

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

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ADVISORY BOARD ON RADIATION AND
 WORKER HEALTH

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MOUND PLANT WORK GROUP

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TUESDAY
 NOVEMBER 26, 2013

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The Work Group convened
 telephonically at 10:00 a.m., Eastern
 Standard Time, Josie Beach, Chair,
 presiding.

PRESENT:

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

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ALSO PRESENT:

TED KATZ, Designated Federal Official

TERRIE BARRIE

JOE FITZGERALD, SC&A

DeKEELY HARTSFIELD, HHS

STU HINNEFELD, DCAS

DEB JERISON

JIM NETON, DCAS

DONALD STEWART, ORAU Team

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TABLE OF CONTENTS

Welcome and Roll-Call/Introductions	4
<u>Work Group Discussion</u>	
Questions about monitoring logbooks	4
Interpretation of the MESH database	23

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

10:01 a.m.

MR. KATZ: Let's just start with roll call, and we'll talk about a site, so speak to conflict of interest while you are at it.

Let's begin with the Board.

(Roll call.)

MR. KATZ: Okay, then. There's an agenda, which is very simple. Under the meeting, and today's date, we just have two items, and, Josie, it's your agenda.

CHAIR BEACH: Okay, thank you, Ted, and thanks everybody for convening this short -- on such short notice, right before the holidays.

As you all know, we have heard from Mound SEC Petitioners over the last couple of years regarding issues concerning the use of tritium bioassay logbook-based list to support DOL's administration of the

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1959 to 1980 SEC Class for Radon Exposure.

And, this call is to provide an airing of those concerns before the Work Group, that pertain to the use of these logbooks as the sole basis of the SEC inclusion, and how NIOSH went about making that determination in compiling its list for worker names for DOL.

And then just to clarify, while we have other concerns, or SEC, excuse me, the Petitioners have other concerns surrounding the SEC that were raised, the Work Group is focused on the technical basis for how this logbook information was used. And, much of this was broached before the Work Group and the Board in 2011, but this would be helpful for us to revisit this discussion to focus attention on what seems to be recurring concerns that have been raised before the Board.

And, Joe, could you go into the specifics of this for us?

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MR. FITZGERALD: Yes. This is Joe Fitzgerald on the phone.

First off, you know, these issues certainly go back a couple years, and we've covered them in, not only Work Group discussions, but also in October, 2011 White Paper that Brant Ulsh provided the Work Group. This was the October, 2011 NIOSH evaluation of radon issues at the Mound Laboratory.

So again, there's definitely some history of discussion on these.

Just for -- since it's been a couple years and we do have, I guess, Terrie and not Deb on the phone, first, you know, the first issue is NIOSH, this comes from the October, 2011, so I'm quoting directly from that.

"NIOSH has performed analysis to tritium logbooks, and has identified every worker with one or more tritium bioassay results in the tritium logbooks during the

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SEC time period." Okay, that was the basis, again, for the logbooks themselves being applied.

This list has been provided to DOL, and is being used to support the administration of the SEC Class.

A third item, just to set the table, is the 0.00 issue, which came up in our discussions back in 2011. And, I think Brant pointed out at the time that the individual -- and this is an artifact of how Mound maintained its bioassay records in MESH, but, you know, MESH was a dose file, not a straightforward bioassay file.

And, in terms of reporting dose, they did combine the tritium bioassay results with the external dose results, and in September of each calendar year that combination was presented or identified as such.

And so, you would sometimes have a 0.0 for individuals, which did not in fact

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signify any bioassay, they essentially had zero external dose. And, whether or not they had any bioassay results for tritium would not have been apparent from that particular file, or that particular report in September of that year.

I think there have been, I recall, five sample cases that were run through with the zero results, just to validate that assumption. And, in each and every one of the five cases it was determined that the primary record, primary record being the logbooks, did not contain those particular names, did not have those names listed for those dates, and so, therefore, that, again, did not carry forward as, necessarily, in fact, a tritium bioassay.

So, I don't think there is any issue from our side from that, that was something that was addressed a couple years ago, and, in fact, there was a five sample

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validation of that particular question along the way.

Beyond that, I think the question that we've been hearing, and this has come up, I think, Deb Jerison has mentioned this two or three times at Board meetings, but a concern over whether the logbooks would be complete enough, accurate enough, applicable enough, to be used as the sole source of the one tritium bioassay result, which is the trigger for inclusion in the SEC for 59 to 80.

And, just to reiterate, based on the record on that one, logbooks, and we've, you know, we've gone a number of different sites where, you know, certainly, we've questioned the electronic database for internal dosimetry. And, if nothing else, both NIOSH, SC&A, the workgroups, at these various sites have pushed to validate the electronic database against the primary source, which is, in fact, logbooks and

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other, you know, means by which the dosimetrist first reports the individual and the date, and the bioassay procedure that's given. So, that is the primary record.

And, in this particular case, the primary record is being used to provide a basis for the names, dates and, essentially, with the identity code, the identity code for workers who would have received tritium bioassay.

Though, certainly, we don't have a question regarding that as the primary source, we do have some questions on implementation. One of the issues that first came up was the question of missing logbooks, and I think very early NIOSH identified two periods of time during which the logbook information was missing, September 1, '72, through December, 31, '72. And, of course, January 1, '75 through December 31, '76.

And, I think those issues were

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settled without any real issue. I think it was acknowledged that without the logbook as a primary source, one could not, necessarily, demonstrate that certain individuals would have received a tritium bioassay per se, and I think an 83.14 was pursued by NIOSH to expand the coverage of the SEC to all employees for those periods.

So, there was no issue on that, but that was, certainly, an example where missing the primary data one had to expand the SEC Class.

The question I think that has been raised in some of the comments that have come before the Board is, what do you do if, for example, you are not missing whole logbooks, but you are missing, perhaps, pieces of the logbook, in terms of having pages illegible, or having names and HP numbers illegible, these would not be -- and I've looked at, just to refresh my memory, went back and looked at the logbook

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pages, sampled them, in effect. And, you know, you are missing days, basically, as opposed to months, if not a year or so, which is the case for the other gaps. But, these are much smaller gaps.

But, I think the question of legibility, and what do you do when you are missing some of this data, has come up before the Board, and it may just be a useful thing to start with in terms of some clarification from NIOSH, since we didn't really get into this, I think, in Work Group discussions, not so much the larger gaps, but how has NIOSH -- how did NIOSH handle the gaps that were, perhaps, days or half days, where you are missing, you know, because of legibility issues.

Now, legibility, from the standpoint of what I saw in the SRDB is not, necessarily legibility on the original documents. So, another question would be, was the original DOL list compiled from the

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original sources, which, certainly, would be available, or did the SRDBs reflect the conditions of the original documents.

I mean, clearly, some of these names and HPID numbers were not identifiable on the screen, but maybe they were written in pencil or something, and may be legible with the hard copy. So, I'll just leave it at that, and maybe that would be something we could start with.

MR. HINNEFELD: Well, this is Stu, and I'll offer some history here.

Initially, when we examined the images of the logbooks, there were, in fact, some sheets that were illegible. And, we went back to recover from that, went back to Legacy Management, had them pull the logbooks, the originals again and re-image a number of sheets to get what we believed to be legible copies.

I think handwriting being what it is, I believe there may have been some

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questions about specific letters here and there on some names. And, as I recall, when we prepared the list, if there were two potential spellings for the name Meyer, for instance, I think with any given written, you couldn't tell from the writing what letters they were, we would list each reading that it appeared to be, so that both names, both spellings, would appear on the list.

And, then ORAU, or then DOL in the Administration Class, works from the list that ORAU, that we prepared. So, I believe that's how it was dealt with. This goes back a couple years, and so I'm speaking from memory.

MR. STEWART: This is Don Stewart. I have something to add to that. And, first, I'd like to say that I'm not conflicted with Mound, I believe I forgot that earlier.

When we go back and look at

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these logbooks, we don't see a name come up one time and then disappear. Typically, what happens is, people work campaigns, or for very long periods of time, in fact, with weekly entries of their name in the logbooks. So, I mean, as we approach the date of interest, we'll, typically, see their name recurring again, and again, and again.

I'm not saying that that has happened in 100 percent of cases, but that is what I recall happening on every claim that I've looked at, to go back and see, is this person, in fact, covered in the logbooks, their name is in the logbook week, after week, after week. It's, typically, these assignments lasted for a long time at Mound.

MR. FITZGERALD: And, I would tend to agree with that. You know, I was trying to distinguish clearly three months, which is the first logbook gap which was in

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'72. I think it was '72, where an 83.14 was done. That's, certainly, less than 250 days, but the sense was it was long enough where that repetition you are talking about may have not been held as well.

When you are talking about a day or two, and this is something that I think is pretty apparent from the names that keep showing up, you are more likely not to have as much of an issue, because you are going to have those same individuals in the period right before that minor gap and right after that minor gap. It's not 100 percent, you know, surety, but I think what you are saying is that the likelihood would be that you wouldn't be missing anybody who would happen to be showing up in that one or two-day interval.

MR. STEWART: And, the other aspect of it is that, if we see a name that looks like it could be the name of the individual that we are looking for, and it's

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not quite legible, and I don't recall this ever happening by the way, we would, typically -- you know, we are set up to default conservative, so we would assume that this scribble that started with a B was, in fact, the person named Benson that we were looking for.

That's how we approach every, you know, gap, everything that we can't quite be certain of, we are going to fail on the conservative side, and that is claimant favorable side.

CHAIR BEACH: This is Josie. I have just a quick question on the logbooks.

When you guys created the list, did you do any kind of verification or QC of that list after it was created, to just assure yourself that you didn't miss any potential people?

MR. HINNEFELD: Well, this is Stu, and I'm not really in a position to say that -- anything about that today. This

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list was generated at least two years ago and so we would have to go back to the actual mechanics of it to find out. I would suspect give what was at stake that there was some QC. Whether it was just a visual verification or what, I don't know. We would have to go find out from the people who actually did it.

CHAIR BEACH: That is fair enough. This is Josie again, can I ask did Deb Jerison, did you join us by any chance.

MS. JERISON: Hi.

CHAIR BEACH: Oh, good, you are on. Thank you. Okay.

MR. FITZGERALD: Okay. Another question that has surfaced, I think, over the past year or so has been this question of re-use of the HP numbers.

Just to clarify, I think what Stuart was saying was something to the effect of, any means to identify a worker on the logbook, in the logbook, would have been

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employed, meaning that, certainly, if the name wasn't legible, but the HP ID number was, then that, certainly, would be used, or vice versa.

I guess so the case of any re-use of HP ID numbers would probably only into play when that was the -- maybe the name was not legible, and that was the only means to identify an entry, than, perhaps, some question about whether these numbers would have been duplicated or not.

Just a question of whether that was observed, whether, in fact, these ID numbers, in fact, were reused or recycled, that kind of thing, any observation on that?

MR. HINNEFELD: This is Stu, and, again, I'm speaking from memory here, but I believe our expectation -- I believe when we prepared the list, we were under the impression that the numbers were reused, and that the ID number would not be a unique identifier.

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So, it would make sense, and I'm only speculating here, it would make sense that if you are reading a logbook, and the name isn't exactly legible, but the ID number is, and a week earlier you had a sample from that ID number, and the name is legible, and it looks a lot like the one that you are trying to figure out now, it makes sense that people would conclude, well, that was this person who left a sample a week ago with the same number.

But, I don't believe there was any expectation as we went through this that a number was a -- that the ID number was a unique identifier, because our understanding was that they were reissued.

So again --

MR. STEWART: I'm sorry, this is Don Stewart.

As I understand it, early on they did recycle them, and then they decided they wanted to use a unique number and they

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stopped doing that.

But, as far as using the HP number goes, speaking as a dose reconstructor, it hasn't come up that often. Typically, the names are legible.

The one case that I -- you know, a couple of times I remember I did use the HP number was when people had the same last name. In fact, you know, successive generations of people, had to use the HP number to distinguish the elder and the younger of those two people. It's happened a couple of times.

MR. FITZGERALD: And, just to reaffirm that, having scanned the logbooks, yes, the ID number as being the only reference point is relatively rare. And, in fact, most of the logbooks are very neatly prepared so the names are very legible. It's only a few places where, apparently, whoever was keeping the logbooks had terrible handwriting, or used a pencil that

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it was kind of hard to see.

But again, the question of the HP ID number being sort of the only go to identifier seemed to be very rare across those years of logbook entries.

So, I just wanted to mention that.

MR. STEWART: I would agree with that, as a dose reconstructor I would agree with that. Keep in mind, we come from an age where handwriting mattered, that's no longer true, but certainly in those days it did, especially for log keepers.

And, we usually have pretty good results. There's one person at SRS who was not very inspired in terms of handwriting ability, but everyone else has been pretty good.

MR. FITZGERALD: Okay. In terms of the logbooks, that was the -- that was kind of the clarifying issues that we heard, or the questions we had heard during some of

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these discussions.

Certainly, the logbooks are the primary source, from which the other databases are drawn downstream. So, as long as that information is useable, and that's the question we've been sort of grappling with over the last five or ten minutes, then there's no better source for the identity of individuals who received tritium bioassay at Mound during those years.

So again, we wanted to go through those logbooks one more time, just to reaffirm that the information there was sufficiently legible and useable. And, I think we were able to see that pretty clearly.

I'll mention this question of the MESH database, and this was addressed pretty thoroughly a couple years ago. And, I know it's been raised a couple times in some of the discussions, as far as getting a suitable response. And, this is the

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question of some of the claimants having MESH results that show a zero entry that includes the tritium dose, when, in fact, there's a bit of an artifact that's built into the MESH system that reports the internal plus external, in this case tritium, once a year, as I recall, and also that similar process is used at other sites.

The one question I had on that, just to clarify, and I don't know if Stu or Jim can answer this, because this is as much DOL, but some of the issues that had come back from people self-identifying as receiving tritium bioassay, a number of those, I think you ran some sample claims where, in fact, it turned out they did have that zero entry for the tritium plus external.

Was there any other instances, to your knowledge, where a MESH result, or any other result, may have come up that did not include that zero artifact, was

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something other than that, for which there was no entry in the logbook? In other words were there any other instances where that cannot -- where it couldn't be rationalized why one had a tritium bioassay result, but not be in the logbook, assuming the logbook again is the primary source?

MR. HINNEFELD: This is Stu.

I can't -- I don't know of any other indications or any other records like the MESH tritium report that seem to give conflicting information from the logbook. So, I can't recall any.

MR. FITZGERALD: Because it's understandable how common that entry would be, considering that anybody who was a tritium worker would have had an entry, I would assume, if they were being externally monitored, would have that annual entry.

Am I interpreting that right, they would have that entry?

MR. HINNEFELD: Well, if they

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were externally monitored, the MESH tritium report would list a zero in the tritium dose number for that year.

If, in fact, they had either no tritium bioassay or if they had given tritium bioassay that was all non-detect.

MR. FITZGERALD: Right.

MR. HINNEFELD: So, and if they were not externally monitored, and did not get any tritium bioassay, then the MESH tritium report does not print that year in the report. So, you have, you know, there are years missing in the MESH tritium report.

And so, in the years missing, that means that the person was not monitored for external exposure and that they had no tritium bioassay in that year.

CHAIR BEACH: So Jim, this is Josie, there was one entry, one of the claims on the second page of the report that you sent out last week, and there's one

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confusing entry to me on the year 1969, external monitoring, yes, zero on the report, but it did show that there was a result in the logbook. I think that was the only one I saw, and it was just -- it was a little different from any of the other reports. So, I was curious about the difference there.

MR. HINNEFELD: I'm looking through the report.

CHAIR BEACH: It's claim [identifying information redacted].

MR. HINNEFELD: Okay, I got it. In 1969, yes, the person was monitored for external exposure, and they did have a tritium result in the logbook.

MR. STEWART: Excuse me, what are we looking at?

MR. HINNEFELD: I'm not sure I can see the claim number on it.

CHAIR BEACH: Yes, it's the second page.

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MR. HINNEFELD: The report that was sent out, if you start counting on the pages that includes the claim and the actual analyses year by year, the claims, it's page three --

MR. STEWART: OK.

MR. HINNEFELD: 1969, the person was monitored for external exposure. So, that is the only criteria really needed to get -- to mean that there is going to be a number in the tritium report, in the H3 report there's going to be a tritium dose number in the tritium dose report.

The fact that they were monitored for external exposure means there is going to be an entry, a numerical entry on the tritium -- MESH tritium report for that year.

Now, in this case, in 1969, this person had bioassay, tritium bioassay in the logbook in 1969, but their tritium dose is zero, and so I would conclude from that that

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their tritium bioassay result had a non-detectable result, because, you know, when I ran bioassay programs if the tritium -- if the bioassay was non-detectable, the person's dose was zero.

So, that is one of the possible explanations.

Now, on the same claim in the next year, 1970, the person was monitored for external exposure, and that, again, is the only criterion needed to put a number in the tritium dose report, in the tritium dose report field. So, a number goes in, in this case it's zero, and the person did not have any tritium result in the logbook. And so, that also is consistent with what we've been saying.

What you would see in some of these cases, I believe, is that the number in the tritium report won't be zero. For instance, if you go back one page, one page earlier I mean, one page earlier --

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CHAIR BEACH: Right.

MR. HINNEFELD: -- 1965 and 1966, there are numbers in the tritium -- the MESH tritium dose report for those years, they are not zero. And, those are the dose numbers that result from the tritium bioassay that the person left in those years, and you can see there are yeses in the logbook column, that they did leave tritium bioassay samples in those years.

CHAIR BEACH: Okay. So, can we assume the report with the numbers indicate that that was internal or external, that field?

MR. HINNEFELD: Looking at the MESH, what's called the MESH tritium report.

CHAIR BEACH: Yes.

MR. HINNEFELD: And, there is a number for particular year. And, up and through about 19 -- what was it, '77 or something, they only printed years. There was one number per year in that report.

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So, on that report, if there is a number for a given year, that means that the person was -- it probably means the person was monitored for external exposure. It could mean the person, even though they weren't monitored for external exposure, had tritium bioassay samples with no detectable results.

CHAIR BEACH: Okay, Jim, or, Stu, excuse me, thank you. That is a bit helpful.

MR. FITZGERALD: And, there would not be any issues with having a blank entry. I think that has been mentioned in some of the comments I've seen.

Certainly, a zero entry might be plausible, but would have to be confirmed by the logbooks. But, it wouldn't be a blank or a non --

MR. HINNEFELD: From the MESH tritium report?

MR. FITZGERALD: Yes.

MR. HINNEFELD: If the person was not monitored for external exposure, and did not leave any tritium bioassay samples in that year, then that line will be blank. There will be a line, it doesn't even get a line, it doesn't get printed for the report. There is not a print, there's not a line for that year in the report. I believe that's how it is formatted.

MR. STEWART: Yes, that's my experience as well.

MEMBER ZIEMER: This is Ziemer. And so, if it says that there is a tritium result, it can still be 0.00 though, that's correct?

MR. HINNEFELD: Yes.

MEMBER ZIEMER: For example, the first claim in your example for '79, it says there is a result, and there are two of them, and there's two yeses for tritium, one has an actual value, the other is zero.

MR. HINNEFELD: Yes.

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So, in that case, in 1974, there was bioassay that was detectable, and so a dose assessment was done on the tritium bioassay, arriving at a dose number.

MEMBER ZIEMER: That's right.

MR. HINNEFELD: And, in '79 there was not any detectable tritium bioassay.

MEMBER ZIEMER: But there was a bioassay. Right, got you.

MR. STEWART: And, just the other thing that I'll point out as well is, you may see a positive result in the logbook that will still end up being a 0.00 because it ends up being less than one millirem.

MEMBER ZIEMER: So, anything less than 1 millirem report --

MR. STEWART: Yes, I actually forget how many digits that measure fork goes out, but you may have, we can see the tritium down really low, below the levels that we will report.

CHAIR BEACH: Yes, there's one on

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the first page of the claim that was 0.05,
0.412, so --

MR. STEWART: Well, that's in
rem.

MEMBER ZIEMER: Well, that's in
rem, 50 millirem or 12 --

CHAIR BEACH: Yes.

MEMBER ZIEMER: 50 millirem,
right?

MR. HINNEFELD: Yes.

It appears to me that they wrote
that tritium dose number, the mass tritium
dose, whatever field from the database that
they drew from when they put that tritium
dose number on the MESH tritium report was a
field that they then would add to the
external photon plus external neutron, to
get the total full body dose.

And, if they didn't have to do
that, they didn't have to sum those, because
they didn't have any external monitoring,
then there was no numerical number generated

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for that field.

MR. STEWART: Several other sites do that as well, that is, report the tritium dose on the external database.

MR. FITZGERALD: Josie, that's all I have.

CHAIR BEACH: Okay, thanks.

Anybody else, Brad, Paul?

MEMBER CLAWSON: Josie, this is Brad.

I guess I'm still a little bit confused, but the problem that I saw is, in this last year, two years, Brant was bringing us some stuff, but then he left and it kind of fell into limbo.

Has SC&A even looked at -- have they looked into the logbook part of this, validating this, at this time?

MR. FITZGERALD: We didn't validate the logbooks as much as dealt with the issues that were raised in this -- mentioned in this White Paper in 2011. And,

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we dealt with some of the issues that were rising out of gaps in the logbooks, as well as this question of the 0.0.

At that time, I think the implementation was ongoing, as far as compiling a list, providing that to Labor and what have you. And, I'm not sure of the exact timing, but I think that was proceeding about that time, and these issues were surfacing and being brought back to the Work Group. And, there were discussions again, I think, it was in November, 2011, a Mound Work Group meeting, at which we were all in attendance, where these issues were discussed as implementation questions, using the logbooks.

But, we have not gone back and done any validation per se on the logbooks. The logbooks are the primary record, though, you know, the dilemma is that there is no more primary -- you know, primary is primary, that is the primary record.

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When we validate the electronic databases, we will validate those databases against the primary record, the logbooks. But, in this case we are talking about the logbooks. So, the question that we have on that is simply, are they useable from the standpoint of can the information be identified and used in a way that is being proposed, and that's what we've been discussing, making sure that the information is available, that it's complete, that it's legible, that there's no evidence that it could not be used in that fashion.

And, I don't think there's anything that jumps out. And, there isn't any more -- a more fundamental source of this information. This is the primary source. So, as long as it is completely legible, and there's no major gaps, and the gaps have been identified, which is the source of 83.14 actions, then, again, I don't think there's any problem from that

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standpoint. That's what we are finding anyway.

MEMBER CLAWSON: Okay. Well, I just -- you know, this is kind of a difficult one, because losing Brant in the middle of this, and being so long, too, I just -- I remember we had a lot of questions on this in the implementation of it. And, I just want to make sure that we did due diligence on this, make sure that --

MEMBER SCHOFIELD: I do have one question.

Since we are missing the logbooks for '75, what is -- what do you consider the impact on personnel who may have only been -- had a sample in '75, and no other year? How are we going to look at -- to document those people?

MR. HINNEFELD: Oh, that would be addressed in the 83.14 SEC for that year, all employees are included in the Class.

CHAIR BEACH: This is Josie

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again. So, I guess the question for the Work Group to NIOSH is, I think we need to look at the validation and verification possibly as a way forward of the list that was sent to DOL. Is that something that -- that you can do for the Work Group, so that we have something to --

MR. HINNEFELD: Well, I can certainly ask.

CHAIR BEACH: Okay.

MR. HINNEFELD: I can certainly ask what was done, and see what we get back. We'll get to the people who prepared the list, and see what they did in those steps.

And then, you know, I guess there's always a random sampling approach, you could randomly sample some names on the logbooks and see if you find them on that list.

MR. FITZGERALD: I was going to say, the only -- and something as broad as this, and the fact that it is, you know, a

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primary database, the real-time experience, meaning -- and I mentioned this earlier, you know, if there had been any instances outside of the 0.0 phenomena on MESH that has come forward in the DOL process, and DOL, I suspect, would come back to consult with NIOSH, any exceptions that would come up would also be an opportunity just to validate that logbook, in fact, is complete and accurate. And, you know, the question would be whether any instances outside the 0.0, and there was a number of these instances that were, I guess, cited in commentary when Labor first started using the list.

And, I suspect that a lot of those questions coming back to Brant were involving the 0.0 in the MESH. Someone had a MESH record that had a tritium entry of zero, or whatever, plus the external, than clearly that would be something that would surface in the DOL process. But, I think it

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sounds like those were all answered and satisfied.

So, that would be the only, certainly, addition would be experience that could be folded into validating, that the list has stood up, and proven to be quite adequate for the purpose.

COURT REPORTER: This is the court reporter. Could the last speaker please identify himself?

MR. FITZGERALD: I'm sorry, Joe Fitzgerald.

MEMBER ZIEMER: This is Ziemer. It seems to me that that's exactly the situation, that we don't have a problem unless Labor has an issue in whether or not to put a person in the Class.

If you are taking care of the 0.0s then we have covered everything that Labor has identified to date if there's a minimum that comes up, we could handle it. Otherwise I don't see the point of sampling

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because they seem to be able to put the people in the Class without a problem.

Am I understanding it correctly?

MR. HINNEFELD: That would be our interpretation.

MS. HARTSFIELD: This is DeKeely.

You know, from a legal perspective I do think there is an issue with going back and doing additional work, in terms of validation. But, if there is an issue with implementation from the Class that's brought to NIOSH from DOL directly, then I think that's something that we could discuss and, you know, Ted can consider what should be charged to the Board and what should be, you know, charged to the contractor, in terms of doing follow-up work.

I think, you know, doing additional work kind of exceeds the duties of the Work Group in terms of defining the Class, which has already been done, so

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additional validation issues that are related to implementation needs to be -- this kind of task would need to be developed from communications with DOL.

CHAIR BEACH: Okay, so this is Josie.

So then, at this point we would -- would NIOSH look at any issues that have arisen since the 83.14 for those two years that have already been identified, or do we already know that there's no issues in identifying people in that Class, that they -- other than the 0.0 we've already discussed?

MR. HINNEFELD: I don't know of any. I don't know exactly where I would look. I guess there might be some places we could look to see if we've gotten questions or inquiries about other things.

I'm kind of at a loss right now as to what the assignment would be in that instance.

MR. KATZ: Stu, it seems to me like these cases, were there such cases they would come to you, because they would end up as dose reconstruction cases, if DOL can't settle them into the Class, right?

MR. HINNEFELD: If DOL doesn't put them in the Class, they would send them to us as dose reconstruction cases. And, that goes -- and then what follows after that. I mean, we do the dose reconstruction.

I don't quite understand --

MR. KATZ: So, what I'm saying, Stu, is that if this came to you in error from DOL, because they had a problem with the images on the log, and they came to you, you would have those same records. If you had them on the log, right, would you even look at the log for dose reconstruction cases?

MR. HINNEFELD: I'll have to check with the dose reconstructors. I don't

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know if they would or not.

MR. KATZ: Okay.

MR. STEWART: Yes, the answer is yes.

MR. HINNEFELD: Okay.

MR. STEWART: If we get a claim, we have, in the past, it doesn't happen often, however, we have received cases that were not included in the SEC in error, in which case we would ask DOL to review the case based on the evidence, based on the specific evidence that we cited.

For instance, in a case like this we would say, it appears that this individual had tritium bioassay in 19, you know, whatever, and we'd like DOL to take a second look at the case, and we have done that in the past.

MR. KATZ: Okay.

MR. STEWART: So, that's an additional measure there to cover anything that gets by.

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MR. FITZGERALD: Yes, just to clarify. I think along those lines, I think DOL has been fairly versed in the fact that the MESH -- the use of the MESH record for submission into the Class wouldn't supersede the list that was based on the logbook that was provided by NIOSH would automatically, I guess, submit for dose reconstruction.

If there were any anomalies, where that MESH basis for their proposal for inclusion in the Class wasn't a 0.0 phenomena, in other words it was something else, that would be, you know, an opportunity to say, okay, there's something more than the 0.0 that has been -- and I'm not sure there is, but has been the basis for their believing they were bioassaying looking at that record.

And, if it exists, and that would be something to review, if it doesn't then I think it's pretty clear that there isn't any other record that would surface

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that would support entry. And, the logbooks, I think, stand pretty much as we've already proposed as complete and accurate.

CHAIR BEACH: Okay. So, Deb, do you have any comments that you'd like to make -- Jerison, or any concerns that were not addressed?

MS. JERISON: No. This has been very helpful, to hear how it was done and stuff. I wasn't aware of how much had already been addressed. So, thank you.

CHAIR BEACH: Okay. So, I guess moving forward, there's nothing specific that needs to be done. Am I correct in that assumption?

MEMBER ZIEMER: Josie, this is Ziemer.

I think I would agree with you. I don't think we have to take any specific action, although, we may want to make a record that the Work Group is satisfied with

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how these have been handled to date.

CHAIR BEACH: Okay. How do the other Work Group Members feel, satisfied with the discussion today?

MEMBER CLAWSON: Josie, this is Brad.

You know, I think NIOSH has done a good job. I don't have any problem with that.

I'm still trying to catch up from when Brant left off, where we were at last time, because I thought that he was going to give to the Work Group a copy of this, so that we could see what process has been done. And, I've never seen that.

And, I realize that Stu has been put in a bad situation here, because it's kind of in the middle of things, but I'm just -- I don't know, I'm still wondering how they got to where they did, how did they check it out.

CHAIR BEACH: Yes.

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MEMBER CLAWSON: QA check.

MR. HINNEFELD: Okay. So, a copy of what you said you thought Brant was going to give you a copy of this, a copy of what?

MEMBER CLAWSON: Okay. He was going -- when they took it from the logbook, and they moved it over to the copy that they were going to give -- I believe it went on the MESH or whatever -- they were going to give to DOL. And, last time I remember it had not been completely finished at that time.

And, I thought that we were going to check that. I thought we were going to have an opportunity to validate what had been sent to DOL.

CHAIR BEACH: So Brad, sorry to interrupt. Let me -- is it possible, and I'm asking legal this also, to have NIOSH tell us what they did to verify or validate the list that went to DOL? Is that something that we can request? We discussed

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it earlier.

MR. KATZ: I think Stu already --
Josie, you already offered to say you would
check back with them.

CHAIR BEACH: Right. So, I just
--

MR. KATZ: Just to make sure the
list is complete.

CHAIR BEACH: -- sorry, I just
wanted to make sure that it was okay on the
legal standpoint that we could still have
that come forward.

MR. KATZ: I mean, Josie, he was
really addressing what we do with Board
money and so on, but --

CHAIR BEACH: Okay.

MR. KATZ: -- but DCAS doesn't
have its hands tied about taking a look at
the process there.

CHAIR BEACH: Okay. So, I think
before we close this totally out, if the
rest of the Work Group agrees, I would like

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to see, you know, what was done to verify the list, if at all possible, or if anything was done, how it was done.

MR. HINNEFELD: Okay. I will see what I can find out. You know, the list exists, so --

MEMBER CLAWSON: Stu, this is Brad again. I'm not saying that NIOSH hasn't done it right. In this time frame, things kind of got dropped in a little way, and I just want to make sure that we covered what we originally started to.

I know that Brant says, well, we are in the process of getting this list finalized, and then we'll -- then it will be able to be reviewed, or checked, or whatever you want to be able to do. Since that time Brant is gone, things have kind of dropped, and I just -- I feel that this is one check that we need to just kind of bring it to a close.

CHAIR BEACH: Okay. Anyone else?

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MEMBER ZIEMER: This is Ziemer.
Can you clarify, or maybe Stu clarify, what
is it that you are going to actually do?

MR. HINNEFELD: Well, what I
intended to do was to go to ORAU, the people
who compiled the list, and say, what kind of
quality assurance measures did you take when
you compiled this list, to make sure you got
all the names correctly onto the list.

So, that's what I intend to ask.

Now, Brad seems to be asking
about having the list, and as far as I know
I can make that available to the Board
Members, I mean, it's Privacy Act
information, but I --

CHAIR BEACH: Yes, I don't think
-- I, personally, don't think that's
necessary.

MR. HINNEFELD: No, I don't know
why I would want the list.

CHAIR BEACH: No.

MEMBER ZIEMER: No, I don't know,

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if he's asking about the quality of the list, I sort of felt that there is an inherent built in safeguard, that if somebody's name is missing it's going to pop back to you.

And, at least -- I was just asking for assurance of how the list was compiled, or were you asking about some sort of a sampling procedure.

MEMBER CLAWSON: No, I wasn't asking for a sampling procedure. I just -- I did not -- I am under the impression that -- I just want to make -- there's got to be a QA check on this, what they did.

And, here's my question for Joe. Have you guys ever been able to do any check on to this list that was sent?

MR. FITZGERALD: No, we have not seen the list per se. The only validation one could do is the validation we've been discussing, which is to compare it against the logbooks and see if, you know, you could

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sample it that way.

But, quite frankly, I think Stu is going to answer that issue in terms of what QA was done when the list was prepared. So, that would be the only consideration on the list itself.

MEMBER CLAWSON: Okay. This was one item that was left kind of in limbo, and I'm not asking for the whole list. I'm just wanting to make sure that we have done our checks and balances to make sure that the claimant has been duly taken care of, and that we've -- because we've always checked out the process of how this has been done, I just want to check the checks and balances. And, if that brings assurance to SC&A then, you know, then we've done due diligence.

MEMBER ZIEMER: Yes, I'm fine with that, and it seems to me once Stu reports back to us, we can -- we can, if necessary, we can make an initial decision as to whether any further steps are needed.

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At this point, you are asking for clarification on exactly how that list was generated, and what they did to assure that it's the right list.

I guess Stu is just going to report back on what he finds on that, right?

MEMBER CLAWSON: Right.

MEMBER ZIEMER: I'm comfortable with that, Josie.

CHAIR BEACH: Okay, great, I'm comfortable with that as well.

Stu, the age-old question, how long do you think?

MR. HINNEFELD: I don't think this should take very long, because it's going to be, essentially, a description of what they did, but I hate to make too promises about our contractor, because they are -- the resources are all, you know, assigned to do stuff. And so, it's not like they have any free time or free money sitting around.

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CHAIR BEACH: Okay.

MR. HINNEFELD: I wouldn't think it would take too long.

CHAIR BEACH: Okay. Maybe we can just do this through an email, maybe give us an idea or sense of how long, once you talk to ORAU.

MR. HINNEFELD: Yes, I'll try to do that. I'll try to let everybody know if this is going to take longer than I think, or whether it's something that can be done before the end of the year.

CHAIR BEACH: Okay. And then, Ted, I'm not sure if that would warrant another call, or if we can look at it via email, and then go from there if we determine we need a call after that.

MR. KATZ: And, this is Ted. You can take it, depending on what he responds, but I can't imagine there's much to warrant a call and the expenses of the call.

CHAIR BEACH: Right.

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MR. KATZ: So, I think we probably could handle it with email, and you can report out at the January Board meeting.

CHAIR BEACH: Okay, that sounds fair enough.

Before we conclude this call, any other comments, questions, concerns?

Okay, Ted, I think we can close. Thank you, everyone.

MR. KATZ: Thank you very much, everyone.

(Whereupon, the above-entitled matter was concluded at 10:57 a.m.)

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