in later on.

20 So, Steve, your report as usual
21 was very complete and easy to read, and I
22 appreciate Figure 1 in color. That helps a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 lot. So, and I think everyone has that.

2 I would like to make one mention.

3 I sent around an email this week. I
4 forwarded one that Josie forwarded that had a
5 letter in it. We have to be careful not to
6 mention names if we refer to that letter. I
7 think that's true, isn't it, Ted?

8 MR. KATZ: Yes, thank you, Gen.

9 CHAIR ROESSLER: Okay. So, Steve,
10 it's yours.

11 DR. OSTROW: Okay. Good morning,
12 everyone. At the last Linde Work Group
13 meeting, which was January 30, SC&A was asked
14 to revisit two issues related to the utility
15 tunnels. The first one was the timeline,
16 which section of the tunnel was constructed
17 when. And the second issue was NIOSH's
18 assumed occupancy factor for workers in the
19 tunnels, how much time do workers actually
20 spend in the tunnels.

21 And I say these were
22 reexaminations because we had previously

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 looked at them in the past, but we were asked
2 by the Board to give another closer look at
3 it, so we did.

4 First one, the utility tunnel
5 timeline. Just say both of these tunnel
6 issues came up in the course of the Work Group
7 looking at two Linde SEC petitions, 00107 and
8 00154. And they were identified within the
9 last two years or so, but they were postponed
10 -- working on them was postponed because they
11 were thought to be TBD issues and not SEC
12 issues. So we are looking at them now.

13 As far as the timeline goes, SC&A
14 had a meeting a few weeks ago together where
15 we looked at full size drawings, three
16 different plot plan drawings. We confirmed
17 with NIOSH that these were the same drawings
18 that NIOSH was working from and the only
19 drawings that were available. And this time
20 we had looked at the full size drawings, G
21 size, which are quite large. And we went over
22 the drawings in great detail trying to find

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 out what the sequence of events were of
2 constructing these tunnels.

3 We also went over worker
4 statements related to the tunnel timeline, and
5 this was also a reexamination because we had
6 already looked at these worker statements
7 several times in the past. Some of the
8 statements were taken by NIOSH. Some of the
9 statements we had taken and interviewed at the
10 Niagara Falls meetings in 2010.

11 And some of the statements were
12 sent in by the workers' representative.
13 Either they were affidavits or just
14 statements. We looked at that. And we also
15 looked at some documentation that we had, some
16 written reports, a U.S. Army Corps of
17 Engineers report, and one produced by Shaw
18 Environmental, which were only a few -- which
19 were done only a few years ago.

20 And after looking at all of these,
21 we concluded -- and this is on page -- if you
22 have my report, this is on page 8 of our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 February 10th report. We boxed our
2 conclusion, and I think I will just read it.
3 "SC&A concludes from its latest review of the
4 utility tunnels and the evidence that the
5 evidence supports the assumption that the only
6 tunnel section that was in place before 1957
7 was the 1936 portion, represented by the green
8 lines in Figure 1." That is the figure that
9 is in the report that Gen had referred to.

10 "The evidence leading to this
11 conclusion includes the testimony by one of
12 the former workers, the construction notes on
13 the 1957/1961 drawings, the existence of
14 trestles to supply utilities to Buildings 30
15 and 31, Praxair's description of the maps as
16 construction drawings, and a note to the Shaw
17 Environmental memo."

18 So basically our conclusion is
19 that the dates of the tunnel construction are
20 as we represented it in our Figure 1 in this
21 report in color. That is our conclusion on
22 that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And NIOSH can speak for itself
2 after I finish, but I believe that this
3 basically confirms or agrees with NIOSH's
4 tunnel timeline also. So we don't have any
5 disagreement with NIOSH on this.

6 As far as the occupancy factors,
7 that was the second issue. This was harder to
8 pin down, and our conclusion was not as
9 certain as with the timeline. For the
10 occupancy factors, we looked at, again,
11 workers' statements that we had taken, NIOSH
12 had taken, and statements that were sent into
13 us. And this is also a reexamination.

14 And we looked at various reports,
15 especially U.S. Army Corps of Engineer
16 reports, that discusses tunnel occupancy
17 factors. And I should mention what we were
18 looking at is that NIOSH is assuming in TBD
19 occupancy factors -- two different sets -- for
20 workers who had actual large tasks to do in
21 the tunnels, they are assuming that the
22 workers were exposed for two months a year,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 eight hours a day, and for the remaining 10
2 months a year only 10 minutes per day.

3 And the other workers who didn't
4 have any large tasks in the tunnels, just
5 assuming 10 minutes per day for the entire
6 year. The latter is because there is evidence
7 from the workers that workers used the tunnels
8 to get from one building to the other somewhat
9 routinely and may have been passing through.
10 So NIOSH is assigning them 10 minutes per day
11 for the entire year.

12 Looking at all of the evidence
13 that we had available, we concluded -- and
14 this is on page 11 of our report, and I'll
15 read it again -- "After reviewing relevant
16 portions of the Army Corps of Engineers report
17 and the worker statements, SC&A finds that the
18 NIOSH tunnel occupancy assumptions appear
19 reasonable, but their support is far from
20 conclusive, since they are primarily based on
21 the U.S. Army Corps of Engineers report, which
22 presents information for operations in 2002

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 but does not discuss historical operations in
2 the tunnel."

3 So we found that the -- just to
4 elaborate, I think which is the major
5 underpinning of NIOSH's assumptions, this U.S.
6 Army Corps of Engineers report. But they were
7 reporting on the site's operations in the year
8 2002, which was undergoing some remediation at
9 that time. And that doesn't necessarily
10 reflect the work that was done in earlier
11 periods of the plant.

12 That is our -- we don't really
13 have a strong conclusion one way or the other
14 on the occupancy factors. As I said, NIOSH's
15 assumptions sound reasonable, but there is not
16 that much evidence that would support it. So
17 that's our conclusion.

18 Then, we also took a look --
19 subsequent to writing this report, we had
20 received another worker statement that Gen had
21 mentioned earlier. It's actually three worker
22 statements that came in one package, and we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 found that that statement dated November 15th
2 does not contradict and it is consistent with
3 our assumption on the tunnels on the timeline.

4 So that basically concludes our
5 report.

6 CHAIR ROESSLER: Okay. Thank you,
7 Steve. We really have two issues to talk
8 about here, and I am trying to decide -- Ted,
9 maybe you can advise us how we should address
10 this. Should we go to DCAS's response or
11 should we go ahead with the agenda and hear
12 from the worker representative and the
13 workers?

14 MR. KATZ: Well, I mean, let's --
15 I don't know where you are on the agenda. We
16 have workers on the agenda, but we are still
17 up on the SC&A report. So let's hear from
18 DCAS first, and then certainly we should open
19 it up for the worker representative,
20 Antoinette, and for any of the workers who
21 want to speak as well.

22 CHAIR ROESSLER: Okay. So Chris

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 or Jim, would you like to respond?

2 DR. NETON: Go ahead, Chris. This
3 is Jim.

4 MR. CRAWFORD: Okay. This is
5 Chris Crawford, DCAS. Basically, I have only
6 a couple of comments on Steve's reading of
7 their report. And in the first conclusion, he
8 basically -- I will paraphrase here, Steve,
9 forgive me -- but more or less agrees with the
10 findings of DCAS that the tunnels were
11 constructed in stages in 1936, 1957, and 1961.

12 For the second part of -- and I
13 think the issues should be separated on
14 occupancy, Steve notes that the 20 percent
15 occupancy figure, or two months as we put it,
16 actually, was an Army Corps of Engineers
17 estimate made very late in the game around the
18 year 2002.

19 We do have other testimony,
20 however, Steve and Board Members, that doesn't
21 contradict this. We have also testimony about
22 one specific job that took longer than two

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 months, but we are also -- we are trying to
2 establish an ordinary pattern of behavior
3 here. If we have an extended job on a one-
4 time or two-time basis, that is more of a dose
5 reconstruction issue.

6 I hope everyone listening
7 understands what I mean by that, which is that
8 if a worker tells us that he worked in the
9 tunnel on a particular job for six months
10 straight, we are happy to give him dose-based
11 on that tunnel exposure at that time. But
12 that isn't the common experience of the trades
13 workers at Linde over a 30-year period, and we
14 are trying to establish the baseline.

15 I think that is all I have to say.

16 Jim, do you have anything?

17 DR. NETON: No, nothing here.

18 CHAIR ROESSLER: Okay. So we need
19 to deal with both issues, but perhaps the next
20 thing to do is -- and, again, I agree with
21 Chris that I think we need to separate them
22 into the two issues as we do the discussion.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Now, would it be appropriate to
2 hear from the worker representative? Ted?

3 MR. KATZ: Oh, absolutely. I
4 thought you were inviting them. Antoinette or
5 --

6 MS. BONSIGNORE: Yes, I'm here,
7 Ted.

8 MR. KATZ: Yes.

9 MS. BONSIGNORE: Okay. Thank you,
10 Gen. The first thing I would like to ask is,
11 from what I understand, there are some new
12 statements from workers that you -- that the
13 workers have received that I have not seen.

14 MEMBER BEACH: Antoinette, this is
15 Josie. They are not new. I just took your
16 suggestion and went back through all of the
17 worker statements.

18 MS. BONSIGNORE: Oh, okay.

19 MEMBER BEACH: And I found one on
20 November 15, 2010, not new, I just --

21 MS. BONSIGNORE: Oh, okay.

22 MEMBER BEACH: -- wanted to make

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 sure, because when I read the reports it
2 didn't appear that they had taken any of those
3 comments out of that one. I just wanted to
4 make sure they were out there.

5 MS. BONSIGNORE: Oh, okay.

6 MEMBER BEACH: Nothing new.

7 MS. BONSIGNORE: Okay. Thank you
8 for clarifying that, Josie.

9 MEMBER BEACH: Yes.

10 MS. BONSIGNORE: Okay. Then, I
11 will just go into some of the issues I would
12 like to address about the SC&A report.

13 CHAIR ROESSLER: Antoinette, this
14 is Gen. Let's keep it in the two categories,
15 too.

16 MS. BONSIGNORE: Yes, I will do
17 that.

18 CHAIR ROESSLER: I want to make
19 sure you've got the tunnel drawings that we
20 had discussed at our last meeting.

21 MS. BONSIGNORE: Right, yes. I
22 have them and so do Mr. Murphy and Mr.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Speciale, who are on the phone as well.

2 CHAIR ROESSLER: Okay, good.
3 Then, go ahead with the tunnel timeline
4 discussion.

5 MS. BONSIGNORE: Okay. Thank you,
6 Gen. In terms of the -- so I will start with
7 the tunnel construction date issue. I would
8 like to go back -- before discussing the
9 specifics of the new SC&A report, I would like
10 to go back to what SC&A's position was on
11 October 24th at a Linde Work Group meeting and
12 what Steve had to say then. And I will just
13 read from the transcript here. It is a
14 relatively short statement.

15 "SC&A's position on the tunnels is
16 that we reviewed everything that NIOSH
17 supplied, reviewed everything that Antoinette
18 Bonsignore supplied, various things, and we
19 really can't -- we think that there is no
20 definitive answer when the tunnels were built.

21 So our conclusion is that there really is
22 insufficient hard evidence to say when the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 tunnels were built, and that I guess a
2 claimant-favorable conservative assumption
3 would just be assuming the tunnels were there
4 all the time. There is too much doubt about
5 when they were actually built.

6 "Mr. Ostrow and SC&A concluded
7 that because of the degree of doubt and
8 insufficient hard evidence to say when the
9 tunnels were built that the claimant-favorable
10 and conservative assumption would be to assume
11 that the tunnels existed during the
12 operational time period and were not built
13 some time after 1957, as NIOSH proposes."

14 Now I would like to just address
15 the February 10th SC&A report and try to
16 ascertain what hard evidence has come to light
17 to warrant the 180-degree reversal by SC&A
18 about this issue. And I would like to read
19 two small sections from that report.

20 First, NIOSH's position on the
21 tunnel construction date issue at page 5, that
22 Steve has outlined on page 5 of the report.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 "The Linde site has a system of utility
2 tunnels constructed at different times to
3 carry steam, electricity, water, telephone
4 lines, and other utilities from one part of
5 the plant to another. Documentary evidence
6 shows that the first tunnel section was built
7 in 1937 and ran from the powerhouse, Building
8 8, past the Tonawanda laboratory, Building 14,
9 also called the Proving laboratory, to
10 Building 10.

11 "Another section of the tunnel was
12 constructed in 1957 near Buildings 57, 58, and
13 31, in the northeastern area of the ceramics
14 plant, and an extensive addition to the tunnel
15 system was done in 1961 when the 1937 and 1957
16 tunnels were linked by new tunnels that ran
17 between Buildings 30 and 31, then branched
18 south to Building 8 and west past Buildings
19 70, 2, and 2A.

20 "The 1957 and 1961 tunnel sections
21 ran through areas of soil that were
22 contaminated by radium-bearing ore and were

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 subject to radon infiltration from this
2 source."

3 Then, at page 7, SC&A has a
4 discussion about the 1957 map, which is really
5 what I would like to focus on because I
6 believe that that map truly informs the
7 question of whether the tunnel section near
8 Buildings 57, 58, and 31 in the northeastern
9 area of the ceramics plant was constructed in
10 1957.

11 "This 1957 map is identified as
12 revised and reissued for bids on January 10,
13 1957, and revised, redrawn, and released for
14 construction on March 20, 1957. The 1957 map
15 clearly shows an existing 57-inch tunnel
16 section running near Buildings 57, 58, and 31,
17 and then winding southward between Buildings
18 30 and 31.

19 "The 1936 map does not show the
20 buildings in question, namely the ceramics
21 buildings, and the 1961 map does not
22 demonstrate anything beyond the extensions to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the existing 57-inch tunnel section that is
2 running near Buildings 57, 58, and 31, and
3 then winding southward between Buildings 30
4 and 31 that is noted in the 1957 map."

5 So I would like to, again, just
6 take a look at what SC&A has to say about that
7 1957 drawing. SC&A says, "SC&A then examined
8 the 1957 drawing which shows only the
9 southeast corner of the facility. This plan
10 presents all of the details of the tunnel
11 section around Buildings 30 and 31.

12 "It was not readily apparent if
13 this map represents a drawing of the tunnel
14 section that was already in place in 1957 or
15 if it represents construction plans for a
16 tunnel section that was going to be built,
17 and, therefore, did not yet exist as of the
18 date of the drawing, March 20, 1957.

19 "There are, however, some
20 locations on the drawing that indicate that it
21 is most likely a construction plan. Appearing
22 throughout the drawing there are notes

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 describing existing storm sewer, existing
2 water lines, existing sanitary sewers, as well
3 as descriptions and locations of new sanitary
4 sewer lines, water pipes, et cetera.

5 "On this drawing, any pipes,
6 lines, or small buildings, such as the smoking
7 shed, that cross the location of the tunnel
8 schematic are labeled as 'to be removed,'
9 which further indicates that as of 1957 this
10 tunnel had not yet been constructed.

11 "The 1957 drawing confirms the
12 existence of trestles, notes existing trestles
13 to the west of Building 31, which SC&A assumes
14 were used to supply utilities to the buildings
15 at this part of the facility prior to the
16 construction of the tunnels.

17 "This section of the SC&A report
18 seems somewhat contradictory, because first
19 SC&A states that the 1957 map presents all of
20 the details of the tunnel section around
21 Buildings 30 and 31, but then in the very next
22 sentence SC&A states it was not readily

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 apparent if this map represents a drawing of
2 the tunnel section that was already in place
3 in 1957, or if it represents construction
4 plans for a tunnel section that was going to
5 be built, and, therefore, did not exist yet."

6 These two statements contradict
7 each other. Clearly, this 1957 map does not
8 in fact present all of the details of the
9 tunnel section around Buildings 30 and 31.
10 But if we are to accept the plain meaning of
11 the notations on the map as the most simple
12 explanation of their meanings, then sections
13 of the map that are noted as "proposed" are
14 proposed, and sections that are noted as "new"
15 sections are simply new sections. And those
16 that are noted as "existing" are existing.

17 Moreover, buildings that clearly
18 existed in 1957, such as Buildings 30 and 31,
19 are not noted as "existing" Building 30 or
20 "existing" Building 31, but simply as Building
21 30 and Building 31. Compare that to Building
22 58, which is noted as "proposed" Building 58.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 The 57-inch tunnel that is noted on the 1957
2 map, that runs near Buildings 57, 58, and 31,
3 then winds southward between Buildings 30 and
4 31, is not qualified as proposed or new. It
5 is just simply listed as a 57-inch tunnel.

6 So if we are to take the simplest
7 reading of that map, that tunnel existed on
8 March 20, 1957.

9 Moreover, there is a specific
10 notation that is -- I am just -- I am
11 wondering if everyone has access to this map.

12 MEMBER BEACH: No.

13 MS. BONSIGNORE: Okay.

14 MEMBER BEACH: Not right now.

15 MS. BONSIGNORE: Okay. All right.

16 So on the 1957 map, there is a specific
17 notation next to the smoking shed that SC&A
18 identifies on the 1957 map. And this notation
19 reads, "Smoking shed to be removed by others."

20 Right next to that notation there is another
21 notation that says, "Over tunnel," indicating
22 that the shed is positioned over a tunnel, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that is the existing 57-inch tunnel.

2 Additionally, near Junction Box 2
3 there is another notation that reads, "Under
4 tunnel new 10-inch line." And right
5 underneath that notation it reads, "Existing
6 six-inch water line," with an arrow that
7 points directly into the existing 57-inch
8 tunnel. All of these notations make it
9 reasonable that that 57-inch tunnel running
10 between Buildings 30 and 31 existed on March
11 20, 1957.

12 So now I would like to just point
13 out three issues in NIOSH's written statement
14 that I have determined are simply factually
15 incorrect. First, the NIOSH memo
16 misidentifies the 1957 map. It says that it
17 is -- you qualify it as a utility extension
18 map, but it doesn't say that. The 1961 map
19 says that. The 1957 map mentions no --
20 doesn't say "utility extension." So that is
21 incorrect.

22 The second point is that in the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 NIOSH memo you say that there is an entrance
2 into the tunnels in Building 30. There is no
3 entrance into the tunnels in Building 30, and
4 the workers who spoke with SC&A at the Niagara
5 Falls Board meeting actually state that very
6 clearly. Mr. Murphy, who is on the phone
7 right now, can confirm this.

8 And if you look at a section of
9 that --

10 MEMBER BEACH: Antoinette, it is
11 on page 16 of the Niagara Falls report.

12 MS. BONSIGNORE: Yes. Actually, I
13 think the pagination is different on mine.
14 Sorry, it will just take me a second.

15 Okay. So just for clarity's sake
16 here, in those interview notes Worker B is Mr.
17 Murphy. So everybody knows who Worker B is,
18 because it's important that since a lot of Mr.
19 Murphy's statements have been scrutinized, I
20 would like everybody to understand that in
21 those SC&A interviews from the Niagara Falls
22 Board meeting in May of 2010 Mr. Murphy is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Worker B.

2 So, and I will just read the
3 statement from Mr. Murphy from that interview.

4 He says, "Going back to the north branch" --
5 at this point, he is outlining the tunnels for
6 Steve and Arjun and he says, "Going back to
7 the north branch, it went between Buildings 30
8 and 31. Building 30 had no access into the
9 tunnel, just conduits and utilities -- steam,
10 water, and so on. It was just steel conduits
11 going into the building through concrete. The
12 steam lines were hung through the ceilings."

13 So this is an important topic
14 because the idea that there are -- that there
15 was an entrance into the tunnels in Building
16 30 is simply not correct. In fact, the only
17 way the tunnels were -- the only buildings
18 that had access to the tunnels was in Building
19 14, Building 2, Building 10, and Building 8.
20 That's it, not Building 30.

21 The last point from the NIOSH
22 statement that I will address later deals with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 an occupancy issue, and so I will talk about
2 that when I get to the occupancy section.

3 So I would advise everybody in the
4 Work Group to take a look at the 1957 map
5 again and to note that that tunnel that NIOSH
6 and SC&A are saying didn't exist is actually
7 there. It's right there on the map. It
8 doesn't say it's proposed. It doesn't say
9 it's new. It's just there. And the notes by
10 Junction Box 2 and the notes next to the shed
11 that is to be removed support that contention.

12 Now, I would like to review SC&A
13 and NIOSH's assessment of the workers'
14 testimony with respect to the tunnel
15 construction date issue, specifically Worker
16 Number 1, who again is Mr. Murphy who is with
17 us today.

18 So in the SC&A report, Mr. Murphy
19 is Worker Number 1. For the Work Group, and
20 also Mr. Speciale, just going back to the SC&A
21 report from May of 2010, he is listed as
22 Worker Number 4, just for your reference. I'm

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 sorry, he is listed as Worker D. And in this
2 SC&A report, the current SC&A report, he is
3 listed as Worker Number 4.

4 Okay. So in addition to the oral
5 statements today that Mr. Murphy is going to
6 make, we will be providing some written
7 statements within the next week or so. The
8 workers are still going over the NIOSH
9 statement and the SC&A report. It is taking
10 longer than we anticipated, so those will be
11 -- those are forthcoming.

12 So getting back to the SC&A
13 report, the current SC&A report, regarding the
14 workers' testimony, it relies heavily on
15 inferences and assumptions regarding not only
16 the maps but their reading of the statements
17 made by Mr. Murphy in particular.

18 What I fail to understand is why
19 NIOSH and SC&A chose to guess and psychically
20 infer what Mr. Murphy meant instead of simply
21 asking him what he meant. There are a number
22 of times where you are guessing or inferring

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 what he means by certain statements and taking
2 them out of context, and I think it would have
3 been a better way to handle that, instead of
4 guessing, would have been to simply ask him.

5 So I don't understand why no one
6 made any attempt to contact Mr. Murphy for
7 clarification about some of the issues in his
8 statements. And I say this because Mr.
9 Murphy's statements have been heavily
10 scrutinized and criticized as being
11 inconsistent and not fulfilling NIOSH's
12 evidentiary standards.

13 However, what this Work Group must
14 keep in mind is that it has never been clear
15 to these workers, or to me, what that
16 evidentiary standard is. Instead, the only
17 read of that standard is NIOSH's conclusion in
18 their written statement provided to the Work
19 Group and the workers and to me on February
20 7th.

21 In that statement, NIOSH refers to
22 another statement from a Linde supervisor,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 which in the current SC&A report is Worker
2 Number 6. And that Linde supervisor was
3 interviewed by ORAU in March of 2010, and the
4 statement is a summary statement that ORAU
5 provided after interviewing the supervisor by
6 phone.

7 ORAU conducted a number of
8 interviews with Linde workers in March 2010,
9 including Mr. Murphy. And after I submitted a
10 FOIA request for all of the summaries from
11 those interviews, Mr. Murphy had an
12 opportunity to review his summary statement
13 that was put together by ORAU, and he
14 discovered that he had been repeatedly and
15 materially misrepresented.

16 So after discussing this problem
17 with Mr. Hinnefeld and Dr. Wade, a decision
18 was made to have SC&A reinterview Mr. Murphy
19 at the Niagara Falls Board meeting, along with
20 a number of other Linde workers, which
21 included Mr. Speciale, who is also on the
22 phone.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Since ORAU failed to verify any of
2 these interview summaries with any of the
3 workers that they interviewed in March 2010,
4 Mr. Murphy and the other workers who were
5 interviewed by SC&A tried to clarify some of
6 the statements that they felt had been
7 misrepresented by ORAU, though currently NIOSH
8 is relying on this Linde supervisor, who again
9 is identified in the current SC&A report as
10 Worker Number 6, as their primary worker
11 statement to refute Mr. Murphy's account of
12 the ongoing issue of when these tunnels were
13 constructed.

14 Mr. Murphy and Mr. Speciale, who
15 -- Mr. Murphy started working at Linde in
16 1953, and Mr. Speciale started working at
17 Linde in 1951 -- are disputing a number of the
18 statements in the Linde supervisor's ORAU
19 summary.

20 Particularly, in that ORAU summary
21 this Linde supervisor says that there were
22 electrical generators in the tunnels. This

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 isn't true. There were no electrical
2 generators in the tunnels.

3 So, and then there is also this
4 disparity between how much time he spent in
5 the tunnels. At one point he says he lived in
6 the tunnels, but then at another point he says
7 he only spent about two percent of his week in
8 the tunnels.

9 Again, there is just an
10 inconsistency there, and so I would think that
11 in the best interest of having clarity here
12 that that worker should be reinterviewed to
13 make sure that what is being interpreted from
14 his statements in that ORAU summary are
15 correct, specifically whether the statement
16 about the 1957 tunnels are referring to the
17 tunnels near Buildings 30 and 31, or whether
18 he is talking about some other tunnels. To
19 me, that statement is also unclear.

20 Okay. So at the last Linde Work
21 Group meeting on January 30th, I requested
22 that since it is official policy to have these

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 interview summaries verified by the
2 interviewed worker prior to their use, that
3 his statement be verified before being used by
4 NIOSH, since now it is being used as the
5 primary statement to refute Mr. Murphy's many
6 affidavits and interviews. NIOSH refused to
7 do so, indicating that it was not policy to
8 verify worker statements prior to use.

9 So this to me is an issue that
10 really should be resolved, and if we are truly
11 interested in making sure that we are not
12 guessing what Worker Number 6 of this Linde
13 supervisor is saying in that statement.

14 Okay. Then, I would also like to
15 mention that -- in the SC&A report that Steve
16 refers to the Shaw Environmental report from
17 2005. That report is completely unsourced.
18 There are no references in it. There is no
19 indication of where the information about
20 tunnels and dates or anything is coming from.

21 The only thing that is in that report beyond
22 basic statements that don't have any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 references are two maps from 2004.

2 So I fail to understand how you
3 can take a document that is completely
4 unsourced, completely devoid of any
5 references, and say that that provides any
6 kind of hard evidence to support the theory
7 about the tunnel construction dates.

8 Finally, I would like to address
9 this issue about the diversion of effluents
10 that happened during the early 1940s. And I
11 know that SC&A and NIOSH have reviewed these
12 memos from 1945 and 1948. But there is one
13 memo from 1948 that has a table in it, and I
14 know that SC&A has reviewed this as well.

15 And there is a statement in there
16 about the log of Plant 1's contamination of
17 surface water. The plant -- there were Plant
18 1 wells -- in Plant 1 were the wells near
19 Building 8, and then there were ceramics wells
20 and there were injection wells near the
21 ceramics buildings.

22 So there is a statement in here

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that I think is very relevant, and I will just
2 read it. Surface water seeping into the pipe
3 tunnel between the powerhouse, which is
4 Building 8, and the factory buildings was
5 noted to have a corrosive effect on conduit
6 boxes and cables.

7 Now, at our last Work Group
8 meeting, we were discussing these trestles,
9 and I asked NIOSH whether they believed that
10 the trestles were used to divert the effluents
11 from the ceramics wells to the Plant 1 wells
12 near Building 8, and they said they believed
13 that that was correct.

14 But this memo from 1948
15 contradicts that theory. And on the 1957 map
16 there are many notations that note pipe
17 tunnels, and there is one pipe tunnel in
18 particular that leads right into the 57-inch
19 tunnel.

20 And these pipe tunnels are clearly
21 not trestles, they are not overhead, they are
22 underground. And that memo also substantiates

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that they are underground, because they are
2 talking about the corrosive effects on the
3 conduit boxes and the cables.

4 So, again, the theory that
5 trestles were used to divert the effluents
6 from the ceramics wells near Building 30 to
7 the wells near Building 8 simply -- there is
8 no evidence for that, absolutely none.

9 So I would hope that the Work
10 Group would take another look at those memos,
11 because I think that's a really relevant point
12 that creates doubt about NIOSH's theory
13 regarding the use of trestles for the
14 diversion of the effluents.

15 Okay. So that was really the last
16 issue that I wanted to address about the
17 tunnel construction date issue. The other
18 issue that I would like to address now is the
19 tunnel occupancy issue.

20 CHAIR ROESSLER: Antoinette, I
21 think we should take the two issues
22 separately.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. BONSIGNORE: Okay. That's
2 fine.

3 CHAIR ROESSLER: I think we should
4 stop here and talk about the tunnel timeline.

5 As you were talking, I took some notes, and I
6 will see if others agree with me as to what
7 your main issues are. It seemed that, number
8 one, you want SC&A to respond and tell us why
9 they did the 180-degree change between their
10 previous document on October 24th and the new
11 one that just came out. That's one item.

12 You then asked us all to look
13 again at the 1957 map. I had mine up on the
14 computer, but the computer keeps shutting off
15 and I have to keep signing on again. I
16 haven't been able to do that. So I think that
17 is something that perhaps the people who have
18 the map in front of them -- and I would assume
19 DCAS does and that SC&A probably also does --
20 can respond to that.

21 The third thing that you -- major
22 thing I think you brought up that we have to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 think about is that you are suggesting -- or
2 you have said that we should expect more
3 worker statements. We don't have all of them
4 yet. You are suggesting more statements, that
5 we look at them, and memos, and also I think
6 --

7 MS. BONSIGNORE: Right.

8 CHAIR ROESSLER: -- you suggested
9 perhaps reinterviewing some workers.

10 MS. BONSIGNORE: Yes. I think
11 it's really important that -- in particular
12 that Mr. Murphy have an opportunity to respond
13 to all of the criticism about his statements,
14 particularly since there were -- both SC&A and
15 NIOSH are guessing about what he means in
16 certain parts of certain statements. Instead
17 of guessing and then building a report based
18 on your guesses, just ask the man --

19 CHAIR ROESSLER: Okay. So I think
20 --

21 MS. BONSIGNORE: -- what he meant.

22 CHAIR ROESSLER: -- he is on the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 line.

2 MS. BONSIGNORE: Yes.

3 CHAIR ROESSLER: Perhaps it would
4 be --

5 MS. BONSIGNORE: He can respond
6 now, if he'd like. That would be fine with
7 me. I don't know how you want to handle this,
8 then.

9 CHAIR ROESSLER: Let's keep it to
10 the tunnel timeline discussion.

11 MS. BONSIGNORE: Okay. Tom, is
12 your phone on mute?

13 MR. MURPHY: Yes, I am right here.

14 MS. BONSIGNORE: Okay. So, Tom,
15 if you could just address this issue about how
16 your statements have been taken out of
17 context, and specifically about the existence
18 of the tunnel that NIOSH is saying was not
19 there in 1957.

20 MR. MURPHY: Well, to go back to
21 when I was first hired at Linde, I was hired
22 as a "Trade's Helper" in the Maintenance

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Department. And as a traders helper you help
2 various craftsmen, like millwrights,
3 pipefitters, electricians, carpenters, et
4 cetera. And whenever there was a job that
5 comes up in the tunnel, which existed from
6 Junction Box 8 to Junction Box 6, guess who
7 got the dirty work?

8 I spent some time in the tunnel in
9 that timeframe, and that -- as far as I am
10 going to tell you right now, that tunnel was
11 in existence from Junction Box 8 to Junction
12 Box 6. And that went right to 31 and 30. I
13 spent quite a bit of time down there with
14 different craftsmen.

15 That tunnel was in existence in
16 1953, '54, '55, '56, to the best of my
17 knowledge. I spent time in it. I wasn't --
18 it isn't hearsay. I worked in that tunnel at
19 that timeframe. Okay?

20 CHAIR ROESSLER: Mr. Murphy, this
21 is Gen. I'm only looking at the map that we
22 have here, and I see that between Buildings 31

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 and 30 there are actually two tunnel systems,
2 one that apparently was in existence in '57
3 and one built in '61. So which one are you
4 referring to?

5 MR. MURPHY: I am talking about
6 the one that you've got in red. This is 1961.

7 And I can't see how that tunnel wasn't there,
8 and they built the blue tunnel in 1957.
9 Somebody got this all screwed up. Believe me.

10 MS. BONSIGNORE: And, Gen, I would
11 just like to clarify, Tom and I went over the
12 very large 1957 map, and we went through that
13 very carefully. And the tunnel that I was
14 talking about that runs between Building 30
15 and 31 up to Junction Box 2, he is saying that
16 that tunnel was there in 1953 when he started
17 working there. Just to be clear.

18 CHAIR ROESSLER: Okay.

19 MEMBER BEACH: Gen, this is Josie.
20 That's why I brought up that 19 -- or the
21 2010 November 15th statements, because very
22 clearly Mr. Murphy says that that tunnel was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 there, and that was a reason why I wanted that
2 looked at.

3 CHAIR ROESSLER: Okay. Well,
4 maybe later we can have SC&A and DCAS respond
5 on this and help -- at least help me out with
6 the two tunnel lines that appear at different
7 times, for example, on Steve's map between
8 Building 31 and 30. But let's let Mr. Murphy
9 continue. I will ask my questions later.

10 MS. BONSIGNORE: Just to interject
11 here, Tom, if you could just talk about the
12 Building 30 entrance and how -- you said in
13 May 2010 when you spoke with SC&A that there
14 was no entrance to the tunnels in Building 30.

15 MR. MURPHY: That's correct. The
16 only way the utilities got into the building
17 was through the concrete wall, through conduit
18 steam lines, et cetera. There was no opening.

19 It was just -- the only openings were for the
20 pipes and conduit to go into.

21 There was a ladder south of -- an
22 access, but that didn't go into the building.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 It was just the access to the tunnel, and
2 that was just south of Junction Box -- let's
3 see, Junction Box 2. But anyway, there was no
4 access to Building 30. There was none to 31
5 either. Just the conduit and steam lines or
6 condensate lines and electrical conduit boxes
7 or conduit going into the building to the
8 concrete wall.

9 So there is another statement
10 somebody made that I mentioned -- that I said
11 something to the effect that the tunnel had to
12 be there in order for these two buildings to
13 get power. And somebody said that -- he
14 suggested that I didn't actually see it, but I
15 did see it. I was there. I knew it was
16 there. I knew the tunnel was there. So that
17 was another one of the statements somebody
18 took out of context.

19 Okay. That's it. Anything else?

20 MS. BONSIGNORE: Thank you, Tom.

21 MR. MURPHY: Do you want me to get
22 into the -- about the occupancy?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIR ROESSLER: Let's wait with
2 that. I'm wondering, Antoinette, did you have
3 another worker who wanted to make a statement?

4 MS. BONSIGNORE: No, not at this
5 time. As I said earlier, Tom and Mr. Speciale
6 are still preparing their written statements,
7 because they are still going over the SC&A
8 report. And they want to be very certain
9 about what they write down, so no one takes
10 anything out of context, there is no
11 inferences that can be made.

12 They want to be very clear, and
13 they also feel that it would be in everybody's
14 best interests if they had an opportunity to
15 be reinterviewed about these very specific
16 questions, because there are some really
17 glaring errors in both the SC&A report and
18 NIOSH's statement.

19 And the suggestion that only
20 Worker Number 6, this Linde supervisor, is the
21 only credible worker, and that all of the
22 information that Mr. Murphy and Mr. Speciale

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 have provided over the years is no longer
2 relevant, because this one worker made one
3 statement that was never verified, I am just
4 astounded at that conclusion.

5 Mr. Murphy and Mr. Speciale and
6 the other workers that met with SC&A at the
7 Niagara Falls Board meeting provided a wealth
8 of information that has informed NIOSH's
9 understanding of these tunnels. NIOSH didn't
10 even think that these tunnels were relevant
11 back in 2009.

12 You know, I was -- we were laughed
13 off in saying -- they told us, you know, no
14 one ever worked in these tunnels. You don't
15 know what you're talking about. So, you know,
16 these guys have put in a lot of time, provided
17 a lot of statements, and to dismiss them out
18 of hand because you find one worker whose
19 statement has never been verified to be the
20 most credible -- I mean, the only conclusion I
21 can come to is that that worker, that Worker
22 Number 6, agrees with NIOSH, or you can

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 interpret his statements to agree with NIOSH,
2 and these gentlemen don't agree with NIOSH.

3 That to me is not an evidentiary
4 standard. That is an agenda. That's cherry
5 picking, and you can't do that, not in this
6 compensation program you can't.

7 CHAIR ROESSLER: Okay. So then I
8 think we should -- I think the next thing I
9 would like to hear is a response from SC&A
10 with regard to why they made the change, why
11 the conclusion changed.

12 MEMBER BEACH: Gen, can I ask a
13 question -- this is Josie -- before SC&A
14 responds?

15 CHAIR ROESSLER: Sure.

16 MEMBER BEACH: The memos that
17 Antoinette has mentioned, I know that NIOSH
18 has reviewed those. I'm wondering -- I
19 reviewed them again last night. Has SC&A
20 reviewed those memos that she referred to?

21 MS. BONSIGNORE: I believe so.
22 Steve?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. OSTROW: Excuse me. I didn't
2 quite get that. Which memos?

3 MEMBER BEACH: The memos that
4 Antoinette had sent out. There was a whole
5 packet of stuff last year, and these referred
6 to the tunnels and the effluents going into
7 the tunnels. And correct me if I'm wrong,
8 Antoinette, but I don't --

9 MS. BONSIGNORE: No, no, you're
10 right. I actually sent them to the Work Group
11 in December of 2010.

12 MEMBER BEACH: Yes, I just --
13 SC&A, have you had a chance to look at those?
14 I don't remember.

15 DR. OSTROW: I believe we looked
16 at all of the memos and statements that we
17 have gotten.

18 MEMBER BEACH: Okay.

19 MS. BONSIGNORE: Okay. But,
20 Josie, you know, correct me if I'm misstating
21 what you are getting at, but there was a
22 specific memo from 1947 where there is a table

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 talking about the Plant 1 injection wells --

2 MEMBER BEACH: Yes.

3 MS. BONSIGNORE: -- and the
4 ceramics wells. And there's a statement from
5 -- on that table that is dated January 15,
6 1946.

7 MEMBER BEACH: Right.

8 MS. BONSIGNORE: And I'll read it
9 again, "Surface water seeping into the pipe
10 tunnel between the powerhouse and factory
11 buildings is noted to have a corrosive effect
12 on conduit boxes and cables."

13 MEMBER BEACH: Correct. And when
14 I looked at that last night, not having the
15 map in front of me and knowing which the
16 factory buildings were, I just wanted to make
17 sure SC&A had also reviewed that and had given
18 us a report on it.

19 And I just didn't recall that,
20 Gen. That's why I bring it up. And since it
21 was mentioned again --

22 CHAIR ROESSLER: Okay. So perhaps

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Steve can respond to that, along with his
2 other response.

3 DR. OSTROW: Well, we looked at
4 that report, not in our current reevaluation,
5 but we had looked at it earlier. And I would
6 have to reread it to see how relevant it is
7 right now. I mean, you got me a little bit on
8 this.

9 MEMBER BEACH: Yes. And I
10 apologize for that. But I was looking for
11 something where you might have responded to
12 that, because I know that it has been brought
13 up several times in the past. And I couldn't
14 find anything in going through all my Linde
15 files of where SC&A may have responded to that
16 memo.

17 DR. OSTROW: I can't recall if we
18 did respond to it particularly. I know we
19 read it, but I don't know if we responded to
20 it.

21 MEMBER BEACH: Okay. That was my
22 question. Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. OSTROW: At this time, I
2 really can't respond too much to Antoinette,
3 because it was a very large amount of
4 information she was presenting. And not
5 having a full size tunnel map in front of me,
6 I can't follow it all.

7 But I can respond somewhat in
8 general to her characterization that we did a
9 180-degree turn between our latest report and
10 the one before that. She had read quotations
11 from both reports.

12 Our latest report, the February
13 report on the 1957 drawings, I say it was not
14 readily apparent if this map represents a
15 drawing of the tunnel section that was already
16 in place in 1957, or if it represents
17 construction plans for a tunnel section that
18 was going to be built, and, therefore, did not
19 yet exist as of the date of the drawing.

20 So I said looking at the drawing
21 it is not readily apparent. It is not clear.

22 Then, I go on to say, "There are, however,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 some notations on the drawings that indicate
2 that it is most likely a construction plan."
3 And I go on to why I think that.

4 So I don't think that is really a
5 contradiction. It is saying that it is not
6 totally clear on the drawings that they --
7 whether the tunnel was already in place, but
8 evidence on the drawing indicates that it
9 probably was in place.

10 As far as our earlier report where
11 I was left -- we were left certain about the
12 drawings, well, I'm thinking that's why we did
13 the reexamination. We looked in great detail
14 at the three full size drawings and went over
15 the different documentation. And our
16 conclusion now is I think stronger than it was
17 in our report last year. So that was like an
18 evolution of our view. It's not a 180-degree
19 change.

20 MS. BONSIGNORE: If I could just
21 briefly respond to what Steve just said.
22 Steve, what I was saying about the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 contradiction was that when you were talking
2 about that 1957 drawing, first you said that
3 it represents all of the details of the tunnel
4 section around Building 30 and 31. In the
5 very next sentence you say, "It is not readily
6 apparent if it represents a drawing of the
7 tunnel section."

8 So I just -- I was just confused
9 by, does it represent everything, or doesn't
10 it? I mean, clearly you're saying that it
11 doesn't. That was my point about my confusion
12 about that.

13 DR. OSTROW: Oh, okay. So maybe I
14 could have written it a little bit clearer.
15 What we meant by that is that it shows lots of
16 details, but it is not readily apparent by
17 reading the drawing whether each detail was
18 already in place or to be constructed. Some
19 things existed and some things were planned,
20 and it is not always clear which existed and
21 what was planned.

22 MS. BONSIGNORE: I agree with you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 There is a lot of -- I mean, there is a lot
2 of ambiguity around here about all of this
3 stuff. But what I was trying to say is that
4 on that 1957 map, there are things that say
5 proposed, there are things that say new, there
6 are things that say existing.

7 And with respect to the 1957
8 tunnel that runs between -- that 57-inch
9 tunnel that runs between Building 30 and 31,
10 it doesn't say proposed, doesn't say new, it
11 just says tunnel. And there are a number of
12 markings around Junction Box 2 and around that
13 shed that just say tunnel, not proposed, not
14 new, just tunnel.

15 So, and there are many parts of
16 the map that -- for things that existed there,
17 that we know existed there, like certain
18 buildings, that don't say existing building,
19 they just say building.

20 So my point was, is that I think
21 there needs to be a much more careful look at
22 that tunnel section, because that is what we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 are really talking about here. We are talking
2 about that tunnel section, and that map, to
3 me, as I see it, as I have read it, as Mr.
4 Murphy has read it, as Mr. Speciale has read
5 it, that tunnel was there. That is what I am
6 trying to point out.

7 CHAIR ROESSLER: Okay. I think
8 maybe we should see if DCAS has a response to
9 all of this, and then I have a question of
10 DCAS with regard to the whole situation.

11 MR. CRAWFORD: Gen, this is Chris
12 Crawford, DCAS. I would like to respond. I
13 would like to review the ensemble of the
14 evidence for the Working Group. It isn't
15 based on any one piece, in other words, but an
16 attempted weighting of evidence to find the
17 truth of the matter.

18 I know Ms. Bonsignore dismisses
19 the Shaw Environmental letter, but let's look
20 at it from another standpoint. Shaw
21 Environmental is a civil engineering firm. It
22 is their business to interpret construction

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 drawings, to make such drawings. They were
2 hired to remediate the existing tunnels at the
3 now Praxair site.

4 They also have no connection to
5 EEOICPA. So when they make a statement saying
6 that the 97-inch tunnel between Junction Boxes
7 6 and 7 and the 80-inch tunnel between 7 and 9
8 were constructed in 1961, that is not the same
9 as someone off the street making such a
10 statement.

11 That is a professional statement.

12 They had to work with real data, in other
13 words, in order to do their job. That's why I
14 stress that evidence, and of course it is
15 quite inconvenient for Ms. Bonsignore.

16 Then, if we go to worker
17 statements, I looked at all of the worker
18 statements that were available that mentioned
19 the tunnels in any way. There are two workers
20 that stand out -- Mr. Murphy, who was
21 interviewed at least twice -- and I have other
22 material that Ms. Bonsignore sent us from him

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 -- but also about eight other workers.

2 In fact, no other worker but Mr.
3 Murphy says anything to contradict the idea
4 that the tunnels weren't built in '57 and '61,
5 as stated. All of the other workers cite
6 number of days they worked in the tunnels.
7 Some of them said, there were tunnels? I
8 never heard of tunnels.

9 Other workers stated that -- I'll
10 give you an example. I started work at Linde
11 in '51, and my first experience was using the
12 tunnel entrance in Building 14. The tunnel
13 supplied utilities to the lab, Buildings 8, 9,
14 and 10, and was used to get to the cafeteria
15 and main office.

16 Another worker identified as 3, I
17 started working at Linde in 1953, and I used
18 these tunnels to travel from the powerhouse
19 Building 8 to get to the lab buildings and the
20 parking lot.

21 These do not contradict the idea
22 that the 1936 tunnels are the ones being

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 referred to. Also, in the weighting of worker
2 testimony, Worker 6, who was the
3 superintendent of plant maintenance that Ms.
4 Bonsignore refers to and I referred to in the
5 last meeting, is not, again, just any
6 individual.

7 This is an individual whose job it
8 is to understand the construction of the site
9 because he has to maintain it. That is, he
10 would have access to the original construction
11 drawings for all of the buildings, all of the
12 utility tunnels, and that sort of thing.

13 So his testimony has weight that
14 other testimony may not have. And he was also
15 specific. He didn't say, oh, everything
16 existed when I came to work. He said, there
17 were three primary tunnels. Then, he
18 described each of the primary tunnels, and
19 then he said only one of them was built prior
20 to '53, and that was the east-west tunnel from
21 the powerhouse, across the length of the site,
22 to the office area and Buildings 1, 2, and 10.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 He goes on, and then he says the
2 north-south tunnel also went the whole length
3 of the site to Buildings 30, 31, and 57 on the
4 northeast border of the site. And there was a
5 branch off of this tunnel that went to the
6 west to Building 70.

7 These tunnels were built after
8 1956. So the specificity and the man's
9 presumably specialized knowledge cause me to
10 weight the testimony rather heavily.

11 Then, if we go on to the drawings,
12 I can understand why Ms. Bonsignore does not
13 want to start with the '61 drawing, because I
14 find it -- and I think the Work Group Members
15 did look it over during the last meeting --
16 completely definitive. There is no ambiguity
17 in this drawing.

18 Everything on the drawing is
19 related to the tunnel that we see on the
20 drawing, and it says new Junction Box Number
21 9, new Junction Box Number 6, new Junction Box
22 Number 7. It also says existing Junction Box

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Number 2. Now, this is in the 1961 drawing.

2 We also have a very good
3 description of the trestles in this drawing,
4 and the key here -- and I would like to quote
5 from that. This was a drawing that was meant
6 to be used by a contractor who was bidding on
7 the job. So these were instructions to the
8 contractor.

9 Number 5, Trestle. The portion of
10 the trestle from Buildings 30 and 31 south of
11 the dog leg between Tracks 3 and 1 shall be
12 maintained until the tunnel is in service at
13 Junction Box Number 6 east of Building 31,
14 west of Building 30. And where the trestle
15 crosses the tunnel running west from Junction
16 Box Number 7, the lines on the trestle shall
17 have to be supported during the construction
18 period.

19 I think that is pretty good
20 evidence the trestle was used to bring lines
21 -- it doesn't say what, but we can probably
22 assume electrical, steam, that sort of thing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 -- from the powerhouse up to Buildings 30 and
2 31, until the 1961 tunnel was built.

3 Now, this is only proof for that
4 section of tunnel, but I think it's very, very
5 good proof. Also, it invalidates the
6 testimony of Mr. Murphy for that section of
7 the tunnel. And Mr. Murphy can reply to me in
8 a moment on that.

9 But it specifically mentions the
10 junction boxes that he said were in place --
11 6, 7, and 8 for instance -- and in this
12 drawing they are all introduced as new.

13 Now, the '57 drawing is not as
14 well detailed. It is also -- it is noted that
15 it was revised, redrawn and relieved for
16 construction, on March 20, 1957. It has far
17 fewer notes on it, unfortunately.

18 However, it is the custom of
19 engineering drawings -- by the way, I have a
20 master's in surveying and photogrammetry, and
21 I am quite familiar with mechanical drawing
22 and maps.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 To center the map as much as you
2 can on the object of interest, the precise
3 center of the 1957 drawing is right over the
4 tunnel that runs between Buildings 30 and 31
5 up to Junction Box Number 1. It is true that
6 these junction boxes are not labeled new.

7 However, there is some evidence
8 that we should consider with this drawing
9 besides the Shaw Environmental evidence and
10 the superintendent of plant maintenance
11 evidence. We see that two of the buildings on
12 the map are only proposed. Ms. Bonsignore
13 noted that. That was Building 57 and Building
14 58.

15 I note that Building 57 has a 42-
16 inch tunnel from Junction Wall Number 5 in
17 place. They built that tunnel before the
18 building ever went up. Now, how prescient was
19 Linde here? If this '57 drawing showed that
20 that Building 57 wasn't in place yet, would
21 they have built that tunnel in '46, in '50, to
22 a building that doesn't exist? It's unlikely.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And again I note that where lines
2 cross the tunnel there tend to be the
3 notations, the line to be abandoned, line to
4 be rerouted. There is a note -- one of the
5 few notes on the drawings -- that says,
6 contractor shall connect all active, existing
7 lines encountered to respective new lines as
8 required.

9 Now, why would you encounter a
10 line? Well, if you were digging extensively
11 through the site, then you could expect to
12 encounter lines, and the instruction to the
13 contractor was to reroute them. Again, to me,
14 this is evidence that it was a tunnel that was
15 being constructed.

16 All of the other details on the
17 map are very stylistically empty. In other
18 words, the buildings are just blanks, but
19 there is infinite detail around the tunnel,
20 more evidence I think that this represents a
21 tunnel drawing. Plus, Praxair thought it was
22 a tunnel drawing, and Shaw Environmental

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 thinks it's a tunnel drawing.

2 So I think I will stand on that.
3 I will comment briefly -- I don't think it is
4 terribly relevant right now -- but on Ms.
5 Bonsignore's observation from the '45/'46 era
6 that caustic or corrosive seepage was causing
7 corrosion problems in the tunnel near
8 Building 8. That is quite possible.

9 The documentary evidence says it
10 is sure. My point is: what does it mean?
11 And this is a chemical plant. The fact that
12 there might be some spillage and corrosive
13 liquids around and some of it would seep into
14 the tunnel and cause problems is certainly
15 quite possible.

16 However, drawing a conclusion from
17 that that, therefore, there was an effluent
18 line that went from Building 31 down to
19 Building 8, and it must have gone through a
20 tunnel, or if it didn't go through the tunnel
21 it must have gone through the trestle -- by
22 the way, it is not DCAS's position that any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 effluent line must have gone over the trestle,
2 but it couldn't have gone through a tunnel
3 that wasn't built. We will say that much.

4 Thanks. I think that is all we
5 need to go with -- I need to say on that area.

6 CHAIR ROESSLER: Okay. Thank you,
7 Chris.

8 I would like to stop for just a
9 moment to think about a procedural question
10 here, or how do we go forward? I know we
11 haven't discussed occupancy yet, but on this
12 particular issue it seems that the Work Group
13 has two choices.

14 We can either make a
15 recommendation now -- and I guess that is
16 really why we are meeting is that the Work
17 Group comes up with a recommendation as to
18 what we do -- or we can say -- and we base
19 that on weight of evidence. Or we can say,
20 well, we need for -- we need more time, we
21 need further discussion, we need to look at
22 maps more, we need to keep reevaluating this.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And as I think about the second
2 option of prolonging this, I think about the
3 impact of doing it, and I'm wondering -- and
4 I'm just going to toss this out for discussion
5 here -- I'm wondering if that is the
6 responsible thing to do, not only on this
7 issue but the next one.

8 We have already determined SEC
9 status on the different periods of time for
10 Linde. We have taken care of, in my view, the
11 really bulk of the issues, the -- I assume the
12 large number of workers. And I'm wondering,
13 the two impacts of continuing this is that
14 there is a fiscal responsibility. We would
15 incur a lot more expense.

16 The other one would be with regard
17 to affected workers. If we keep delaying
18 this, then dose reconstruction can't be done,
19 and so these workers are still sitting out
20 there waiting. So I just wanted to throw that
21 out to see what Work Group Members think about
22 this, which way should we go, and see what you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 think, what Ted thinks, and maybe some input
2 from Jenny also as to what the procedure
3 should be.

4 MEMBER BEACH: This is Josie. The
5 only thing I would like to say is I think that
6 -- I know Antoinette and the workers have
7 asked repeatedly for interviews, and I would
8 like to recommend that NIOSH and SC&A do
9 worker interviews. I don't think that would
10 take very much time, and it has been asked
11 many times. So I think that that would be one
12 of my recommendations.

13 CHAIR ROESSLER: Okay. Jim, do
14 you have any --

15 MEMBER LOCKEY: In relationship to
16 interviewing workers, I think that that could
17 add a lot of additional information. I think
18 we do have objective data that I feel
19 pinpoints when the tunnels were constructed.
20 But it is helpful to do what -- what we do is
21 focus group interviews.

22 We identify workers who would have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 been working at the facility during the time
2 frame under consideration, and we put a list
3 together, and then those workers are randomly
4 chosen. They are not selected. They are
5 randomly chosen. They ask to volunteer to
6 come into a focus group that is run
7 independently.

8 And with those types of focus
9 groups, we put up drawings, construction
10 drawings, and timelines, as to when plants are
11 constructed and what changes were made over
12 time. And we get a focus group consensus, but
13 it is done very independently, in an unbiased
14 manner from either side through a random
15 selected mechanism.

16 I don't think we have done that in
17 this -- with this in the past. But in this
18 circumstance, if we are going to do that, that
19 would be the way to approach it.

20 CHAIR ROESSLER: Okay. We don't
21 have Mike on the phone. Ted, do you have any
22 input?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. KATZ: I'm sorry. I was just
2 taking myself off mute. No. I mean, this is
3 -- I mean, this is really a Work Group
4 judgment. So I don't have any input as to --
5 it is really up to you folks to decide what
6 your course should be.

7 CHAIR ROESSLER: If we did do more
8 interviews, is that possible, if it were done
9 in the way that Dr. Lockey recommends?

10 MR. KATZ: Are you asking me that,
11 Gen?

12 CHAIR ROESSLER: Well, anybody.
13 Antoinette or --

14 MS. BONSIGNORE: I will admit, Dr.
15 Lockey, I was a little confused as to what
16 exactly you were proposing. I thought that
17 they were -- if they were going to be bringing
18 some interviews, they would just be conducted
19 by DCAS and SC&A. So forgive me, I didn't
20 quite understand.

21 MEMBER LOCKEY: We go back and
22 reconstruct exposures when we do some of our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 studies. When we do that, we talk to workers,
2 because it is a very important piece of
3 reconstructing historically what has been
4 going on at plant sites, because the ones who
5 worked at the plant sites during that time
6 frame really know more about it than almost
7 anybody else. That is an important point that
8 I think everybody is aware of.

9 But when we do it, we do it in a
10 very non-biased manner. We identify workers
11 who are alive who would have been working at
12 the plant site under the time frame of
13 interest. A list is put together, and then a
14 random selection is made to start inviting
15 workers to come into a focus group meeting.

16 The purpose of the focus group is
17 described, and then the workers sit around and
18 look at timelines and construction tables and
19 then discuss among themselves what was going
20 on during that timeframe. And that is how we
21 get in information that we feel represents a
22 very open, constructive, unbiased approach to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 it.

2 MS. BONSIGNORE: Okay.

3 MEMBER LOCKEY: So having one
4 person bring in selected workers, either from
5 one side or the other, would not be what we
6 consider an unbiased approach. A biased
7 approach is to have a focus group of people
8 that are selected and volunteer to come in and
9 have a round robin discussion that is led by
10 people who know how to lead these discussions.

11 Otherwise, we get into situations
12 where one person said one thing and another
13 person said another, and it can be at varied
14 times very difficult to figure out really what
15 was going on. But the most objective approach
16 to it is how I am suggesting.

17 MS. BONSIGNORE: Okay. Thank you
18 for clarifying that.

19 The only issue I have is that, to
20 just touch on what Mr. Crawford said, he
21 mentioned some worker statements from
22 interviews. I think the first two interviews

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 he mentioned were talking about the 1936
2 section of the tunnel. We are not -- there is
3 no dispute about that. We know that the
4 tunnel -- there was a section near the
5 powerhouse, and it -- we are not disputing
6 that.

7 So the only worker interview that
8 Mr. Murphy is disputing is that Linde
9 supervisor or superintendent, whatever his
10 title was, Worker Number 6, that is the only
11 one. And since Mr. Murphy has been criticized
12 by NIOSH repeatedly, I do think it would be
13 important to have him address some of the
14 issues that Mr. Crawford just raised.

15 I just -- I think that would be
16 important to do that. I just -- I think he
17 should be provided with that opportunity.

18 CHAIR ROESSLER: So is he ready to
19 respond to that now?

20 MS. BONSIGNORE: No. I mean, this
21 is the discussion that I have been trying to
22 have about setting up separate interviews.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Mr. Murphy, Mr. Speciale, and some of the
2 other Linde workers in Buffalo are still going
3 over this material. There is a lot of
4 material here -- the SC&A report, the NIOSH
5 report, the maps. They are still going over
6 that stuff. Realistically, they have only had
7 the SC&A report a few days.

8 So beyond what Mr. Murphy has
9 already stated, we do need some time to go
10 over this material again.

11 MEMBER BEACH: And, Gen, this is
12 Josie. While I understand what Dr. Lockey was
13 suggesting, I do agree that Mr. Murphy should
14 be reinterviewed also and any other workers
15 that would like to be reinterviewed.

16 CHAIR ROESSLER: Okay. So we --
17 probably at this point we should put that --
18 those thoughts on the table and go into the
19 next issue, the occupancy factors. And then,
20 when we get done with that, try and put it all
21 together to see what the next move should be.

22 MEMBER LOCKEY: Jim Lockey. Can I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 ask a question about the occupancy factor?

2 CHAIR ROESSLER: Sure.

3 MEMBER LOCKEY: And am I wrong on
4 this, but does this make any difference one
5 way or the other in relationship to -- because
6 really we are talking about lung cancer here,
7 right?

8 CHAIR ROESSLER: I think DCAS
9 needs to answer that.

10 DR. NETON: Yes. Dr. Lockey, this
11 is Jim Neton. You know, it certainly is not
12 going to make a major difference, but you
13 can't predict over, you know -- over all of
14 these cases as to what -- how one might get
15 affected. It really is just a matter of the
16 magnitude of the radon exposure that is
17 assigned. And you're right, that affects lung
18 cancers.

19 But there could be cases -- and I
20 have not looked at them -- there could be
21 cases that have less than 250-day exposure,
22 which would not qualify for the SEC, and have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 lung cancer.

2 MEMBER LOCKEY: That would be
3 unlikely. That would be very unlikely, I
4 would think, unless they were extremely high
5 levels.

6 DR. NETON: It is unlikely but not
7 impossible, and therefore, you know, I keep --

8 MEMBER LOCKEY: That would be
9 unlikely. I guess that lymphoma is another
10 possibility, right? But that will go through
11 automatically, too, won't it?

12 DR. NETON: Lymphomas are
13 presumptive cancers, right.

14 MEMBER LOCKEY: Right. And so we
15 -- I guess the point I'm trying to make here
16 is people that have lymphoma or have lung
17 cancer, which is probably the two endpoints we
18 are talking about with this particular radon
19 issue, are going to be compensated. Unless
20 it's less than 250 days. And that would be
21 very unusual.

22 DR. NETON: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MEMBER LOCKEY: I can't think of
2 that happening, matter of fact. So I am
3 almost seeing this as a non-issue. That is
4 what I am trying to say.

5 DR. NETON: Well, again, you know,
6 we have to come up with a methodology. I
7 can't say in the future that, even if we have
8 no cases at the present, that a case wouldn't
9 present itself at some point. So it does need
10 to be resolved. I do agree, though, the
11 magnitude of the issue is relatively small as
12 far as numbers go.

13 MEMBER LOCKEY: Right.

14 DR. NETON: Not zero. Well, I
15 don't know if it's not zero.

16 MEMBER LOCKEY: Right. It has got
17 to be approaching zero.

18 CHAIR ROESSLER: I mean, I think,
19 Jim, you bring up something that is going
20 through my mind, too, is, you know, for the
21 reasons I brought up before, how long do we
22 prolong this?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MEMBER LOCKEY: Right. That's
2 correct.

3 CHAIR ROESSLER: Because, you
4 know, workers are affected --

5 MEMBER LOCKEY: Right.

6 CHAIR ROESSLER: -- by this. And
7 I think it is probably -- I think the Work
8 Group is the one who has to decide, what do we
9 do? Do we continue? Certainly, Antoinette
10 has brought up some valid reasons for hearing
11 more from the workers, having them have more
12 time. But I'm wondering, you know, how long
13 will this go on? Can we finish it in another,
14 say, you know, month or so? That is just a
15 question that I think the Work Group Members
16 need to keep in mind.

17 MEMBER LOCKEY: I concur with
18 that, and I guess that is why I raised the
19 issue, particularly about occupancy in the
20 tunnels, because I don't see that as -- you
21 know, I guess administratively it is something
22 that has to be arrived at. I am all right

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 with what has been decided, because the
2 outcome is -- we already have assumed that
3 people that have lymphoma or lung cancer are
4 going to be compensated here.

5 DR. MAURO: This is John Mauro. I
6 joined a little while ago, and I have been
7 listening, trying to catch up. Why is it that
8 the dose reconstructions cannot -- in other
9 words, for the non-compensable -- in other
10 words, everyone that is going to be
11 compensated on the SEC will be compensated.

12 There will also -- now, the
13 question -- the situation may arise -- there
14 are going to be people -- prostate cancer,
15 skin cancer -- who are -- a dose
16 reconstruction will have to be performed, and
17 either granted or not.

18 And now what I am hearing, though,
19 is that all of these actions, the compensation
20 under the SEC, the dose reconstructions, that
21 is all being held up. Wouldn't there be a
22 need for -- let me -- I'm thinking out loud

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 now.

2 If it turns out that at the end of
3 this process we all agree that, yes, those
4 tunnels between Building 30 and 31 were in
5 fact there pre-'53 -- I believe that's where
6 we are on this issue -- wouldn't that trigger
7 a PER that says, okay, anyone that could have
8 been affected by that will now have his dose
9 reconstructed?

10 In other words, those few people
11 that might actually be impacted by this, and
12 the change that would occur, couldn't that
13 occur under a PER? And so that this would
14 allow the vast majority of everyone else to
15 receive their compensation without that delay.

16 DR. NETON: Well, John, this is
17 Jim. What you propose -- that is true. I
18 mean, if we dealt with the cases using the
19 current approach, they could be done. But
20 frankly, you know, that's not normally the way
21 we do business. I mean, we like to issue a
22 Site Profile that is -- you know, everyone is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 in agreement, on the same page.

2 I don't think we have ever done
3 that before, where we have issued a
4 provisional Site Profile to disposition the
5 cases, and then with the caveat that we will
6 go back as we discuss this further. Is that
7 sort of what you are proposing?

8 DR. MAURO: The only reason I
9 bring it up, it is such a focused issue
10 dealing with those workers who might have been
11 there, were there for less than 250 days, and
12 were exposed and had a lung cancer, I guess,
13 and lymphoma is the other one. So it's that
14 very narrow group.

15 There may not even be any right
16 now that -- or there may be. But, I mean, as
17 pointed out by Dr. Lockey, we are dealing with
18 a very, very limited number of people,
19 possibly no people. And while we have been
20 struggling with this for some time, everyone
21 else is sort of waiting.

22 DR. NETON: Well, you know, in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 thinking this through a little more, I mean,
2 it is true that the radon is a big issue. But
3 there still is the residual contamination in
4 the tunnels. If you recall, the Army Corps
5 went and surveyed the tunnels that were built,
6 we think, after '57.

7 DR. MAURO: Yes.

8 DR. NETON: And they were
9 contaminated internally because --

10 DR. MAURO: Yes.

11 DR. NETON: -- of all of the --

12 DR. MAURO: Yes.

13 DR. NETON: -- production.

14 DR. MAURO: Yes, you've got the
15 uranium and the radium, et cetera.

16 DR. NETON: Yes. So there is some
17 contamination on the surfaces where workers
18 who would be doing physical activities in
19 those tunnels, you know, moving equipment and
20 such, there is a small exposure component
21 associated with that as well. So we --

22 DR. MAURO: So it really would be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 all workers who were there for less than 250
2 days. I'm trying to think this out.

3 DR. NETON: Well, not for --

4 DR. MAURO: It might have to be
5 revisited -- that were denied before, but may
6 need to be granted now. And I know in the PER
7 process very often you have a process that
8 says, okay, those that were denied previously
9 under the other protocol, you revisit and say
10 whether or not -- and you have a set of
11 criteria whether it's possible that there
12 could be a reversal as a result of this.

13 I know I just had -- that was a
14 thought that came to mind, because it is
15 disturbing to all of us that -- this whole
16 process is being held up on this basis.

17 DR. NETON: Right. And, you know,
18 what you're suggesting is possible. I mean,
19 you know, we could do that and do -- at least
20 any cases that would reverse based on the
21 revised Site Profile could be moved ahead
22 fairly -- well, quickly is a relative term,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 but, you know, fairly expeditiously, and a PER
2 -- how we've opened the revising a Site
3 Profile as our knowledge of the situation at
4 the sites change. We have done that, as you
5 know, on a number of occasions.

6 MR. KATZ: This is Ted. I just
7 have a question. What is on the table -- I
8 guess there are two things on the table in
9 terms of -- that might prolong it. I mean,
10 one is interviewing/reinterviewing workers.
11 Antoinette had requested, you know, one worker
12 that, you know, isn't on this call at least
13 and workers that are on the call. I don't
14 know if there are others.

15 And it seems to me, I mean, that
16 shouldn't be very time-consuming. If that is
17 what the Work Group decides it wants to do, I
18 mean, that could get knocked out pretty
19 quickly. They have the maps.

20 They've had some time -- they've
21 had the reports, you know, and they -- I would
22 assume within a week or two they would be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 ready to be interviewed, or what have you. I
2 mean, I know there is other work, and so on,
3 that will get in the way of setting that up.
4 I don't know whether that needs to be in
5 person, or can that be done by telephone. And
6 that is I guess another matter as to how
7 quickly it can be scheduled.

8 But it doesn't sound to me like
9 that is -- would take a lot of time. Dr.
10 Lockey's proposal for sort of a focus group in
11 research style to address the question, you
12 know, that is another matter. That probably
13 would take a lot more doing. It also -- I
14 guess there is the issue of whether there are
15 enough workers to draw from from a period of,
16 you know, 55 years ago, and so on.

17 But the shorter course at least of
18 what was suggested by Antoinette, doesn't seem
19 like that would be a great delay factor on its
20 own.

21 MEMBER LOCKEY: Ted, let me
22 address that. I mean, I agree that that would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 be an easier way to do it, but I don't think
2 it is going to answer the question. I think
3 we are going to be back to where we are now.

4 MR. KATZ: Okay.

5 MEMBER LOCKEY: Okay? And that
6 doesn't answer the question, so if -- if the
7 question is, what is the consensus of people
8 that are working during that time frame about
9 what was going on in relationship to tunnel
10 construction?

11 If a focus group comes back and
12 there is a real divergence as to what we have
13 based on objective maps, objective
14 construction maps, then that creates a real
15 problem for us. And I -- not a real problem.

16 I think that brings real clarity to us, that
17 there is obviously something missing. all
18 right?

19 But if we continue what we are
20 doing now, we are going to end up in the same
21 situation. We are going to have some workers
22 saying some things, some workers saying

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 another, and we are going to have maps that
2 are -- construction maps that are going to say
3 something different. And so if we want to
4 resolve it, that's the only way I know to
5 resolve it.

6 CHAIR ROESSLER: This is Gen.
7 Jim, I think, too, that what you propose,
8 while it would certainly be much more helpful,
9 I don't know that it could be achieved. I
10 would assume that Antoinette has identified
11 workers who are available. She probably has
12 the sort of full source of workers to do.

13 Perhaps the best approach here is
14 to set up a reinterview of workers who are
15 available. I think we would have to decide
16 who would be doing the interviews, and I would
17 guess maybe SC&A would be appropriate, and
18 then agree that after that happens that we do
19 get together again.

20 And then, at some point in time we
21 are going to have to base the decision -- or
22 the Work Group has to come up with their

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 recommendation based on weight of evidence.
2 We can't really go on forever.

3 MEMBER LOCKEY: No, we can't.

4 CHAIR ROESSLER: But I think it is
5 a valid thing, to take one more step, at least
6 on this issue -- and we will probably come to
7 that on the occupancy issue, too -- to take
8 one more step, complete this as well as we
9 can, and then get together again for
10 evaluation.

11 DR. MAURO: This is John. And I
12 have to apologize, but it was -- I wasn't able
13 to join you initially. I had other very
14 pressing matters that I had to take care of.
15 But what I'm hearing is that I know I'm -- I
16 reviewed our report, our work, and I have seen
17 Ms. Bonsignore's two affidavits -- the
18 affidavits that came in, and it is -- it was
19 my sense, until getting on the line about a
20 half hour ago, that the evidence that was
21 before us between the new affidavit and the
22 work that was done by SC&A and the work that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 was done by NIOSH, the weight of the evidence
2 was overwhelming that the tunnel between
3 Building 30 and 31 was not there in 1953.

4 It sounds like that we have
5 information that emerged during the course of
6 the meeting that I missed the first two hours,
7 unfortunately, not two -- hour and a half,
8 that says that, no, there is good reason to
9 believe that those tunnels were in fact there.

10 Is that what has emerged from this
11 -- from the meeting? And, again, I apologize,
12 but I just wanted to get up to speed here.

13 CHAIR ROESSLER: This is Gen.

14 MS. BONSIGNORE: John, this is
15 Antoinette. I don't know if you heard my part
16 of the meeting.

17 DR. MAURO: Unfortunately, I
18 don't. And, listen, I don't want to take up
19 the Work Group's time. I am just surprised
20 that -- it seemed that even the affidavits,
21 Ms. Bonsignore seem to indicate that there was
22 some evidence that perhaps there were tunnels

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 between Building 30 and 31 in 1957 and on.
2 But that was not inconsistent with, I guess,
3 our position that those tunnels were not
4 there, though, from '47 to '53.

5 MS. BONSIGNORE: Okay. Well, I
6 gave, actually, a pretty lengthy presentation.

7 DR. MAURO: Then, I apologize. I
8 do not want to take up the -- I will catch up.
9 I will speak to Steve and Nicole after the
10 meeting.

11 CHAIR ROESSLER: Yes, this is Gen.
12 I think that, no, I would disagree with what
13 you just maybe assumed is that there has been
14 a reversal of conclusions on it.

15 However, Antoinette did bring up,
16 as she said, a very long discussion with a lot
17 of points in it that if we are to continue
18 examining this, I think the Work Group needs
19 to have a written version of Antoinette's
20 discussion --

21 MS. BONSIGNORE: Okay.

22 CHAIR ROESSLER: -- because it was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 really not possible to follow all of the
2 detail as she was --

3 MS. BONSIGNORE: I've got most of
4 it written down. I can get that to you in a
5 couple of days.

6 CHAIR ROESSLER: Again, I think
7 what Chris said, though, is that -- she was
8 commenting in particular on the 1957 map. And
9 as Chris mentioned, that when the Work Group
10 got together at our last meeting, we looked at
11 the 1961 drawing, which, as he said, he felt
12 was completely definitive. At the time, I
13 did, too, and I thought that really superseded
14 any information that -- or most of the
15 information that was on the 1957 map. So I
16 think we have to keep that in mind.

17 MS. BONSIGNORE: Okay. But the
18 only thing I would say in response to that,
19 Gen, is that there is information on that 1957
20 map that says that the tunnel that we are
21 talking about, that is in question here, was
22 there on that map, not -- it wasn't proposed,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 it wasn't new, it was there. So --

2 CHAIR ROESSLER: Okay. That's why
3 I think we need your --

4 MS. BONSIGNORE: Yes.

5 CHAIR ROESSLER: -- written
6 statement, so that --

7 MS. BONSIGNORE: That's fine.

8 CHAIR ROESSLER: -- we can get out
9 the maps and look at them again.

10 DR. MAURO: Just one quick
11 question. Is there a dispute regarding 1947
12 to '53, though? Ms. Bonsignore, is it your
13 position that the tunnel between Building 30
14 and 31 was in fact there from '47 to '53?

15 MS. BONSIGNORE: Yes.

16 DR. MAURO: It was or was not?

17 MS. BONSIGNORE: Yes, that is our
18 contention.

19 DR. MAURO: That is your position.

20 Okay. I just wanted to understand, because
21 we, as you know, that you did discuss -- felt
22 that the evidence in the drawings and even in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the affidavits seemed to indicate otherwise.
2 But I accept your position.

3 I am up to speed now. Thank you.

4 MS. BONSIGNORE: Okay.

5 CHAIR ROESSLER: Now, are we ready
6 to go into the next discussion on the
7 occupancy factors?

8 DR. OSTROW: This is Steve. I was
9 thinking about interviews, and we are fine
10 with doing more interviews. But being a
11 little bit skeptical, I don't -- I find it
12 sort of hard to believe, or I would be
13 surprised, if we do more detailed interviews
14 with the same people whether we are going to
15 get different answers or much of a
16 clarification.

17 Some of the people will say the
18 tunnels were in existence before 1953; others
19 may not be able to say anything definite. I
20 don't see how we are really going to get any
21 more information than we have right now from
22 worker interviews.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. BONSIGNORE: Well, Steve, this
2 is Antoinette. Both you and NIOSH made some
3 inferences about what Mr. Murphy meant in
4 certain statements. He would dispute what
5 your guesses were about what he was saying.
6 That is what needs to be clarified.

7 DR. MAURO: Okay. Even --

8 DR. OSTROW: Let's use a little
9 bit of a legal term here. Suppose we
10 stipulate that -- Mr. Murphy definitely
11 stating that the tunnels were in existence
12 before 1953. Would that change anything in
13 the Work Group's deliberation?

14 I will ask Gen that also. Suppose
15 we interview Mr. Murphy and he states 100
16 percent he is -- he states to the best of his
17 knowledge that the tunnels existed prior to
18 '53. Would that change the deliberations any?

19 CHAIR ROESSLER: This is Gen. In
20 my view, based on what I know right now, it
21 would not, because I would be going on weight
22 of evidence. I would be going on the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 drawings, the engineering, the interpretation
2 of them. I think that is very heavy evidence.

3 You know, again, I would be going by the
4 weight of evidence.

5 MEMBER LOCKEY: This is Jim
6 Lockey. And I would, too, but I heard Mr.
7 Murphy speak on the phone, and I -- Steve, I
8 agree with you that going back and
9 interviewing the same people would not be
10 helpful. I don't think it would change where
11 I am today.

12 But what I suggest -- and I know
13 it would be laborious, but what I suggested --
14 actually, it's not that laborious. What I
15 suggested is a more independent way to
16 approach the issue. So if one is going to go
17 back and do additional interviews, I think it
18 has to be in a very objective focus group
19 manner. Otherwise, we are not going to get
20 any additional information we don't already
21 have.

22 DR. OSTROW: Yes, I agree with you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 totally.

2 MEMBER LOCKEY: Okay. That's what
3 I'm saying. So, otherwise, I'd consider it
4 not helpful.

5 CHAIR ROESSLER: It would, though,
6 be a courtesy to allow him to state where he
7 had been misrepresented.

8 MEMBER LOCKEY: Oh, absolutely. I
9 agree with that 100 percent.

10 CHAIR ROESSLER: Yes. And if the
11 questions -- if we go ahead with this and we
12 -- even if we have the same workers, if the
13 questions -- knowing what we know now and what
14 some of the disagreement and misunderstanding
15 is, if the questions could be very focused,
16 then I think it would be productive.

17 MS. BONSIGNORE: And in addition,
18 Gen, I would just like to point out that Mr.
19 Murphy and Mr. Speciale also have some dispute
20 about the tunnel's occupancy issues.

21 CHAIR ROESSLER: Well, perhaps we
22 should go on to that now, and then come back

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 and look at the whole thing after we finish
2 that discussion. So I would suggest that --
3 let's see, Steve, you already presented SC&A's
4 report. Or have you?

5 DR. OSTROW: Yes. Yes.

6 CHAIR ROESSLER: It has been such
7 a long time. So I think it is DCAS's time,
8 then, to respond to that.

9 MR. CRAWFORD: Gen, this is Chris
10 Crawford. We don't have any particular issue
11 with worker testimony on this subject. We do
12 have -- the strongest evidence I think that we
13 have is based on Mr. Murphy's testimony to --
14 during the ORAU interview where he said --
15 this is not an exact quote by the way. This
16 is a summary of the interviewer.

17 But he said over a period of about
18 six months he and a welder worked steadily in
19 one section of the tunnel. He stated that he
20 was not in the tunnel for the entire span of
21 the project, and his estimate of total time
22 spent in the tunnel for that project was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 approximately two months.

2 I'm not disputing that. That is
3 completely okay. And every other piece of
4 testimony we have, the people who worked in
5 the tunnels estimated one to three days. That
6 is not a contradiction, but that is kind of
7 the normal, and there were some jobs that took
8 longer, much longer.

9 But we think that two months is a
10 fairly generous allowance per year, for year
11 after year after year, considering that the
12 one job cited, Mr. Murphy spent two months
13 underground, which we accept.

14 Now, if he would like to say more
15 about that, that's of course perfectly okay.
16 And if we can get any other worker testimony
17 to this point, we would be happy to entertain
18 it.

19 MS. BONSIGNORE: If I could just
20 -- I just have to correct something here. Mr.
21 Murphy's ORAU interview from March 2010 is not
22 a valid interview. That interview -- he said

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 he never said two months. That's why he was
2 reinterviewed.

3 You can't -- I'm sorry, I don't
4 understand why you are bringing up an
5 interview that Mr. Murphy reviewed. He said
6 he didn't say that, and that is why Stu
7 Hinnefeld came up to Mr. Murphy, apologized
8 that he had been misrepresented at the Niagara
9 Falls Board meeting, and that is where he was
10 reinterviewed.

11 I thought we all understood this.

12 MR. CRAWFORD: Mr. Murphy is free
13 to comment at this moment, I suggest.

14 MS. BONSIGNORE: But, I mean, that
15 is why he was reinterviewed at the Niagara
16 Falls Board meeting. There was a huge
17 discussion about this many, many months ago.
18 I mean --

19 MR. CRAWFORD: But no evidence has
20 been --

21 MS. BONSIGNORE: -- Mr. Hinnefeld
22 is -- if he is still with us, I mean, he can

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 verify that he spoke with Mr. Murphy and
2 apologized that he had been misrepresented by
3 ORAU.

4 DR. NETON: This is Jim Neton.
5 Stu had to leave the phone meeting because he
6 had a conflicting meeting. But my
7 recollection -- this is Jim Neton. My
8 recollection was the reinterview at the
9 Niagara Falls meeting was more focused on the
10 existence of the tunnels rather than the
11 occupancy issues.

12 MS. BONSIGNORE: No, it wasn't.
13 It was both of those issues. It was both of
14 those issues. You can -- please, I encourage
15 you to speak to Mr. Hinnefeld about this. He
16 will confirm what I am saying.

17 DR. NETON: I accept that. This
18 is Jim, and I agree with what Stu said. Stu
19 did say -- I mean, Chris did point out -- and
20 Mr. Murphy is available now. I wonder if he
21 would mind to comment on what he -- we just
22 want to know what a good reasonable occupancy

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 factor is, and it would be very interesting to
2 hear what he would say today.

3 MS. BONSIGNORE: Okay. But if you
4 looked at those Niagara Falls interviews, he
5 addresses this issue and he says, whoever said
6 two months is dreaming. I never said that.

7 DR. MAURO: This is John. Well,
8 how much time -- this is wonderful. Mr.
9 Murphy is on the line again. It would be
10 wonderful -- has he already spoken to the
11 Board, to the Work Group, regarding both of
12 these matters?

13 CHAIR ROESSLER: John, he spoke,
14 but we kept him to the tunnel existence. So I
15 would suggest that we put him on the line,
16 and, Chris, you specifically ask him the
17 questions that are -- that you have.
18 Antoinette, is Mr. Murphy on the line?

19 MS. BONSIGNORE: I think so.

20 MR. MURPHY: Yes, I am here.

21 CHAIR ROESSLER: Okay. Did you
22 hear Chris Crawford's comments about five

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 minutes ago?

2 MR. MURPHY: What was the comment
3 again? Can you clarify?

4 CHAIR ROESSLER: Okay. Chris,
5 give him a very focused question on this.

6 MR. CRAWFORD: I think, Mr.
7 Murphy, probably the most productive thing to
8 do is just ask you how many jobs you were --
9 you have personal knowledge of or that you in
10 fact did that took over two months of time in
11 any one year in the tunnel. Any detail you
12 can give us on that part of your job would be
13 very helpful.

14 MR. MURPHY: As a millwright, I
15 was assigned to a job of replacing all of the
16 unistruts supporting all of the utilities in
17 the tunnel that -- through the entire length
18 of the tunnel from Building 10, all the way
19 out past the powerhouse.

20 We didn't get into the section
21 going to Building 57, but I was assigned with
22 the welder. We replaced all of the unistruts

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that were steel because they were rotting out,
2 and we replaced them with stainless steel.
3 This was an ongoing job that has lasted -- I
4 don't know how long because it wasn't
5 continuous.

6 We would go down and we would work
7 for a week or two, and then we were called off
8 on another priority job, and then we would go
9 back down again. Sometimes I was pulled off
10 and another maintenance man was put on with
11 the welder, and then I would go back down
12 again.

13 This went on for a good long time.
14 You can imagine -- the tunnel is roughly
15 probably a half a mile long, and these
16 unistrut supports were like every six feet.
17 So it was quite expensive, taking all of the
18 tools down there, taking all of the welding
19 cables, et cetera, and in and out, wearing
20 boots, wearing hard hats, safety glasses,
21 gloves, the whole scenario. It is just time-
22 consuming. And I can't give you a definite

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 answer of how long it took, but it took quite
2 a while.

3 And as far as the occupancy goes,
4 I am going to give you an illustration of -- I
5 didn't personally work there. Building 8, the
6 powerhouse, was built in 1936, part of the
7 original construction of all of the buildings
8 on the Linde property. Two boilers, 3 and 4,
9 they were coal-fired, they were coal-fired up
10 until 1970, approximately, when they were
11 switched to gas and oil.

12 You had firemen, you had coal
13 handlers, you had boilermen or stationary
14 engineers working around the clock, seven days
15 a week, 365 days a year. That is some of your
16 time frames that you -- nobody ever talked
17 about. These guys were exposed to that
18 tunnel. They had to go down there to remove
19 the ashes, bring them up topside and dump
20 them, so that the outside contractors could
21 haul them away.

22 These guys were constantly in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 those tunnels one way or the other, so there
2 is another time frame that nobody ever
3 mentioned. Maybe I should have, but I
4 completely forgot about it.

5 Any other questions?

6 MR. CRAWFORD: Can you tell us
7 approximately when the unistrut replacement
8 job was done, approximately what year?

9 MR. MURPHY: No, I can't.

10 MR. CRAWFORD: Okay. Even a
11 decade?

12 MR. MURPHY: I worked there for 40
13 years.

14 MR. CRAWFORD: Right. I know
15 exactly what you mean. I would have trouble
16 remembering where I worked 40 years ago and
17 exactly what I did. But I am just wondering.

18 And were there any other jobs --
19 now, the coal handlers you mentioned, the ash
20 handlers I should say. But were there any
21 other jobs that you were on that were as
22 extensive, or compared with the unistrut

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 replacement?

2 MR. MURPHY: Yes. There was an
3 extensive PM program, preventative maintenance
4 program, at Linde. They did a weekly
5 walkthrough every Monday morning to inspect
6 whatever -- steam lines, burned-out light
7 bulbs, sump pump failures, et cetera. This
8 took approximately two hours -- or two
9 craftsmen, usually a millwright, maintenance
10 man, or an electrician. That was weekly.

11 Also, you had a preventative
12 maintenance program that inspected all of the
13 sump pumps. There was quite a few of them --
14 and inspect them. Then, some of -- you turned
15 it over to somebody else to remove the sump
16 pumps if they are damaged or weren't
17 functioning. And that usually fell back on
18 the guys that inspected them -- yours truly --
19 and that wasn't no five-minute job.

20 Getting it out of the sump, taking
21 it up topside, bringing the new pump down, it
22 took, you know, a day or two. So these are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 some of the jobs that you get -- you usually
2 do it quite a bit. It goes on and on and on
3 and on.

4 We need to talk about also the
5 people using the tunnels to get from Point A
6 to Point B. The reason a lot of people didn't
7 know about the tunnels is because there was no
8 access to the tunnel running from Building --
9 or from Junction Box 8 to Junction Box 2.

10 The only entrance access was at
11 the powerhouse for people in that general
12 area. But anybody out in the northwest end of
13 the property -- or the northeast end of the
14 property -- had no access to get into the
15 tunnels, because there was no entrance.
16 Building 8 is the only access entrance that
17 they could get at. There was two of them.
18 One was on the first floor by Boiler Number 3,
19 and the other access was outside in the
20 northeast corner. There was a stairwell
21 leading down to it.

22 And all the guys from Building 19

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 who worked in the Maintenance Department could
2 run across the street and go into that
3 entrance and use it to get to the cafeteria.

4 MR. CRAWFORD: What building was
5 the cafeteria in? Just as a matter of
6 curiosity.

7 MR. MURPHY: At that time, it was
8 in Building 1.

9 MR. CRAWFORD: Thanks. I think
10 there were stairways also in Building 14 into
11 the tunnel?

12 MR. MURPHY: That wasn't used,
13 because it had a special door that was kind of
14 difficult to operate.

15 MR. CRAWFORD: Right.

16 MR. MURPHY: But the guys do know
17 how to operate it, and they did use it.
18 Building 2 also had an entrance.

19 DR. MAURO: Chris, would you mind
20 if I just ask a question?

21 MR. CRAWFORD: Please.

22 DR. MAURO: Yes. Mr. Murphy, for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that section of the tunnel between Building 30
2 and 31 that is of great concern to all of us,
3 if you were to say -- do you think it was
4 possible that there may have been people who
5 worked in those tunnels full-time? Or was it
6 generally less than -- in other words, you
7 really can't envision anyone who is there up
8 to full-time.

9 It would always be -- I understand
10 there is some dispute regarding this two
11 months. And I guess what we are really trying
12 to say is that, well, if two months isn't, you
13 know, really a fair enough representation, for
14 that particular section of tunnel, would you
15 say -- you know, would you want to move it up
16 to full-time, or do you think maybe half-time?

17 I realize that -- you know, we are in this
18 place where we are looking to place a
19 plausible upper bound on the occupancy time
20 for people who were in the tunnels -- in the
21 specific tunnel of interest.

22 And I don't know the type of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 maintenance or work that was done there, but
2 in that stretch of tunnel between Building 30
3 and 31. Is there any way that you feel
4 comfortable even making a guesstimate at
5 something like that? Or would you rather not?

6 MR. MURPHY: I would rather not,
7 because --

8 DR. MAURO: I understand. No
9 problem.

10 MR. MURPHY: No, I don't want to
11 be misquoted again.

12 DR. MAURO: Sure. No, I
13 understand. Because in the end -- in the end,
14 that is the number that we need. Given that
15 the dose is going to be calculated to folks
16 for that time period, '47 to '53, the time
17 period of interest with regard to this
18 particular SEC, and if it -- you know, and if
19 it is determined that, yes, those tunnels were
20 there, or we are going to -- you know, that
21 judgment emerges, then some number will need
22 to be put.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And, of course, one could argue,
2 well, let's just assume 100 percent of the
3 time. But if that is really unrealistic,
4 that, oh no, no one was there 100 percent of
5 the time, well, maybe then it is something
6 less.

7 And all I am saying is that we
8 need your help in trying to find where that
9 is. Certainly, if the two months is not the
10 right number, you know, we are trying to look
11 for, well, what would be a better number? But
12 if you don't want to speak to that at this
13 time, I fully respect and understand that.

14 MR. MURPHY: Okay.

15 MS. BONSIGNORE: Tom, could you
16 also address -- at one point, in the SC&A
17 report, there is a discussion about how much
18 time will be allocated to how long it would --
19 in terms of people using the tunnels to get
20 from different buildings, and they said they
21 were going to allocate 10 minutes per day.

22 We had a discussion about how

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 reasonable 10 minutes a day would be in terms
2 of using the tunnels in order -- how much time
3 it takes to get into the tunnels and get
4 through the tunnels. Could you just address
5 that?

6 MR. MURPHY: Well, how much does
7 it take to walk, say, half a mile?

8 MS. BONSIGNORE: Right.

9 MR. MURPHY: You know, walking at
10 three miles an hour, going downstairs, putting
11 a hard hat on, et cetera, you know, you could
12 honestly say you're talking about 15 to 20, 30
13 minutes.

14 MS. BONSIGNORE: Okay.

15 MR. MURPHY: It is not an easy
16 access tunnel to walk in. It is just sloppy,
17 and it is -- there are stairwells going up and
18 down. So you had to be careful.

19 MS. BONSIGNORE: Right. And at
20 some points in the tunnel you had to crouch
21 down because some parts of the tunnel were
22 smaller than others.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. MURPHY: Well, the ones that
2 were small were ones that went to Building 57.

3 MS. BONSIGNORE: Right.

4 MR. MURPHY: But the other tunnels
5 were -- a large man like my size, I am roughly
6 5'10", 5'11", weigh about 200 pounds, and I --
7 with a hard hat on and boots I could walk
8 through most of the tunnel, no problem. Just
9 had to be careful of the vapor lamps that were
10 in the ceiling.

11 MS. BONSIGNORE: Okay. Thank you,
12 Tom.

13 MR. CRAWFORD: Mr. Murphy, could
14 you tell me how long lunch was allotted for
15 workers like yourself?

16 MR. MURPHY: It depends on what
17 department you were in.

18 MR. CRAWFORD: Ah.

19 MR. MURPHY: Some of them were 45
20 minutes, some were a half hour, some were 20
21 minutes.

22 MR. CRAWFORD: Right. The 10

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 minutes a day, by the way, was meant for
2 people who were not using the tunnels as part
3 of their official duties. In other words,
4 trades workers were getting, at present, two
5 months a year in the present TBD. The 10
6 minutes a day was for people who were
7 transiting the tunnels, for instance, to go to
8 lunch.

9 So presumably they wouldn't have
10 walked 15, 20, or 30 minutes to do that. In
11 other words, that seems more like a job duty.

12 I am not trying to contradict your testimony
13 here, not at all. But I am just saying the
14 point of the 10 minutes was for workers who
15 didn't actually spend much work time in the
16 tunnel.

17 MR. MURPHY: Well, whoever said
18 that, then that's what it would be, I guess.
19 If they only put 10 minutes on the go-ahead,
20 I can't help you there because I don't know
21 how many people used the tunnel. I wasn't
22 there all the time. But quite a few people

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 used it.

2 DR. NETON: This is Jim Neton,
3 too. I believe we also need to be careful
4 about which tunnels we are talking about. The
5 tunnel that went down to the cafeteria from
6 the powerhouse would not incur any additional
7 exposure because that tunnel was not
8 contaminated. So, really, the tunnels that
9 the occupancy factor is relevant to are the
10 tunnels that we believe were constructed in
11 '57 and '61.

12 Anyone who was occupying the
13 tunnels that went from the powerhouse -- you
14 know, that original 1937 tunnel -- would
15 receive 10 picocuries per liter radon from
16 above ground exposure. The radon in the
17 tunnel below ground would not -- is not
18 covered exposure under the program.

19 Now, there is a subtle distinction
20 here between, you know, where the occupancy
21 factor is really going to be applied.

22 MS. BONSIGNORE: Dr. Neton, can

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 you explain why -- is there some radiological
2 survey data from those tunnels that
3 substantiates that?

4 DR. NETON: Correct. Well, the
5 reason that the tunnels that we believe were
6 constructed in '57 and '61 were contaminated
7 by AEC operations -- in other words, all of
8 the uranium ore and the radium extracted, and
9 that sort of material -- actually seeps in,
10 contaminated the tunnels, and generated an
11 exposure potential both to radon and long-
12 lived radon progeny -- or uranium progeny,
13 daughters. That is those tunnels that were
14 over by the 30/31 area.

15 The original tunnel that was built
16 in 1937 did not -- it was not engaged in the
17 active processing of the quantities of ore
18 that were processed on the other side of this
19 plant.

20 MS. BONSIGNORE: Right. I
21 understand that. But there were effluents
22 that were diverted to the Plant One wells

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 during the operational time period.

2 DR. NETON: Well, and we covered
3 that in a Working Group meeting a number of
4 meetings ago. SC&A, I believe, issued a
5 report on this, and we both concluded that the
6 effluents were not sufficiently radiologically
7 contaminated to contaminate that existing
8 tunnel to the point where you would --

9 MS. BONSIGNORE: I don't recall
10 that report. I mean, I -- we are talking
11 about effluents that were coming from the
12 ceramics wells that went -- that were diverted
13 to the wells near Building 8, and that there
14 was some seepage into the tunnels under
15 Building 8. So I am just trying to figure out
16 --

17 DR. NETON: Well, I thought this
18 issue -- we discussed this issue some meetings
19 ago, and we -- this was resolved, in my
20 opinion.

21 CHAIR ROESSLER: I think it was,
22 too. I think, Steve, maybe you could comment

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 on that.

2 DR. OSTROW: Well, I have to
3 reread the report. But it's my understanding
4 also we resolved that.

5 DR. MAURO: This is John. I could
6 add a little bit to it. The big driver, in
7 terms of what the dose would be to a person in
8 a tunnel, is not so much what is inside the
9 tunnel, but it is totally dominated by the
10 elevated levels of radium-226 that is in the
11 soil in the vicinity outside of the tunnel.

12 MS. BONSIGNORE: Right.

13 DR. MAURO: This is what drives
14 it, so of greatest interest to us, at least at
15 this point, in terms of the -- where the
16 dosimetric issues are of substantial concern,
17 is the areas where we know from the surveys
18 performed that the soil itself was sampled and
19 we know that there was elevated levels of
20 radium in the soil in the vicinity of the
21 tunnel.

22 And the reason that is important

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 is that the tunnel -- let's talk about --
2 let's just for the time being stipulate, as
3 Steve had mentioned, let's stipulate for the
4 moment, just to facilitate the conversation,
5 that the tunnel between Building 30 and 31 was
6 in fact there from '47 to '53, and people did
7 occupy that tunnel two months, three months,
8 four months, six months, whatever the number
9 is.

10 The radiation exposure that is
11 derived for that person, or these people,
12 would be -- from the variety of radionuclides
13 would be driven -- dominated by far by radon,
14 and it would be from the radon that comes from
15 the soil outside of the tunnel that is drawn
16 into the tunnel because the tunnel has a
17 negative pressure relative to the soil around
18 it.

19 So, I mean, this is -- and when I
20 think about -- when I sort of like step back
21 and look at it from a distance, this is where,
22 you know, if we don't get that right -- it is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 important, we've got to get that right.

2 Not only do we have to get it --
3 there are -- really, you know, and the belief
4 is that that problem exists there at this
5 level because the soil is clearly and
6 unambiguously contaminated. There is data
7 showing that.

8 And now the only real question is:
9 was there a tunnel there? And then, once we
10 agree, if there was a tunnel there, then the
11 next question of course is: how long were
12 people in that tunnel? And so that is where
13 that segment of tunnel is of great interest to
14 all of us.

15 MS. BONSIGNORE: Okay. Thank you,
16 John.

17 CHAIR ROESSLER: Okay. This is
18 Gen. I have kind of lost track of where we
19 are going here. I am wondering if we are
20 about ready to decide what the step forward
21 is. Is there any further discussion about the
22 occupancy factors, or do we also need to look

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 more into that when the workers are
2 interviewed again?

3 MEMBER BEACH: Gen, this is Josie.

4 I think you cut Antoinette off at just the
5 tunnel issue. And she may still have more on
6 the occupancy.

7 CHAIR ROESSLER: That's right. We
8 didn't -- I had held her up on that. Yes, I
9 think we do have that. Thanks, Josie.
10 Antoinette?

11 MS. BONSIGNORE: Well, actually,
12 Mr. Murphy has covered pretty much everything
13 that I was going to cover. I just -- you
14 know, I wanted to discuss this 10-minute
15 estimate and we did that.

16 And I also wanted to -- the only
17 other thing I would want to discuss is this
18 ongoing issue with NIOSH thinking that where
19 certain parts of the tunnel were smaller that
20 nobody could have walked through them.

21 And so I just had an additional
22 quote from Mr. Murphy from that SC&A interview

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 from May of 2010, and it is very short, where
2 he says, "The north branch turns east of
3 Building 58. There the tunnel gets very
4 small. You had to crouch down and wear a hard
5 hat on your belly almost."

6 So I just wanted to emphasize that
7 again, because this issue keeps coming up that
8 -- the idea that it would be impossible for
9 anybody to get through. And I would just like
10 to point out that Mr. Murphy has refuted that
11 notion, and he refuted that two years ago when
12 he spoke with SC&A.

13 Beyond that, you know, I do have
14 concerns about the use of the Army Corps of
15 Engineers' report from -- because it is based
16 on 2002 practices and not on actual historical
17 practices from Linde workers.

18 I don't see how that -- the use of
19 that document could be considered claimant-
20 favorable, since there is no indication that
21 the information in that report deals with
22 working conditions in the '60s or '70s or even

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the '50s. So I would question the use of that
2 document as being claimant-favorable.

3 And then, you know, beyond that,
4 there was one point where Mr. Murphy had
5 spoken about people using the tunnels to -- to
6 sleep in the tunnels sometimes, or that people
7 would take naps there or -- and that he hasn't
8 actually witnessed that, and SC&A mentioned
9 that they didn't think -- they didn't think
10 that that was particularly -- they called it
11 hearsay.

12 The only thing I would say about
13 that is that, you know, when we are talking
14 about these occupancy issues, and you are
15 asking very specific questions from Mr. Murphy
16 or other workers, a lot of these workers who
17 could provide further elaboration about
18 something like this, a lot of them have passed
19 on.

20 There are very few people who
21 worked during those early years who are still
22 with us, sadly. You know, and so I would take

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that into account when you assess something
2 that Mr. Murphy said where, you know, he knew
3 of people sleeping in the tunnels and using
4 the tunnels to get away from their boss or
5 from their supervisor.

6 You know, technically, yes, it's
7 hearsay, but, you know, I wasn't aware that we
8 were using the Federal Rules of Evidence here.

9 So it is the best available evidence that he
10 has about that issue. So I hope that the
11 Working Group would actually consider it.

12 And beyond that, that is pretty
13 much all I have on the occupancy issue.

14 CHAIR ROESSLER: Okay. Then, I
15 think we need to discuss where we are going to
16 go. And let me take a first stab at this, and
17 then Josie and Jim and others can help out
18 here.

19 I think, first of all, the Work
20 Group, SC&A, and DCAS all need Antoinette's
21 written statements, so we have a better chance
22 of evaluating them. We need worker statements

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that Antoinette mentioned have not come
2 through yet. She said -- my notes say that
3 you will have those within a week or two.

4 MS. BONSIGNORE: Well, I would
5 like to discuss the timeline of that with
6 respect to whether they are going to be
7 interviewed, because I think --

8 CHAIR ROESSLER: Okay.

9 MS. BONSIGNORE: -- I think --

10 CHAIR ROESSLER: Maybe one of
11 those --

12 MS. BONSIGNORE: Well, I think
13 those two issues are connected.

14 CHAIR ROESSLER: Okay. So then,
15 the other thing we need to do is we talked
16 about reinterviewing more workers and
17 reinterviewing the workers who have been
18 interviewed. And I am wondering if there are
19 any more who can be included.

20 We certainly want Mr. Murphy, in
21 my view, included in the interviews. I have
22 been very impressed with his recollection of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 -- and his knowledge of what happened there.
2 I think what has to be done, though, in these
3 interviews is to make sure that the questions
4 are focused. We don't want any more
5 misinterpretations.

6 We want to emphasize that the two
7 things we are looking for is, when were what
8 tunnels where? In other words, did tunnels
9 exist in certain periods of certain times?
10 And then, we need to explore further the
11 occupancy factors.

12 So have I covered everything?

13 MS. BONSIGNORE: I think so, Gen,
14 to my satisfaction.

15 CHAIR ROESSLER: Josie and Jim, do
16 you have any --

17 MEMBER BEACH: The only other
18 thing I have -- and I know this is just a
19 small point -- is for SC&A to look at those
20 memos that were brought up and just clarify
21 that there's no issues there.

22 MS. BONSIGNORE: Right. And --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MEMBER BEACH: Unless Antoinette
2 is satisfied with that.

3 MS. BONSIGNORE: No. Actually, I
4 would like SC&A to take another look at that
5 1948 memo and the log of the Plant One that I
6 mentioned that -- specifically that one
7 sentence where they are talking about a pipe
8 tunnel between the powerhouse and the factory
9 buildings and the corrosive effect on the
10 conduit boxes.

11 I would like some -- you know,
12 some evaluation of that statement in terms of
13 the issue of the diversion of the effluents
14 from the ceramics wells to the wells near
15 Building 8.

16 CHAIR ROESSLER: Okay. Ted, so
17 how do we facilitate all of this?

18 MR. KATZ: I'm not sure if I'm on
19 mute or not. Do you hear me? Are you hearing
20 me?

21 CHAIR ROESSLER: Yes. We can hear
22 you now.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. KATZ: Okay. Sorry. So as far
2 as the interview business, I think SC&A can
3 take the lead in setting it up. I think DCAS
4 should have someone on those calls, like we
5 have been doing with other Work Groups and
6 with other interviews, so that everybody hears
7 the same thing at the same time.

8 So we can get that done, and, you
9 know, in terms of timing, I will get it done
10 as quickly as possible. There is a full Board
11 meeting coming up and other things that may
12 get in the way of different individuals'
13 participating. And then, obviously, you know,
14 part of it depends on when the workers can
15 show up for the interviews.

16 My question to you is -- or I
17 guess to the Work Group and to SC&A and DCAS
18 is what -- should this be an in-person
19 interview or is it fine to conduct it by
20 telephone, which seems to me like it would be
21 more expeditious, but maybe it has some
22 disadvantages, I don't know.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MEMBER BEACH: This is Josie. The
2 only thing I'd say is, because of the maps, it
3 may be good for the workers to be able to look
4 at those maps and point out things in person
5 as we did on our last Work Group meeting.

6 DR. MAURO: Josie, this is John.
7 I agree with you completely. This is one of
8 those circumstances where you have people
9 sitting around a table, as many folks that are
10 -- certainly, Mr. Murphy and others, where we
11 have the maps up on the wall, and we are
12 talking to each other.

13 We all just sit down as a
14 collective group, take our respective hats
15 off, and just try to get to the facts. And it
16 is so hard to do that over the phone.

17 MEMBER LOCKEY: This is Jim
18 Lockey. I agree with that. And we call those
19 focus groups, and they are -- and that is how
20 they are run. The maps are there, the
21 questions are laid out, and there is a
22 discussion about them.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR ROESSLER: And I think it
2 would be -- this is Gen -- helpful -- at least
3 as part of the Work Group, I think I would
4 like to also be present, if that's possible.
5 And I guess the question comes up, then, if we
6 were to get together in person, is that
7 possible? And where would it be to best
8 accommodate the workers?

9 MR. KATZ: This is Ted. It is
10 absolutely fine. Yes, absolutely, I think,
11 Gen, you can attend, and Josie and Jim, you
12 know, one or all are welcome to attend. We
13 have done this with other Work Groups, with
14 SC&A interviews. And, again, someone from
15 DCAS should attend to.

16 And as far as location is
17 concerned, I think we want -- we probably want
18 to make this most convenient to the workers.
19 So --

20 CHAIR ROESSLER: Absolutely.

21 MR. KATZ: -- I think it makes
22 most sense to go to where they are and do the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 interviews in -- you know, find some -- we can
2 get a hotel room or whatever we have to do to
3 set up some common space where we can
4 interview them.

5 MEMBER LOCKEY: And, Ted, I would
6 like to -- you know, I would like to have you
7 go back and look at your database and issue
8 the opportunity for people that are still with
9 us to participate in it. You know, I don't
10 think this should be just directed at the
11 people that we just interviewed. I agree with
12 what Steve said, that if we just direct it at
13 the people that we have interviews with, we
14 may not be any further than we are now.

15 CHAIR ROESSLER: Well, I think we
16 will. I think if we can get together in
17 person, can actually look at those maps, and
18 really focus our questions, I think we can
19 make a lot of progress.

20 DR. MAURO: This is John. The
21 term "interview," I'm seeing this as -- an
22 interview, you know, is almost like a one-on-

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 one where you -- what we are going to do is,
2 we are almost like problem-solving --

3 MEMBER LOCKEY: That's right.

4 DR. MAURO: -- as a team together,
5 all have the same interest and goal in mind.
6 And it is just a matter of really -- because
7 what we are doing is we are trying to
8 reconstruct some history here, and we are
9 getting as many of these experienced people
10 together.

11 Because we know the questions we
12 have, and all of the information regarding the
13 answers to those questions collectively
14 resides within the memories of the workers.
15 And I think the kind of thing that happens
16 when people are face to face just talking to
17 each other about, well, I guess -- there's an
18 interaction that occurs, and it is not really
19 an interview. It is almost like a
20 conversation that -- and from that
21 conversation emerges information that I'm sure
22 we don't have right now.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MEMBER LOCKEY: Right.

2 MR. KATZ: This is Ted. The one
3 -- you know, you are wondering about getting
4 more workers here. I just wonder whether DCAS
5 -- I mean, they have done claims for lots of
6 people at Linde. They have lots of names and
7 contact information. I am just wondering if
8 that is a possibility for pulling more workers
9 into this focus group.

10 DR. NETON: This is Jim. I mean,
11 it's a possibility. We'd have to go back and
12 think about, you know, what we have and look
13 at it.

14 MEMBER LOCKEY: I think, you know,
15 Jim, you have the names of people that would
16 be probably alive during that timeframe. And
17 expanding the pool, I think, is important.

18 DR. NETON: Well, there were a
19 number of other workers interviewed. As you
20 remember, I think there were six at one time.
21 I mean, I don't know how large you want to
22 make this meeting or discussion, but --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MEMBER LOCKEY: You don't have to
2 make it large, but you can extend out in -- a
3 lot of people will say no, but certain people
4 will say yes. And then you randomly select
5 the people that say yes and bring them in or
6 include additional people that you absolutely
7 want there. But you can limit the size.

8 CHAIR ROESSLER: Especially, I --

9 DR. NETON: Well, it's important to
10 get a good representation. And it has been my
11 experience if the meeting gets too large, then
12 you sort of lose control over sort of this
13 intimate discussion concept that John was
14 outlining.

15 MEMBER LOCKEY: Jim Lockey. That
16 is absolutely correct. You do limit the size,
17 but you can extend the pool and then randomly
18 select who you are going to bring in. You can
19 have certain people that you absolutely want
20 there, and then you can randomly select them
21 from the rest of the pool who say yes.

22 DR. NETON: We will have to go

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 back and take a look at that and see what we
2 have available.

3 MS. BONSIGNORE: I think I can
4 better -- I can inform this discussion a
5 little bit. I made an effort with Mr. Murphy
6 and Mr. Speciale to try and find -- the Linde
7 workers have a weekly breakfast meeting on
8 Thursdays. And they all meet and talk about
9 -- they help each other with claims and have
10 discussions.

11 But I have -- I have talked to
12 them about reaching out to some of the other
13 former workers who worked with them about this
14 issue, and so I have already made an effort to
15 do this. Not a lot of people have been able
16 to better inform this topic. They just
17 haven't.

18 I mean, I can have an additional
19 discussion with Mr. Murphy and Mr. Speciale
20 when we get off this call about some
21 suggestions that they might have, but I have
22 already tried to do exactly this and have not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 had much success.

2 MR. KATZ: Antoinette, this is
3 Ted. And certainly you are welcome to reach
4 out that way. I was just thinking, I mean,
5 they have -- I mean, DCAS has claims filed
6 with a lot of people, and so they may be able
7 to reach people that you have actually never
8 even -- may not be part of your group, and so
9 on. But they --

10 MS. BONSIGNORE: But a lot of those
11 people are surviving family members.

12 MR. KATZ: That may be true,
13 absolutely.

14 DR. OSTROW: And I would think
15 that the workers that we identify have to be
16 ones that are somewhat familiar with the
17 tunnels. We can't just pick them totally
18 randomly. It has to be a subset that actually
19 has knowledge of the tunnels.

20 MS. BONSIGNORE: That was what I
21 was trying to point out, that, you know, there
22 are plenty of people who worked there during

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that time period that are at that breakfast
2 meeting on Thursdays. But if they can't add
3 anything to the discussion about the tunnel
4 issue, there is really no point.

5 MR. KATZ: That is certainly true.
6 I mean, you just -- you can have those
7 screening questions so that you don't -- I
8 mean, there is absolutely no point in inviting
9 someone that knows nothing about whether there
10 were tunnels. So, I mean, that could be a
11 screening question for people that you do
12 identify from the DCAS records, and so on.

13 CHAIR ROESSLER: So can SC&A do
14 that screening? They know what we need, and
15 they know who could contribute.

16 DR. MAURO: Gen, so you would like
17 -- typically, on making arrangements like
18 this, we actually have a procedure that we
19 follow for outreach. Normally, that procedure
20 is initiated and organized and coordinated by
21 NIOSH. However, if your preference is for
22 SC&A to be the point man on this, that's fine

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 also. Whatever you prefer.

2 CHAIR ROESSLER: Well, I think
3 either way it would work. I think we just
4 need someone who is very knowledgeable about
5 the questions that we need answered, and
6 whether the participants would be able to do
7 that.

8 DR. MAURO: Okay. Yes. I know
9 that Chris and SC&A have both been -- are very
10 close to this, and we understand the
11 questions. We want to get the answers right.

12 I think that, as I understand it, what we
13 have here is a situation where I think both
14 SC&A and NIOSH have come down in more or less
15 the same place regarding whether those tunnels
16 were there or not, and what might be a
17 reasonable occupancy time, you know, assuming
18 that -- you know, but -- so I think either one
19 of our groups, our folks, all are on the same
20 page.

21 But if you would like SC&A to
22 initiate this and work with Ms. Bonsignore,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 and reach out and be the point man, coordinate
2 with Chris and Jim, but be out in front on
3 making all of these arrangements for who is
4 going to be there, and maybe go through a
5 screening process, working with Ms. Bonsignore
6 and the workers, we can do that. But normally
7 under other circumstances like this, that
8 process normally is handled by NIOSH.

9 CHAIR ROESSLER: It seems that
10 would be -- unless somebody objects, it seems
11 like that would be the best approach is follow
12 the normal procedure.

13 DR. MAURO: Okay. Fine. And, Ms.
14 Bonsignore, is that -- you're comfortable with
15 that? That is the -- you would be I guess
16 working with NIOSH and arranging for all of
17 this. And SC&A of course would be part of the
18 group that is going to have this conversation.

19 You know, if this process that is
20 being laid out meets -- because in the end you
21 -- in my mind, you know, it is important that
22 you are satisfied that everything is being

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 done the right way.

2 MS. BONSIGNORE: Okay. Well, I
3 think I need to have a discussion with Mr.
4 Murphy and Mr. Speciale after this call to
5 resolve this issue.

6 And I will just be honest with
7 you, a lot of the workers have had many issues
8 with NIOSH and the way they have been -- had
9 their statements misrepresented, and the way
10 they -- a lot of the workers don't have a very
11 positive -- I mean, pretty much the whole
12 Linde community just doesn't have a very
13 positive opinion of how this program has been
14 run and administered.

15 So I need to have a discussion
16 with them about this and get back to you on
17 that.

18 CHAIR ROESSLER: And I think it is
19 important, Antoinette, that you let us know
20 that. Apparently, if there is an option that
21 we can do it differently, we want to do it the
22 way that works the best.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. BONSIGNORE: I mean, I will
2 just say these workers felt much more
3 comfortable dealing with SC&A than they have
4 ever felt with NIOSH. I think, you know, once
5 you have an interview with ORAU and there are
6 things in your statement summary that you
7 never said, people start to wonder what -- you
8 know, what is going on.

9 And, you know, SC&A was very
10 careful about verifying statements. They sent
11 the statements to the workers after the
12 interviews. They said, "Is there anything
13 here that you didn't say? Do you want to
14 elaborate on anything?" It was a very
15 thorough process. That wasn't the case with
16 ORAU.

17 CHAIR ROESSLER: We are going to
18 have SC&A present at the interviews. I think
19 the only question is who determines which
20 workers would be invited to the interviews.

21 DR. OSTROW: This is Steve. We
22 can all work on this together. I think like

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 John was suggesting before is that NIOSH take
2 the lead in doing the logistics, because that
3 is what they usually do and they are good at
4 it. But SC&A will participate fully in the
5 interviews and I think also in the process of
6 determining which workers would be present.

7 It was suggested that, you know,
8 follow the normal procedure that NIOSH sort of
9 the machinery to -- to lead this off.

10 MR. KATZ: Yes. This is Ted. You
11 know, we are going to invite the Work Group
12 Members to join this as well. So this will be
13 -- this won't be a DCAS show. You know, it
14 won't be an SC&A show alone. It will be
15 really a Work Group operation with SC&A.

16 SC&A certainly can take the lead
17 in the questions or however it -- it is really
18 more free-form than questions, anyway, I
19 think, what Jim was describing for a focus
20 group approach. So I think it will be a
21 friendly atmosphere for everyone and
22 informative.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIR ROESSLER: Ted, and others
2 -- and I think, too, I really like Josie's
3 idea that we all get together and look at the
4 maps and combine all of the information. My
5 suggestion would be that Antoinette also be
6 there, because she seems to have the most
7 collective information from all of the
8 workers. And I think, too, if she were there
9 with the rest of us as we looked at the maps,
10 I think that would be very productive.

11 MR. KATZ: Sure.

12 MS. BONSIGNORE: Well, it would be
13 productive, but, I mean, this -- you know,
14 this is volunteer pro bono work for me. I
15 have, you know, a full-time job that is not
16 this. So traveling can be an issue for me.

17 But depending on when it is, I
18 will do my best to accommodate. But, you
19 know, I -- everybody else involved who is
20 going to be traveling, Buffalo is -- this is,
21 you know, your job, this is not mine. So it
22 can be an issue for me.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIR ROESSLER: However, it seems
2 that from our experience, if you are not
3 really involved with the rest of us in a
4 discussion, then we have to backtrack a lot.

5 MS. BONSIGNORE: Right.

6 CHAIR ROESSLER: And it might be
7 best if you could be there.

8 MS. BONSIGNORE: I'll do my best,
9 Gen. I will do my best. I just -- I can't
10 just make a blanket guarantee that I could --

11 MR. KATZ: That's fine,
12 Antoinette. And that all gets factored into
13 scheduling, too, because it -- it sounds like
14 it will be quite an enterprise to pull it all
15 together. It is not something that is going
16 to get done in the next few weeks, I'm sure of
17 that.

18 CHAIR ROESSLER: Okay.

19 MR. KATZ: But that's fine, we'll
20 work on this.

21 MS. BONSIGNORE: Okay.

22 DR. MAURO: I've got a question.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 We have never transcribed these types of
2 occasions. They have always been not
3 transcribed for good reason, and we don't want
4 to stifle free and open discourse. But I just
5 want to make sure that everyone agrees that we
6 will not be transcribing this. It will be as
7 we have done in the past. We will all be
8 sitting around discussing, taking notes.

9 But if you would like it
10 transcribed -- and this is really something
11 that, you know, it is -- I don't know the
12 answer to this, but whether Ms. Bonsignore
13 would prefer it or not --

14 MR. KATZ: John, this is Ted. I
15 don't think it necessarily makes a good
16 atmosphere to have a transcriber there for a
17 focus group. But there will be opportunities,
18 there will be lots of people there to take
19 notes.

20 DR. MAURO: Okay.

21 MR. KATZ: So I think everybody
22 should be able to come out of the meeting with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the same understanding of what they heard from
2 everybody, particularly since you're really
3 talking about very focused issues, you know, a
4 very clear agenda.

5 DR. MAURO: Yes. That's fine.
6 No, that's fine.

7 CHAIR ROESSLER: This is Gen
8 again. It seems -- my understanding is the
9 burden of responsibility really is on the Work
10 Group, so that when this meeting is
11 accomplished it seems to me then the Work
12 Group needs to say this is what we see as the
13 recommendation. Am I right on that?

14 MR. KATZ: I agree, Gen. I think
15 the ball is in the Work Group's court at this
16 point. And, you know, SC&A and DCAS are
17 facilitating on this technical business. But
18 I think -- yes, I think the ball is in your
19 court, and you will be -- if you are able to
20 be there, that will, you know, facilitate your
21 deliberations after that as well in the next
22 Work Group.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIR ROESSLER: Okay. So then I
2 think we are all set. We will need to --

3 DR. NETON: Gen?

4 CHAIR ROESSLER: Yes. I hear a
5 voice?

6 DR. NETON: Yes, this is Jim. I
7 just need a little more clarity on how to
8 select -- the workers to participate are going
9 to be selected. There were a few ideas thrown
10 out, and I am not clear in my mind how that is
11 going to transpire.

12 CHAIR ROESSLER: Well, I think the
13 most important one at this point is Mr.
14 Murphy, just to make sure that we have
15 everything clarified that he has offered, so
16 we will certainly want to make sure he is
17 there, in my view, and the other participants
18 also. And we have to rely on Antoinette, too,
19 to --

20 MS. BONSIGNORE: Yes, I can -- I
21 will have a discussion with Mr. Murphy and Mr.
22 Speciale after this and -- because as I've

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 said, I have been -- I have been trying to
2 find other people to add to this discussion
3 who could provide some additional
4 corroboration.

5 So I have been doing that, and
6 actually Mr. Speciale was going to speak with
7 some people on Thursday at their weekly
8 meeting. So I could get back to everybody in,
9 you know, maybe a week or two with some
10 possible names of former workers who would be
11 willing to participate.

12 DR. NETON: Okay. That would be
13 good. Okay.

14 MR. KATZ: And then the other piece
15 of this -- Jim, it's for either you folks at
16 DCAS or SC&A -- I mean, you both have access
17 to NOCTS. I don't know what the rules around
18 this are, but the other thing that is
19 permissible would be to contact some former
20 claimants that are survivors -- not survivors,
21 but workers who worked in this timeframe, and
22 see if any of them, one, know about the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 tunnels, and, two, would be willing to
2 participate in this, and, you know, live
3 conveniently for that as well, of course,
4 because we are going to be doing this up in
5 the Buffalo area, wherever we have the locus
6 of all of these workers.

7 MEMBER LOCKEY: This is Jim
8 Lockey. Ted, I think that is very important.

9 I think that has to be done. As a Member of
10 the Work Group, I would like to see some
11 additional people there that have not
12 previously been interviewed participate in
13 this flow of ideas process.

14 DR. MAURO: I also -- this is
15 John. I do have a suggestion. Since it
16 sounds like we might be moving down parallel
17 paths in time, Ms. Bonsignore will be working
18 with the workers as best she can to identify
19 -- but simultaneously NIOSH and SC&A will be
20 working together. Let's see how -- in other
21 words, we are not going to just -- NIOSH and
22 SC&A are not going to just sit and wait, let's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 say, until we get, let's say, a list. We are
2 going -- are we going to move in parallel?

3 Now, the only question is, if we
4 are going to move in parallel, where we are
5 going to collect together -- SC&A and NIOSH
6 try to identify workers and people we would
7 like to see there, perhaps some names, that
8 sort of thing, should we -- once it gets to a
9 point where we think we have identified five,
10 six, seven, 10 workers that it appears to us
11 might be very helpful to be part of this, at
12 that point, though, should we -- if you agree
13 with that, should we reach out to them, or
14 should we work through Ms. Bonsignore? So
15 that, you know, people may get confused if
16 lots of different people are reaching out to
17 them.

18 MS. BONSIGNORE: Yes, I agree,
19 John. Why don't you give me, you know, the
20 next week and a half to discuss this with the
21 workers that have this weekly meeting and see
22 what number I -- and to Dr. Lockey's point,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 these people would be people who have not been
2 interviewed before. So they would be -- that
3 is actually what I have been looking for,
4 people who have not been interviewed before.

5 So, because, you know, if people
6 start getting contacted by NIOSH, they are
7 going to go, you know, what is going on? What
8 do they want from me?

9 MEMBER LOCKEY: I think -- Jim
10 Lockey -- the solution is that both people
11 come up with lists, and before the invitation
12 goes out you compare your list and then you --

13 MS. BONSIGNORE: Right.

14 MEMBER LOCKEY: -- you set -- you
15 know, if both groups together have 30 people
16 in the list that are not overlapping, 30
17 independent people, and you want to limit the
18 focus group to 15, then you randomly -- there
19 are certain people you want there no matter
20 what, but then the rest you randomly select
21 and then invite them. If they say no, then
22 you move down and invite the next person.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. CRAWFORD: Jim, this is Chris
2 Crawford. There may be some Privacy Act
3 considerations here. I am not sure NIOSH can
4 turn over a list of names to be viewed by Ms.
5 Bonsignore or any other party. At the same
6 time, we would like to reserve, I think -- Jim
7 Neton, you can correct me on this if you wish
8 -- I think we want to reserve the right to
9 invite workers that we know about and, you
10 know, may have an interest in interviewing.

11 DR. NETON: Yes. I think, for
12 instance, that superintendent -- supervisor
13 comes to mind. I mean, it is clearly
14 conflicting -- you know, it is one other side
15 of the picture, so --

16 MR. KATZ: This is Ted. I mean,
17 there is two ways you can go about this. You
18 can do it independently, but there is
19 Antoinette's concern about people -- some
20 people getting -- and John's concern, about
21 some people getting confused about being
22 contacted by Antoinette or other workers and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 you.

2 So there are two ways you can go
3 about it. You can give Antoinette a little
4 bit of time, and then she can come up with a
5 list of people she proposes be considered,
6 which you guys can look at and see that you
7 don't duplicate that. And that way those
8 individuals won't be contacted, you know, two
9 times, you know, by two different parties, you
10 know, or you can do it in parallel. But, I
11 mean, either way will work.

12 MEMBER LOCKEY: Either way will
13 work, Ted. You're right, either way. You
14 just compare the lists and make sure you don't
15 have two contacts going out. That's an easy
16 thing to do.

17 CHAIR ROESSLER: Ted, this is Gen.
18 Too, I don't think we are in a real huge
19 hurry on this. It seems to me we can't pull
20 this off until after the Board meeting. So we
21 are probably looking at March.

22 MEMBER LOCKEY: March or even

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 April. That's probably correct. So --

2 CHAIR ROESSLER: Yes.

3 MR. KATZ: Yes. I would hope that
4 we can do it in March, so that we can move
5 things along, according to everybody's
6 concerns about timeliness. I know DCAS would
7 prefer not to have to go forward with one
8 approach to dose reconstruction now and then
9 have to change course in a few months
10 possibly.

11 So why don't we at least aim for
12 getting this done in March? If we can't do
13 it, we can't. But I think we should try for
14 that.

15 CHAIR ROESSLER: Okay. So are we
16 on track now to -- everybody knows what they
17 are doing? And we are going to find out when
18 we can do it and who can attend.

19 DR. NETON: I think I have a rough
20 idea how this is going to proceed. We will
21 start looking through the files to see if we
22 can identify people that we feel would be good

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 candidates. We will reserve that list until
2 we hear from Ms. Bonsignore.

3 And I think we might want to sort
4 of vet this list with the Board Working Group
5 maybe a little bit before we go out. I don't
6 know.

7 MS. BONSIGNORE: And I think it
8 would make sense to limit your search to
9 people who actually live in the Buffalo area.

10 DR. NETON: Oh, yes. Yes, we
11 would try to do that.

12 MS. BONSIGNORE: Okay.

13 DR. NETON: Absolutely.

14 CHAIR ROESSLER: Josie, do you
15 think you can attend if the time is --

16 MEMBER BEACH: Oh, I will
17 definitely try, yes.

18 CHAIR ROESSLER: Good, good.

19 DR. OSTROW: This is Steve. You
20 know, I think Ted said this a few minutes ago,
21 but I'll repeat it. This is really a Work
22 Group show. This is not particularly a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 technical issue that we are going to decide or
2 NIOSH is going to decide.

3 And it is much better if the Work
4 Group participates firsthand rather than, you
5 know, having it filtered from -- by us or by
6 NIOSH. You know, it is like you really have
7 to see the evidence and hear the workers
8 yourself personally, I think. I think it
9 really revolves around the Work Group Members
10 being able to attend this meeting.

11 DR. MAURO: Steve, this is John.
12 I like the optics of that. You are absolutely
13 right. What we have here is: the Work Group
14 is doing its best for fact-finding; this is a
15 little different. I don't think we have done
16 this before, but I think it's good.

17 The Work Group is the
18 orchestrator, is the integrator and the driver
19 behind this, working closely with Ms.
20 Bonsignore to make sure that the Work Group is
21 getting the information that is as complete
22 and factually accurate as possible.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 So rather than this be, you know,
2 something that is handed off to NIOSH and
3 SC&A, it is a little strange, but I am making
4 a suggestion that this sounds like one of
5 those situations where the driver of this bus
6 should be the Work Group, the Board Members,
7 in terms of orchestrating this.

8 So it's a little different.
9 Usually we, SC&A and NIOSH, are given our
10 missions and we go out and do our job, and
11 then we come back and bring it to the Work
12 Group. In this case, having the Work Group or
13 a designated Member of the Board actually be
14 the person that is facilitating and guiding
15 and directing the activities of the meeting,
16 right from cradle to grave, will be -- I know
17 I've just sort of got a good feeling about
18 that. I don't know how you folks feel.

19 CHAIR ROESSLER: I will answer
20 you, John. I guess all along I have had the
21 understanding that it is the Work Group's
22 responsibility.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. MAURO: Oh, it is. But this
2 is very hands-on now. In other words, you
3 know, as opposed to SC&A going off and doing
4 some work, delivering a White Paper, NIOSH
5 going off, doing some work, delivering a White
6 Paper, and then we convene at a Work Group
7 meeting like this, this would be a little bit
8 different.

9 This would be where -- and in the
10 past also, when we have arranged for
11 interviews, on occasion Work Group Members
12 would participate -- it is not unusual for
13 that -- as just a member of part of the groups
14 that are out there doing data collection and
15 fact-finding as part of a process.

16 But where this is such a focused
17 problem, I don't know, it just seems to me
18 that where the leadership -- you know,
19 actually from cradle to grave for bringing
20 closure is where the -- you know, a Member of
21 the Work Group or of the Board is actually
22 there, so-called in the trenches, with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 everyone involved in this, to listen firsthand
2 to the discussions. Rather than seeing some
3 material written by SC&A, to actually
4 physically be there to listen in and perhaps
5 even help to facilitate the discussion.

6 I don't know. Maybe it has always
7 been that way, but I see the importance of it
8 here.

9 CHAIR ROESSLER: I agree with you,
10 John. I think we go back to Josie's
11 statement, and it comes from our experience at
12 the last Work Group meeting. It was very
13 important for us to be there in person looking
14 at those maps, and the added --

15 DR. MAURO: Yes.

16 CHAIR ROESSLER: -- big chunk of
17 information right now is to have the workers
18 there.

19 MEMBER BEACH: Well, and Gen --
20 this is Josie -- and to understand the points
21 that Antoinette brings up concerning the maps
22 that we looked at on the 30th.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 So, yes, John, I agree it is very
2 important that we are all there.

3 MR. KATZ: Okay. Are we ready to
4 adjourn, Gen?

5 DR. OSTROW: This is Steve. I
6 want to make one more comment, following up on
7 all of this. So, in effect, this worker
8 interview meeting we are going to have is
9 actually a Work Group meeting that is going to
10 take place somewhere in the Buffalo area
11 rather than in Cincinnati.

12 MR. KATZ: Steve, this is Ted.
13 Let me just say this is not a Work Group
14 meeting. We transcribe all of our Work Group
15 meetings. This is -- but we have done this
16 interview, we do this with Work Group Members
17 at interviews -- not all of the Work Group
18 Members will necessarily make it to this
19 meeting, although certainly they are all
20 invited and encouraged.

21 But this is a work meeting. It's
22 not a Work Group meeting, but it is for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 developing information. We have done this at
2 a number of other nuclear weapons sites where
3 we have had the Work Group Members go to be
4 part of the information collection process.

5 DR. OSTROW: Okay.

6 MR. KATZ: It is distinct. It is
7 distinct from the Work Group meetings.

8 DR. OSTROW: I understand.

9 MR. KATZ: In other words, there
10 will be no deliberation and decisions made at
11 this meeting. It will be information
12 collection.

13 DR. OSTROW: Okay.

14 CHAIR ROESSLER: Okay. Then, I
15 think we are -- I think you asked the
16 question, Ted, if we are ready to adjourn. I
17 think we either need to adjourn or take a
18 short break. But I think we are ready to
19 adjourn. Is everyone agreed?

20 MEMBER BEACH: Yes.

21 CHAIR ROESSLER: Okay. Well,
22 thank you all for your participation. I think

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 this has been very productive.

2 MR. KATZ: Yes, thanks to
3 everybody.

4 (Whereupon, the above-entitled
5 matter went off the record at 12:48 p.m.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701