

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

+ + + + +

SUBCOMMITTEE FOR DOSE RECONSTRUCTION REVIEWS

+ + + + +

MONDAY  
JULY 7, 2014

+ + + + +

The Subcommittee convened via teleconference at 10:30 a.m., Eastern Daylight Time, David Kotelchuck, Chairman, presiding.

PRESENT:

DAVID KOTELCHUCK, Chairman  
BRADLEY P. CLAWSON, Member  
MARK GRIFFON, Member  
WANDA I. MUNN, Member  
DAVID B. RICHARDSON, Member

## ALSO PRESENT:

TED KATZ, Designated Federal Official

KATHY BEHLING, SC&A

RON BUCHANAN, SC&A

GRADY CALHOUN, DCAS

DOUG FARVER, DCAS

ROSE GOGLIOTTI, SC&A

JOHN MAURO, SC&A

BETH ROLFES, DCAS

GENE ROLLINS, ORAU Team

MUTTY SHARFI, ORAU Team

SCOTT SIEBERT, ORAU Team

MATTHEW SMITH, ORAU Team

JOHN STIVER, SC&A

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

## T-A-B-L-E O-F C-O-N-T-E-N-T-S

	<u>PAGE</u>
Welcome and roll-call .....	5
 <u>Case Reviews Issue Resolution</u>	
Sets 10-13, remaining cases (Oak Ridge National Laboratory, Y-12, K-25, and other DOE and Atomic Weapons Employer Sites)	
NTS 266.1.....	7
306.1.....	11
290 and 290.1.....	12
290.2.....	28
290.3.....	43
LBNL 228.1.....	56
228.2.....	61
228.3.....	76
Observations 1 and 2 .....	70
Observation 3 .....	76
Observation 4 .....	85
Observations 5 and 6 .....	87
291.1.....	90
265 .....	95
Observation 1 .....	101
290.1.....	106
Mound, 323.1.....	106
223.2.....	114
223.3.....	128
Pinellas Observation, 233.1.....	143
Pinellas, 299.1.....	145
299.2.....	146
299.4.....	154
Aliquippa 248.....	160
West Valley, 234.1.....	161
Observation 2.....	170
Observation 3.....	190
Observation 4.....	191

**NEAL R. GROSS**

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

## T-A-B-L-E O-F C-O-N-T-E-N-T-S

	<u>PAGE</u>
Simonds Saw & Steel, 240.1 .....	184
240.2.....	197
240.3.....	217
240.4.....	223
240.5.....	223
240.6.....	227
240.7.....	228
240.8.....	229
240.9.....	230
240.10.....	231
 Plans for completing review of Sets 10-13 .....	  249
 Summarizing review results for Board report .....	  251

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

2 (10:34 a.m.)

3 MR. KATZ: So for roll call, we have  
4 you all on line, but let me run through the Board  
5 Members' conflicts because it's a little  
6 complicated otherwise to deal with that, given  
7 that we're doing individual cases for lots of  
8 sites.

9 So let me just run through those and  
10 I'll run through them for the two missing Board  
11 Members under the assumption that they will  
12 turn up in this meeting at some point. So I'm  
13 just going to do this alphabetically:

14 For Brad it's INL. He has a  
15 conflict for INL cases. For Mark, no cases.  
16 For Dr. Kotelchuck, none. For Wanda Munn,  
17 Hanford.

18 For Dr. Poston it's actually quite  
19 a list. It's Argonne National Lab, ORNL which  
20 is X-10, Sandia, LANL, Y-12, Lawrence Livermore  
21 National Lab, West Valley Demonstration  
22 Project and anything related to his son who has

**NEAL R. GROSS**

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

1 in the past done dose reconstruction cases.

2 And Dr. Richardson has no conflicts  
3 for any sites.

4 (Roll call.)

5 MR. ROLLINS: I need to say Gene  
6 Rollins has conflicts at Hanford and SRS.

7 MR. KATZ: Okay, thank you, Gene.  
8 That takes care of that.

9 (Complete Roll call.)

10 MR. KATZ: Okay, well, we can get  
11 started. The agenda for the meeting is posted  
12 online. All of you should have it and I sent  
13 out a correction about the selection of set. I  
14 had the wrong set number. Thank you to  
15 somebody who corrected me, Beth I think. And,  
16 Dave, it's your meeting.

17 CHAIRMAN KOTELCHUCK: Very good.  
18 Okay, I have on my screen now, as I guess all  
19 of us have, the DR Audit Finding Resolution from  
20 April 24<sup>th</sup>, which indicates that there are 82,  
21 yes, 82 outstanding cases from 10 to 13,  
22 although I must say that when I go over the cases

**NEAL R. GROSS**

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

1 that Doug has sent us and Beth also, there are  
2 nowhere near 82 and I'm not quite sure whether  
3 the audit does not incorporate later changes or  
4 quite what.

5           However, maybe what we should do is  
6 just simply start with the matrices that were  
7 given to us by Doug, actually on the 2nd and then  
8 updated today. Let's go to Doug's 10 through  
9 13, the remaining sites, I believe.

10           And he had indicated and we had  
11 indicated at the end of the last meeting that  
12 we were going to start on, I believe, 266.1,  
13 NTS, which I believe is in there. There we go.  
14 So let us begin. 266.1 is up on the screen.  
15 Doug, do you want to start?

16           MR. FARVER: Sure. We discussed  
17 this one before, so this has to do with the  
18 differences in the summing of the doses and  
19 there was a missing 150 millirem.

20           When we last left this, NIOSH was  
21 going to look into the missing 150 millirem and  
22 they did provide their response, you see there

**NEAL R. GROSS**

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

1 in the green.

2 And, you know, we don't really have  
3 anything to reply to that, other than it is  
4 obviously a QA concern when you have different  
5 doses and --

6 MR. STIVER: Hey, Doug, could you  
7 speak up a little bit? I can barely hear you.

8 MR. FARVER: Oh, I'm sorry. Other  
9 than this being a QA concern, I'm not sure that  
10 there's much else we can do on this.

11 CHAIRMAN KOTELCHUCK: Right, and  
12 your suggestion is to close. So basically we  
13 have a response. We have a QA problem. I  
14 think we should close, correct?

15 MR. FARVER: Yes.

16 CHAIRMAN KOTELCHUCK: Okay. Any  
17 comments from any Board Members, Subcommittee  
18 Members?

19 MEMBER MUNN: No.

20 CHAIRMAN KOTELCHUCK: Okay, that  
21 is closed. Let's go down to the next one.

22 MEMBER RICHARDSON: Could I ask a

**NEAL R. GROSS**

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

1 question just for clarification? I'm sorry.

2 CHAIRMAN KOTELCHUCK: Yes. John?

3 MEMBER RICHARDSON: This is David  
4 Richardson.

5 CHAIRMAN KOTELCHUCK: Oh, Dave  
6 Richardson. Okay.

7 MEMBER RICHARDSON: There seem to  
8 be two things said in the green response. One  
9 is that there's no indication why the sum is  
10 different but all the other years match up.

11 And then the last part says, due to  
12 the practice of double badging, the individual  
13 dosimeter sums are reviewed for potential  
14 duplicates used.

15 Are they saying that this is an  
16 issue of -- I'm not clear what this is -- are  
17 we saying that somebody else should have been  
18 responsible for this? I'm not understanding.  
19 Is this a problem of abstraction by the ORAU  
20 contractor or are they saying that NTS or  
21 somebody should have checked these but they  
22 didn't?

**NEAL R. GROSS**

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

1                   MR. SIEBERT: This is Scott. What  
2 this comes down to is this is an unusual  
3 situation and that the handwritten sum is  
4 different.

5                   So what we did is what we normally  
6 do. We walk through all the individual  
7 dosimeter sums and use those. I'm going to say  
8 we didn't notice that the handwritten sum is  
9 different.

10                  And when we can't tell why  
11 something's different, normally what we would  
12 have done is use the higher of the two, so we  
13 would have included the extra 150 millirem in  
14 this because we couldn't tell why there was a  
15 difference between them.

16                  But I just wanted to point out that  
17 since there is double badging at NTS, we do look  
18 at the individual dosimeters and walk through  
19 those and those are what we normally will use.

20                  CHAIRMAN KOTELCHUCK: Are we  
21 fading?

22                  MEMBER RICHARDSON: No, I'm okay.

**NEAL R. GROSS**

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

1                   CHAIRMAN KOTELCHUCK:    Alright, is  
2                   that satisfactory?

3                   MEMBER RICHARDSON:    The answer is  
4                   the detailed records should have been used as  
5                   they're typically used and it's not clear why  
6                   the detail, why they were entered in sums the  
7                   way they should have been.

8                   CHAIRMAN    KOTELCHUCK:            Right.  
9                   Okay, alright.    I assume that this would not  
10                  affect, of course, the PoC.    It's a fairly  
11                  small, it's an error but it's a small one or it's  
12                  an uncertainty, really, not so much an error.

13                  Okay, I've lost my page on the Live  
14                  Meeting.    How about others?

15                  MEMBER MUNN:    No, I'm still here  
16                  miraculously after 15 minutes of trying.

17                  CHAIRMAN    KOTELCHUCK:            Okay.  
18                  Okay, I'll close this browser window.

19                  MR. FARVER:    The next one we'll go  
20                  to is on Page 18, 306.1.    It's already been  
21                  closed but NIOSH has a little --

22                  CHAIRMAN    KOTELCHUCK:            Yes.

**NEAL R. GROSS**

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

1       Alright, if you would go ahead. I'm having  
2       some trouble here but please go ahead.

3               MR. FARVER: Okay. Basically as  
4       we left this at the last meeting we wanted  
5       clarification added to the DR guidance document  
6       for Ames Laboratory.

7               NIOSH said that's been done, so  
8       that's good. It's already been closed. The  
9       finding was closed at the last meeting.  
10      They're just updating us to say that the  
11      guidance has been added.

12              MEMBER MUNN: What was that number  
13      again, Doug?

14              MR. FARVER: 306.1. It's at the  
15      bottom of Page 18.

16              MEMBER MUNN: Alright.

17              CHAIRMAN KOTELCHUCK: Okay. I'm  
18      just trying to get back on board. And for 307,  
19      if I'm not mistaken, [there] were only  
20      observations.

21              MR. FARVER: Right. Actually we  
22      jump down to Page 24 and it's Case 290. There's

**NEAL R. GROSS**

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

1 290.1 and this is where we stopped at the last  
2 meeting.

3 CHAIRMAN KOTELCHUCK: Right.  
4 That's right. Okay, good, and we have several  
5 now or several findings on 290. If you will,  
6 Doug.

7 MR. FARVER: Okay. So this is for  
8 INEL and the finding has to do with the  
9 incorrect dosimetry correction factor used for  
10 measuring the photon bladder doses.

11 Response, INEL does not use  
12 dosimeter correction factors and it really  
13 wasn't a dosimeter correction factor we were  
14 talking about. It was uncertainty for the  
15 photon dosimetry and I believe it's written in  
16 the text about the plus or minus 35 percent.

17 The NIOSH response is it doesn't  
18 mean that you automatically increase by 35  
19 percent all the dosimeter results. So I went  
20 back and reviewed it and, you know, I understand  
21 what they're saying and they are correct. So we  
22 recommend closing this finding.

**NEAL R. GROSS**

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

1                   CHAIRMAN   KOTELCHUCK:        Okay.  
2       Response from Subcommittee Members, questions?

3                   MEMBER RICHARDSON:   So what is it  
4       about the INL dosimeter which suggests that  
5       there shouldn't be a correction factor for  
6       dosimeter response?

7                   MR. FARVER:       Scott, you want to  
8       handle that?

9                   MR. SIEBERT:     I'm not prepared to  
10      handle that because INEL was not my site. I  
11      can't tell you. I mean, I can just refer back  
12      to the TBD and say that there are no dosimeter  
13      correction factors for INL.

14                  MR. FARVER:       That's probably the  
15      same answer I could give you, David.

16                  CHAIRMAN KOTELCHUCK:   Which is?

17                  MEMBER RICHARDSON:   So, I mean,  
18      presumably they were using a multi-element  
19      dosimeter at one point and then a TLD and the  
20      evaluations of the behavior I think, the  
21      characterization of all these U.S. dosimeters  
22      is that there's some dependence of response on

**NEAL R. GROSS**

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

1 angles and energy of exposures. It seems, I  
2 mean, I guess I'm, that's a curiosity to me  
3 about what could be unique about that.

4 CHAIRMAN KOTELCHUCK: That is a  
5 question. Now, Brad is conflicted on INL so I  
6 will not ask his comment but is there anyone  
7 else? Brad?

8 MEMBER CLAWSON: No, I understand  
9 fully about that so I just want you to know why  
10 I was not commenting.

11 CHAIRMAN KOTELCHUCK: Right.  
12 Okay, does anyone else have, I mean, it is a  
13 uniqueness about INL and I have no idea why and  
14 the people who are not conflicted aren't able  
15 to, have not answered as far as I can tell.

16 MR. KATZ: Oh, Dave, this is Ted.  
17 You know, I don't know if Grady wants to offer  
18 but if he would check with Tim Taulbee and Pete  
19 Darnell, who are the leads for INL, [they'll]  
20 probably know the answer to this question.

21 CHAIRMAN KOTELCHUCK: Could we get  
22 the answer during the course of the day and have

**NEAL R. GROSS**

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

1 somebody bring us back that information?

2 MR. CALHOUN: Yes, this is Grady.  
3 I'll try to get something and I don't know,  
4 Scott, if you want to have somebody on your end  
5 look at it too. I'll ask and we'll see what's  
6 happening.

7 MR. KATZ: Yes, Brian with Moeller,  
8 he's the lead there. He would have the answer  
9 to that too probably. He wrote the TBD.

10 CHAIRMAN KOTELCHUCK: Okay, and  
11 I'll put a note to myself to return to this after  
12 lunch break.

13 MEMBER MUNN: We've had several  
14 discussions about the differences in the types  
15 of badges, the types of dosimeters that we've  
16 had in different places and we've also made note  
17 of the differences in various models that have  
18 occurred over the years.

19 It was my understanding that there  
20 are slightly different correction factors for  
21 a wide variety of types --

22 CHAIRMAN KOTELCHUCK: Right.

**NEAL R. GROSS**

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

1                   MEMBER MUNN:    -- and for a wide  
2                   variety of operational activities depending  
3                   upon the types of materials that were available  
4                   at the given sites at the time of the  
5                   distribution of those particular types of  
6                   dosimeters.

7                   I didn't think that there was  
8                   anything uniquely unique about what was at  
9                   INEL.  It was my understanding that one has to  
10                  take into consideration the uniqueness of each  
11                  operation and the types of dosimeters that were  
12                  being used at that particular time.

13                  It would be unusual I think for  
14                  anyone on the Board to have intimate knowledge  
15                  of the types of dosimeters that were used at  
16                  specific intervals at all of the sites because  
17                  those did change fairly radically as I  
18                  remember.

19                  CHAIRMAN KOTELCHUCK:  Let's put it  
20                  this way, this is Dave, if there was a  
21                  correction factor used, I would assume whenever  
22                  we're using the dosimeters that there will be

**NEAL R. GROSS**

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

1 a correction factor.

2 I was not aware personally that  
3 there were sites where they simply are not  
4 needed, they are not appropriate.

5 And I guess that there's a range of  
6 correction factors as, of course, we have  
7 talked about often. I don't recall coming up  
8 with one where there was no correction factor  
9 at all. That's all.

10 MEMBER MUNN: Oh, yes, it's  
11 correct. We usually did spend more time  
12 talking about the correction factors that were  
13 necessary rather than those that were not.  
14 That's true.

15 CHAIRMAN KOTELCHUCK: Right,  
16 right. Alright, well, let's hope that we can  
17 get some information about that and, if we  
18 cannot, we will consider it further after lunch  
19 break.

20 MR. SMITH: Before we move on, this  
21 is Matt Smith with ORAU Team.

22 CHAIRMAN KOTELCHUCK: Good.

**NEAL R. GROSS**

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

1                   MR. SMITH:     I've not immersed  
2 myself in this particular claim but as I read  
3 the response on it, I would agree there's not  
4 a specific correction factor, you know, and we  
5 say that in the response as noted in the  
6 external TBD.

7                   There is, you know, a factor for  
8 uncertainty and it's a plus or minus 35 percent.  
9 And typically what we would do on a claim,  
10 especially when we're doing it as a best  
11 estimate, we would estimate the dose as a normal  
12 distribution and apply the plus or minus 35  
13 percent criteria to it.

14                  There are a few TBDs out there that  
15 sometimes recommend a correction factor,  
16 either because of dosimeter filtering or some  
17 other type of response issue.

18                  But as we've looked at the larger  
19 sites, we've usually found that the larger  
20 sites were in pretty good shape as far as  
21 dosimeter response, you know, be it Idaho or  
22 Hanford or Oak Ridge or Savannah River.

**NEAL R. GROSS**

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

1                   In general, we don't have a systemic  
2 correction factor that we need to apply to the  
3 dosimetry results. Do we apply uncertainty?  
4 Certainly we do. I believe that is the case  
5 here.

6                   CHAIRMAN KOTELCHUCK: Right.

7                   DR. MAURO: Yes, and this is John  
8 speaking and it's for generalities. We run  
9 into correction factors that were needed  
10 because of a number of conditions that might  
11 exist.

12                   One is the way in which the TLD or  
13 the film badge was calibrated. The actual  
14 energy distribution it was experiencing on the  
15 worker might have been different than the  
16 energy distribution that was used for the  
17 calibration of that detector. That would be  
18 one reason why you might need to make an  
19 adjustment.

20                   Another reason why you might need a  
21 correction is angle of incidence. If it turns  
22 out the person was exposed, the organ is, let's

**NEAL R. GROSS**

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

1 say, the stomach but the badge is worn on the  
2 lapel, you have different geometry that usually  
3 requires, like, a factor of two adjustment. So  
4 there are circumstances when we run across, and  
5 often, correction factors.

6 But, you know, I would say something  
7 maybe a little naive but if it's calibrated with  
8 the right energy distribution and you're not  
9 concerned too much about the angle of  
10 incidence, I would say you wouldn't need a  
11 correction factor. That might be  
12 over-simplification but that's the way I think  
13 about it. That's how we're --

14 CHAIRMAN KOTELCHUCK: Well, that's  
15 very helpful.

16 MR. SMITH: This is Matt Smith  
17 again. That's what we're facing here  
18 literally is we're assuming an AP geometry  
19 situation so we're straight on in terms of our  
20 exposure to the source.

21 (Simultaneous speaking.)

22 CHAIRMAN KOTELCHUCK: Well, that

**NEAL R. GROSS**

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

1 seems to resolve it to me.

2 MEMBER RICHARDSON: This is David  
3 Richardson. That doesn't resolve it for me.  
4 I'm sorry.

5 I mean, yes, if you want to assume  
6 its energy is within the range that the  
7 dosimeter responds appropriately to for  
8 historical multi-element dosimeters and 100  
9 percent AP exposure, then it's fine.

10 But typically we've assumed that  
11 people are exposed to a range of energy, we make  
12 some characterization of them, and a range of  
13 geometries.

14 And typically I would say that for  
15 historical dosimeters there was some  
16 consideration, not just about uncertainty in  
17 the response but potential bias in the response  
18 for estimating the monitored quantities of  
19 interest.

20 I mean, I could be wrong but I just  
21 sat through reviews of this for other  
22 organizations and that's been the practice and

**NEAL R. GROSS**

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

1 that was my understanding of the way that the  
2 work on bias and uncertainty in dosimeters had  
3 been applied within this program.

4 So, I mean, I guess I would not like  
5 to have it closed until there's an explanation  
6 about what the assumptions of exposure are at  
7 INL which would make it such that the dosimeters  
8 were perfect in the response with some  
9 uncertainty around the response.

10 MR. CALHOUN: This is Grady. Are  
11 we potentially -- it sounds to me like this is  
12 one of those overarching issues and we're  
13 getting more into a procedures issue than we are  
14 the specific DR because I don't believe that  
15 we're discussing an issue where something in  
16 the TBD was not followed. Is that correct?

17 MEMBER RICHARDSON: I mean, that  
18 may be. If what you're saying is this was  
19 followed and that's the TBD, then it just needs  
20 to be punted to somebody else.

21 MR. SMITH: Grady, this is Matt.

22 MEMBER RICHARDSON: But it's a

**NEAL R. GROSS**

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

1 mystery to me right now.

2 MR. SMITH: This is Matt Smith  
3 again. I guess I would tend to say that would  
4 be the case. This is an issue that would be  
5 brought up either in an overarching sense or in  
6 a TBD sense.

7 As a matter of course on this  
8 program for quite a while, we've gone with the  
9 approach of using AP geometry. That drives us  
10 to using the DCFs that are most  
11 claimant-favorable as we do the estimation on  
12 these claims.

13 Certainly if we take into account  
14 other types of geometries, well, then the DCFs  
15 are going to be reduced. What effect that  
16 would be in terms of offset by corrections on  
17 the dosimetry, that would be a matter for study.

18 Certainly the DCFs would be lower,  
19 for instance if we were just to assume, you  
20 know, rotational, you know, 50-50 rotational  
21 and AP.

22 But, again, we're going off on a,

**NEAL R. GROSS**

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

1 probably an issue that -- Grady's correct.  
2 This is more of an overarching issue.

3 CHAIRMAN KOTELCHUCK: Right.

4 MR. KATZ: Well, yes, and this is  
5 Ted. I mean, that issue of what geometry to use  
6 and so on has been, as I think John Mauro knows,  
7 extensively explored, discussed, debated and I  
8 think resolved in the Procedures Subcommittee.

9 MEMBER MUNN: Yes, repeatedly.

10 DR. MAURO: Yes, this is John  
11 again. Maybe I could help out a little. What  
12 I'm hearing is that here we have a person who  
13 we took their results of their dosimetry on face  
14 value, the implication being there was reason  
15 to believe that the detector, film badge or TLD,  
16 was properly calibrated. That is, there's  
17 reason to believe that, yes, the radiation  
18 exposure -- I'm trying to turn it not to a  
19 generic issue but to turn it to a case issue  
20 which could be confirmed by the people who know  
21 INEL well and the dosimetry and this person's  
22 job category and that there was reason to

**NEAL R. GROSS**

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

1 believe that, yes, there was no need for an  
2 adjustment or correction factor because of  
3 differences in energy distribution between  
4 what was experienced and what the calibration  
5 energy was. And there's reason to believe that  
6 -- and not so much geometry about AP versus ISO,  
7 not that geometry. But there was reason to  
8 believe that we're not talking about a worker  
9 who had, let's say, prostate cancer, I don't  
10 know the details here, and was working at a  
11 glove box where we know that he's wearing his  
12 film badge on his lapel.

13 But if you are and you're interested  
14 in calculating the dose to his prostate or his  
15 belly, then you would have a correction factor.

16 So it's really a matter of saying it  
17 seems that the generic assumptions were such  
18 that they worked for this worker. You know, it  
19 was an AP without a need, and there was no need  
20 because of energy differences and that would be  
21 specific to the worker or if you didn't know,  
22 you know, or there was no reason to believe

**NEAL R. GROSS**

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

1 that, well, that the special correction would  
2 be needed.

3 It would be good to hear back from  
4 the folks who know this particular case and  
5 reviewed it and what job he had and know INEL  
6 and the kind of things they did and how they  
7 calibrated their dosimeters who could actually  
8 know there really is no need for a correction  
9 factor for at least those two parameters that  
10 I am familiar with.

11 Now, there may be other aspects to  
12 these dosimeters that require correction  
13 factors that I'm not familiar with but those are  
14 the two that I'm familiar with.

15 CHAIRMAN KOTELCHUCK: Well, I  
16 mean, in that spirit of trying to see if we can  
17 resolve it as a case and Dave's concerns that  
18 he's expressed, let's try to get hold of  
19 somebody and talk about this after the break and  
20 then go on to other issues. I'd like to do that  
21 unless there is objection.

22 Hearing no objection and, folks, we

**NEAL R. GROSS**

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

1 are trying to finish up as best we can 10 through  
2 13. This has some real urgency. So let's go  
3 on to the next, 290.2.

4 MR. FARVER: Okay, 290.2. The  
5 finding is that the appropriate photon energy  
6 distribution for the bladder was not applied  
7 from '94 to 2000 and this was under missed dose.

8 Okay. If you look at the CATI  
9 report, he provides information of where he  
10 worked. Worked in the Test Reactor through  
11 '76, SMC facility from '86 through '93 and then  
12 at the Chemical Processing Plant from '94  
13 through '99.

14 They're going to have different  
15 photon energy distributions and what we saw was  
16 that the energy distributions that were used  
17 for the missed dose did not match what  
18 information the employee provided.

19 However, the information they used  
20 to calculate the ambient dose was correct,  
21 their energy distributions and time periods.  
22 So that was the basis for the finding that they

**NEAL R. GROSS**

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

1 did not use the same or correct photon energy  
2 distributions.

3 And then I can go through the NIOSH  
4 one or they can go through it.

5 CHAIRMAN KOTELCHUCK: Well,  
6 personally I do not quite follow you. Maybe --

7 MR. FARVER: Okay, well, for  
8 example, when the person worked at the SMC  
9 facility they should have a photon distribution  
10 of, energy split of 90 percent 30 to 250 keV and  
11 10 percent greater than 250 keV.

12 Then when they move to the Chemical  
13 Processing Plant, it changes from a 90/10 to a  
14 20/75 energy split. So those are supposed to,  
15 you know, coincide with the time periods that  
16 the employee worked for those facilities.

17 CHAIRMAN KOTELCHUCK: Correct.

18 MR. FARVER: Those values were not  
19 used for those time periods for the missed dose.  
20 They were used for the ambient dose.

21 CHAIRMAN KOTELCHUCK: Okay, which  
22 was correct.

**NEAL R. GROSS**

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

1 MR. FARVER: Yes.

2 CHAIRMAN KOTELCHUCK: Okay. And  
3 not using them for the missed dose did not have  
4 an impact?

5 MR. FARVER: According to our  
6 finding, if they would have used them it would  
7 have raised it about three percent, the dose.

8 MR. SIEBERT: This is Scott. I  
9 just want to point out, it may have raised the  
10 dose by three percent. However, the split that  
11 was used, that's SMC, was 90 percent 30 to 250  
12 keV. That is the claimant-favorable  
13 assumption.

14 CHAIRMAN KOTELCHUCK: Right.

15 MR. SIEBERT: Thirty to 250 keV  
16 will always give you the higher PoC than the  
17 other split.

18 So what appears to have happened  
19 here is the dose reconstructor looked at all the  
20 information, not just the CATI but also the  
21 information that was in the claim file, and  
22 picked what they believed was the most, the

**NEAL R. GROSS**

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

1 majority of the time that they spent in any  
2 single year, where they thought that was.

3 And for '94 to '99 that was SMC as  
4 well as the other facility, but SMC does have  
5 that more claimant-favorable split so they went  
6 with that assumption for assigning the facility  
7 during that time.

8 CHAIRMAN KOTELCHUCK: Right, so  
9 there was an error but it was  
10 claimant-favorable?

11 MR. FARVER: Well, it may have been  
12 claimant-favorable, but there's not anything  
13 about that in the dose reconstruction.

14 The DR report gives specific time  
15 periods and locations and those time periods  
16 and locations were used for the ambient dose.  
17 Now --

18 MR. SIEBERT: And I agree that the  
19 dose reconstruction report should have stated  
20 that the facilities -- should have been stated  
21 more clearly and we state that in our response,  
22 the second to last paragraph. The DRR should

**NEAL R. GROSS**

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

1 have been more descriptive as to what was  
2 assigned, which --

3 MR. FARVER: In our opinion, the  
4 dose reconstructor screwed up and it's a QA  
5 concern because there's nothing in any of the  
6 files that says he was doing it to be  
7 claimant-favorable or that he recognized that  
8 he should have been doing it this other way but  
9 he was doing it because it was  
10 claimant-favorable this other way. So it just  
11 happens to be claimant-favorable so he must  
12 have been thinking that way but I don't --

13 CHAIRMAN KOTELCHUCK: That seems  
14 to me virtually an observation, that it wasn't  
15 written up properly.

16 On the other hand, the resolution of  
17 the case was claimant-favorable and,  
18 therefore, I mean, it seems to me that that is  
19 appropriate to close it, as you indicated.

20 MR. FARVER: Oh, I agree with  
21 closing it. I just don't want to, well, I  
22 believe it's the way it should be identified.

**NEAL R. GROSS**

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

1 CHAIRMAN KOTELCHUCK: Yes.

2 (Simultaneous speaking.)

3 MEMBER RICHARDSON: This is David  
4 Richardson. It wasn't consistent is the other  
5 thing I'm hearing.

6 So for ambient dose, there was an  
7 assumption in the same period that the energy  
8 distribution was different than this dose, and  
9 for recorded dose is there an assumption made  
10 about the energy distribution as well?

11 MR. FARVER: You are correct.  
12 They were different. Different assumptions  
13 were used for the different calculations.

14 MEMBER RICHARDSON: And for me the  
15 key difference would be between the recorded  
16 dose and the missed dose assumptions in the same  
17 periods and locations?

18 MR. FARVER: The measured and  
19 missed dose were the same assumptions. The  
20 ambient dose used the date and work locations  
21 that were stated in the dose reconstruction  
22 report.

**NEAL R. GROSS**

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

1                   MEMBER RICHARDSON: So at minimum  
2 that would be confusing, I mean, for a claimant  
3 to understand what had happened.

4                   MR. FARVER: Yes.

5                   CHAIRMAN KOTELCHUCK: Oh, yes,  
6 yes. But --

7                   MEMBER RICHARDSON: And is it  
8 claimant-favorable for the claimant if they're  
9 recorded on a missed dose? A  
10 claimant-favorable assumption was made for the  
11 recorded and missed dose but not for the ambient  
12 dose, is that, or was that the reply?

13                   MR. FARVER: No, the --

14                   MEMBER RICHARDSON: Vice versa?

15                   MR. FARVER: NIOSH is claiming that  
16 the mistake or that the energy distributions  
17 that they used were claimant-favorable even  
18 though, that if they were to use the same energy  
19 distributions that were in the DR report it  
20 would have raised the missed dose by three  
21 percent.

22                   They're saying it would have been a

**NEAL R. GROSS**

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

1 higher dose but it would have been less  
2 claimant-favorable because the energy  
3 distribution was different.

4 CHAIRMAN KOTELCHUCK: Right.

5 MEMBER RICHARDSON: I guess what  
6 I'm asking, if there were two sets of  
7 assumptions about the energy distribution and  
8 they were applied differently for the ambient  
9 you're saying from the missed dose and recorded  
10 dose and it would seem that the most  
11 claimant-favorable would be the most  
12 claimant-favorable energy distribution  
13 assumption applied to all three components of  
14 the dose.

15 MR. FARVER: I would think so. If  
16 you're going to claim that it's  
17 claimant-favorable, you would apply it to all  
18 of them.

19 MEMBER RICHARDSON: Yes.

20 MEMBER GRIFFON: I mean, I agree  
21 with David Richardson. This is Mark Griffon,  
22 by the way.

**NEAL R. GROSS**

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

1                   CHAIRMAN KOTELCHUCK:    Hi, Mark.

2                   Welcome.

3                   MEMBER GRIFFON:        I agree with  
4                   David's point on that and I wonder if NIOSH has  
5                   a response to that.

6                   I mean, either way, I think you  
7                   close it but, you know, if what I'm thinking is  
8                   true, I think I stand with Doug's finding, that  
9                   it's a QA, likely a QA problem and still can be  
10                  closed. But, you know, just wonder if NIOSH  
11                  has a response to that, that last discussion.

12                  MR. SIEBERT:    Well, this is Scott.  
13                  All I can say is I agree that it seems to make  
14                  sense that they should have been consistent  
15                  across the board.

16                  So, I mean, that's all I can -- And  
17                  more importantly, the dose reconstruction  
18                  report should have reflected the facilities  
19                  that were specifically broken out and used in  
20                  each of the components if they were different.

21                  So I can't really say why the  
22                  ambient used a different energy split than the

**NEAL R. GROSS**

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

1 recorded and missed, and we've gone back and  
2 we've looked at the case and I can't tell you  
3 why.

4 CHAIRMAN KOTELCHUCK: But you can  
5 be confident that the resolution was a correct  
6 resolution on the case?

7 MR. SIEBERT: Well, changing the  
8 facilities on the ambient is going to have very,  
9 very little impact on the overall PoC.

10 CHAIRMAN KOTELCHUCK: Right.

11 MR. SIEBERT: As well as the fact  
12 that, as we point out at the end of this, this  
13 claim has been reworked due to additional  
14 cancers and it's already been compensated.

15 CHAIRMAN KOTELCHUCK: Aha. Then  
16 if it has already been compensated, I think we  
17 all understand where the errors are and that it  
18 was an error and since it has been compensated  
19 that, I think, should close it.

20 MEMBER MUNN: Agreed, it should be  
21 closed. However, I think the issue begs one  
22 other observation and that is we want things to

**NEAL R. GROSS**

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

1 be favorable to the client and to the claimant  
2 in cases where we do not have information that  
3 would cause us to feel that there was more  
4 accurate assessment available.

5 In cases where you have information  
6 that leads you to believe that a figure is more  
7 accurate than what would be considered, quote,  
8 claimant-favorable, end quote, my  
9 understanding is that we are to err on the side  
10 of accuracy when at all possible. Is that not  
11 the case?

12 And I don't know about this case.  
13 One can't speak to that without having seen it  
14 and worked it but it would seem that, and  
15 especially in these larger sites, if we have  
16 real confidence in something like, perhaps,  
17 ambient exposures, then it would seem logical  
18 to use those without correction. I don't know  
19 that that's the case. Just pointing out that  
20 it might be.

21 DR. MAURO: This is John. I think  
22 our dilemma is we're not sure if we have a

**NEAL R. GROSS**

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

1 quality assurance breakdown here or the actual  
2 dose reconstructor used an expediency method.

3 MEMBER MUNN: Well, yes.

4 DR. MAURO: Let's get through this  
5 quickly, and didn't tell his story completely  
6 in his dose reconstruction but he knew exactly  
7 what he was doing and why he was doing it and  
8 he felt that his outcome is appropriate within  
9 the boundaries of the discretion he has under  
10 the regs.

11 So, I mean, really it's a matter of  
12 whether or not this was, in fact, an error that  
13 ended up being an error with no consequences or  
14 was it that the person just used an expediency  
15 to get through the process quickly but didn't  
16 document it accurately and that's where it  
17 really leaves us as far as, like, a bookkeeping  
18 issue.

19 MEMBER MUNN: Yes, thank you, John.  
20 That's much better said. Thanks.

21 CHAIRMAN KOTELCHUCK: Yes, and we  
22 don't know. It's classified as Classification

**NEAL R. GROSS**

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

1 E which, somebody, do remind me, I don't have  
2 it in front of me, what does that stand for, what  
3 kind of an error?

4 MEMBER MUNN: We need to go back to  
5 the beginning whenever that question is asked.

6 MR. STIVER: Type E is a QA issue.

7 MEMBER MUNN: Yes. Thank you,  
8 Matt.

9 CHAIRMAN KOTELCHUCK: Okay, thank  
10 you. I think we should, unless people, oh,  
11 other Subcommittee Members, unless you object,  
12 I think we should go on. Close this and go on.

13 I mean, we should be accurate and  
14 that's what we're going over it for. If it was  
15 a question that the case was already closed, we  
16 wouldn't even look at this, right?

17 We're looking at it because we want  
18 to be accurate but it's clear that we can't say  
19 why the dose reconstructor did what he or she  
20 did. And we hope that will be helpful to NIOSH  
21 as they go through other cases. Could we leave  
22 it at that and close?

**NEAL R. GROSS**

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

1 MEMBER MUNN: Fine with me.

2 CHAIRMAN KOTELCHUCK: Others?  
3 Mark? Dave, I know you're concerned. Mark?

4 MEMBER GRIFFON: Yes, I guess, you  
5 know, not to dwell on this too much but I think  
6 if it, you know, it seems like maybe it was a  
7 claimant-favorable decision by a dose  
8 reconstructor but did they not sort of go  
9 against their own procedures and --

10 CHAIRMAN KOTELCHUCK: They did.

11 MEMBER GRIFFON: And it should have  
12 probably been documented. I mean, I think  
13 it's, you know, I just --

14 CHAIRMAN KOTELCHUCK: There was no  
15 --

16 MEMBER GRIFFON: -- wonder about  
17 that. You wonder if it's a higher dose and they  
18 would stick strictly to these ratios and break  
19 out the dose that way. Maybe John's right.  
20 But, I mean, I think it's a question of we may  
21 not be able to determine this. That's the  
22 problem, right?

**NEAL R. GROSS**

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

1                   CHAIRMAN KOTELCHUCK: That's the  
2 point. I feel we don't know and we can't know  
3 at this point.

4                   MEMBER GRIFFON: Yes, yes.

5                   CHAIRMAN KOTELCHUCK: And it has  
6 been reviewed and nobody knows exactly why the  
7 person did it. It could be that it was a  
8 reasonable decision or it could be an error, you  
9 know, a quality assurance error. But I don't  
10 think the Subcommittee can do anything further  
11 about it and, therefore, there's reason to go  
12 on with a long agenda.

13                   MEMBER GRIFFON: Yes, okay.

14                   CHAIRMAN KOTELCHUCK: David?

15                   MEMBER RICHARDSON: Yes, I mean, I  
16 feel it's an error that should be noted. It  
17 sounds like there's agreement on that.

18                   CHAIRMAN KOTELCHUCK: Yes, it is  
19 and it is so noted within E, so Category E, so  
20 an error. So this should be closed.

21                   And I believe the next one is, Doug,  
22 is that not a Mound case? 323, is that the next

**NEAL R. GROSS**

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

1 one?

2 MR. FARVER: No, we --

3 CHAIRMAN KOTELCHUCK: We missed  
4 that.

5 MR. FARVER: 290.3.

6 CHAIRMAN KOTELCHUCK: Oh, my  
7 goodness. Okay, yes, I'm sorry, the other  
8 findings on 290. I'm sorry. I forgot that  
9 there were several. In fact, there were seven  
10 or eight of them. No, a couple. Anyway, do go  
11 ahead.

12 MR. FARVER: This is a pretty -- one  
13 has to do with the whole body count and the use  
14 of a reporting level for MDA. In this case the  
15 whole body count was listed as less than one  
16 microcurie or --

17 CHAIRMAN KOTELCHUCK: Folks, I'm  
18 sorry. I gave an incorrect suggestion. We  
19 need to go back to 290.3.

20 MR. FARVER: Okay.

21 CHAIRMAN KOTELCHUCK: Or 290.2  
22 actually.

**NEAL R. GROSS**

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

1 MR. FARVER: 90.2. What do we want  
2 to do with 290.2?

3 CHAIRMAN KOTELCHUCK: I believe it  
4 was the next one that we were to consider.

5 MR. KATZ: That's 290.3, Dave.

6 CHAIRMAN KOTELCHUCK: Okay.

7 MR. KATZ: That's what Doug's  
8 reporting on.

9 CHAIRMAN KOTELCHUCK: Okay.

10 MR. FARVER: Okay, 290.3.

11 CHAIRMAN KOTELCHUCK: Alright.

12 MR. FARVER: No justification for  
13 the use of the MDA value when the intake was  
14 unknown. Okay, the whole body count results  
15 were reported as less than reporting of --

16 MS. GOGLIOTTI: I'm so sorry.  
17 What page is that?

18 MR. FARVER: Bottom of Page 25.

19 MS. GOGLIOTTI: Thanks.

20 MR. FARVER: And it was just  
21 written up as less than 0.1 microcuries for  
22 whole body count, which was higher than the MDA

**NEAL R. GROSS**

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

1 of 12 nanocuries.

2 But in the calculations, the dose  
3 reconstructor used 12 nanocuries as the -- make  
4 sure I'm correct. I believe that's correct.  
5 Yes, they used 12 nanocuries instead of the 0.1  
6 microcuries which would have been the upper  
7 bound.

8 Dose-wise it really doesn't matter.  
9 It's a couple millirem. It was just, you know,  
10 typically they would use the reporting level  
11 and not the MDA. I believe that's correct.  
12 Isn't that correct, Scott?

13 MR. SIEBERT: Yes, we'll agree that  
14 the MDA that's coming out of the TBD should not  
15 have been used. The reporting level that was  
16 on the actual record should have been used.

17 MR. FARVER: Okay.

18 CHAIRMAN KOTELCHUCK: Comments by  
19 Subcommittee Members, concerns?

20 MEMBER MUNN: None here.

21 CHAIRMAN KOTELCHUCK: Just  
22 straightforward, or nothing, again, we can do

**NEAL R. GROSS**

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

1 about it. Right, and the case was compensated,  
2 person was compensated. So we accept it as a  
3 Type D error and close unless I hear objection  
4 or a concern or question.

5 (No response.)

6 Okay, then let us close and go on.

7 Now, Doug, am I correct that we go  
8 to the --

9 MR. FARVER: Well, there's an  
10 observation we could talk about if you want.

11 CHAIRMAN KOTELCHUCK: Okay.

12 MR. FARVER: It's rather lengthy  
13 and what site were we talking about here? Oh,  
14 INEL, okay.

15 Prior to this person working at  
16 INEL, they worked at a non-DOE project, a  
17 shipyard. And during that time period at the  
18 shipyard, the employee made some note that he  
19 was involved in a radiation exposure event, a  
20 cobalt source.

21 And our observation simply refers  
22 to a statement in the dose reconstruction

**NEAL R. GROSS**

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

1 report. The statement reads, in interviews it  
2 was indicated that the EE [employee] worked at  
3 a non-DOE project just prior to employment and  
4 was involved in maintenance activities and an  
5 incident involving a cobalt-60 source. It is  
6 more likely that this intake was a result of  
7 work at a non-DOE activity. However, to be  
8 claimant-favorable, the internal dose was  
9 attributed to DOE work.

10 So basically it probably didn't  
11 happen at DOE but we're going to assign it just  
12 in case and this is the same one we were talking  
13 about where it was, you know, couple millirem.

14 Okay, our point is the employee  
15 started work at INEL in 1969, September of '69.  
16 Whole body count that we're talking about was  
17 in May of 1970.

18 So it probably was a whole body  
19 count from INEL and not the shipyard. The  
20 shipyard work was most likely an external dose  
21 and that's what all that verbiage there in those  
22 two columns states.

**NEAL R. GROSS**

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

1                   It's another incident where the  
2                   dates don't match up to where the employee  
3                   started work and stopped work. It doesn't  
4                   affect the dose reconstruction at all.

5                   MR. SIEBERT: This is Scott. I do  
6                   want to point out, as Doug was saying, that  
7                   although the off-site appears to be an external  
8                   exposure, the whole body count was at INL. So  
9                   to be claimant-favorable, we assumed an  
10                  internal exposure which is what we were  
11                  discussing just earlier with the cobalt-60.  
12                  So the bottom line is to be claimant-favorable  
13                  we assumed it occurred on the DOE facility and  
14                  assigned it.

15                  CHAIRMAN KOTELCHUCK: Okay.

16                  MEMBER MUNN: And, again, that is  
17                  simply an observation. It's not a finding.

18                  MR. FARVER: Right.

19                  CHAIRMAN KOTELCHUCK: Right.  
20                  Okay, fine. I just, for the folks who prepared  
21                  this, there's the name of an individual in that  
22                  observation that I believe should not be there.

**NEAL R. GROSS**

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

1 MR. FARVER: That will go away.

2 CHAIRMAN KOTELCHUCK: Please make  
3 sure that that's done.

4 MR. FARVER: Okay.

5 CHAIRMAN KOTELCHUCK: Well those,  
6 since we're not called to act upon that, we are  
7 called to comment if we wish and do a, anyone  
8 wish to comment, any of the Subcommittee  
9 Members?

10 MEMBER MUNN: None here.

11 CHAIRMAN KOTELCHUCK: Okay.  
12 Okay.

13 MR. FARVER: Okay, next one is from  
14 Lawrence Berkeley National Lab, 228.1,  
15 incorrect use of the ICRP and uncertainty  
16 factors. Okay. Right there. Hang on. I  
17 want to --

18 CHAIRMAN KOTELCHUCK: Sure.

19 MR. FARVER: -- make sure I've got  
20 all my facts straight.

21 CHAIRMAN KOTELCHUCK: Okay.

22 MR. FARVER: Well, I can't find the

**NEAL R. GROSS**

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

1 table I'm looking for so I'll go ahead and,  
2 okay, what it comes down to is if you go to the  
3 TBD Table 6.3 the final column is what is listed  
4 as just ICRP 60 correction factors and it really  
5 was an adjusted correction factor.

6 And what they did is they wrapped  
7 them all into one factor so it should not just  
8 be called an ICRP 60 correction factor. It  
9 should be named something different and that  
10 was kind of what we came up with after reading  
11 their reply.

12 So they did it correctly, okay?  
13 Their table had some confusion in it so that if  
14 you're looking back and trying to interpret  
15 what they did it may not be as easy to understand  
16 as it could be so we suggested they modify their  
17 table.

18 And the most recent response for  
19 Part A was, the suggested change has been noted  
20 by the TBD author and will occur at the next  
21 revision. It's a matter of --

22 MR. SIEBERT: Just letting you know

**NEAL R. GROSS**

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

1 I have discussed that with the TBD author and  
2 they have their notes for the next revision.

3 MR. FARVER: Okay.

4 CHAIRMAN KOTELCHUCK: Okay.

5 MR. FARVER: For Part A, we suggest  
6 closing that. It's not that they did anything  
7 wrong. It's just their TBD had some confusion  
8 in it, you know, as we come across sometimes,  
9 and we like to point them out.

10 CHAIRMAN KOTELCHUCK: Alright.

11 MR. FARVER: Now, there's a Part B.  
12 Part B was that the dose reconstructor could  
13 have used a photon uncertainty of 1.2 but they  
14 didn't, so this was a conflict.

15 In our opinion it's a QA concern,  
16 and then NIOSH agrees that they should have used  
17 the 1.2 photon uncertainty when applying the  
18 N/P ratio for the measured photon dose.

19 Since there was no dedicated LBNL  
20 tool at the time of this assessment, the SM tool  
21 was adapted by the dose reconstructor for this  
22 case.

**NEAL R. GROSS**

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

1                   So it was an individual DR error,  
2                   dose reconstructor error.    So we suggested  
3                   closing this part off, which would close the  
4                   whole finding.

5                   CHAIRMAN KOTELCHUCK:       Comments  
6                   either on A or B?   This Part B, Doug, this was  
7                   an error, an individual dose reconstructor  
8                   error, and you're suggesting it has no  
9                   consequence?

10                  MR. FARVER:       Well, it's not a  
11                  workbook error because they didn't have a  
12                  workbook in place at the time.

13                  CHAIRMAN KOTELCHUCK:   Right.

14                  MR. FARVER:       They tried to use  
15                  another workbook or they used another workbook.  
16                  The dose reconstructor made a mistake while  
17                  using that so it's a dose reconstruction error.  
18                  So we look at --

19                  CHAIRMAN KOTELCHUCK:   What is the  
20                  consequence of that error?

21                  MR. FARVER:       I don't believe it was  
22                  a significant concern, I mean, you know, as for

**NEAL R. GROSS**

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

1 changing the case.

2 MR. SIEBERT: This is Scott. I  
3 will point out that once we hit .2 we're going  
4 to have a discussion of neutron-to-photon ratio  
5 where we accidentally used a very  
6 claimant-favorable overestimating assumption  
7 so that would have overwhelmed any small  
8 increase that would come from .1, so there would  
9 be no change in compensability.

10 CHAIRMAN KOTELCHUCK: Okay.  
11 Other concerns or questions? And we're still,  
12 we're dealing with the 290. We're dealing  
13 with, if you could scroll up, we're dealing with  
14 290.3.

15 MR. FARVER: 228.1.

16 CHAIRMAN KOTELCHUCK: 228.1.  
17 Okay. Sorry, excuse me, okay. Should we  
18 close, folks?

19 MEMBER MUNN: Yes.

20 MEMBER GRIFFON: I agree.

21 CHAIRMAN KOTELCHUCK: Okay.  
22 Hearing no objections, it's closed. 8.1.

**NEAL R. GROSS**

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

1 Sorry.

2 MR. FARVER: Now we're going to go  
3 to 228.2, incorrect use of the neutron-photon  
4 value and uncertainty factors. And he used  
5 2.47 as the N/P ratio instead of 0.73 and  
6 resulted in an overestimate of about 3.4 times  
7 too high.

8 That's Part A. Okay, so, you know,  
9 we're going to look at this and say, well,  
10 someone should have caught that if it's 3-1/2  
11 times too high.

12 CHAIRMAN KOTELCHUCK: Yes.

13 MR. FARVER: Second Part B, is dose  
14 reconstructor should have used a photon  
15 uncertainty of 1.2 when applying the  
16 neutron-to-photon ratio but did not, which is  
17 the same as Part B from above --

18 CHAIRMAN KOTELCHUCK: Right.

19 MR. FARVER: -- for the measured  
20 dose. And our point is that, you know, they  
21 probably should have caught this error.

22 CHAIRMAN KOTELCHUCK: Right. And

**NEAL R. GROSS**

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

1 further, can we scroll down further? Okay.  
2 So, oh goodness. Alright, folks, what can we  
3 do?

4 MEMBER MUNN: This is really  
5 unfortunate. It's hard to imagine why the peer  
6 review didn't catch that but since it didn't,  
7 it didn't, and it's now for us to comment on.  
8 That's unfortunate but [can] be no other action  
9 other than closing it.

10 MEMBER RICHARDSON: This is David  
11 Richardson. I have one question. The  
12 introduction of this use of --

13 CHAIRMAN KOTELCHUCK: Why?

14 MEMBER MUNN: I'm not hearing you.

15 CHAIRMAN KOTELCHUCK: I didn't  
16 hear you, David.

17 MEMBER RICHARDSON: Let me try  
18 again. Can you hear?

19 MEMBER MUNN: Yes. Right, I heard  
20 the first part but I don't know whether you  
21 continued talking or not. You seem to be  
22 cutting out for me.

**NEAL R. GROSS**

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

1 CHAIRMAN KOTELCHUCK: The same for  
2 me.

3 MEMBER RICHARDSON: Can you hear  
4 me?

5 MEMBER MUNN: Yes.

6 CHAIRMAN KOTELCHUCK: Hear you  
7 now, sure.

8 MEMBER RICHARDSON: Okay, the  
9 introduction of this terminology of using Part  
10 A and Part B, these are parts of a response? Is  
11 that correct or where are the parts coming from?

12 MR. FARVER: The finding was two  
13 parts to a finding. In other words, it  
14 mentioned two different items. Well, I  
15 wouldn't say different. It had to do with the  
16 same calculation.

17 MEMBER RICHARDSON: Okay, and so  
18 when we open or close them, they are opened or  
19 closed together and if there are findings  
20 regarding issues they're going to be documented  
21 and traced together as an ensemble now, is that  
22 right?

**NEAL R. GROSS**

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

1                   MR. FARVER:    Yes.    And in this  
2 case, for 228.1 the finding had to do with the  
3 recorded neutron dose calculation.   Now, in  
4 that calculation we found that there were two  
5 errors.   So we wrote up one finding and we  
6 identified both the errors.   And then the --

7                   MEMBER RICHARDSON:   I'm just, I  
8 guess what I'm wondering about is, so this is  
9 a claim and it seems to have a large number of  
10 errors, well, not large but it has a number of  
11 errors associated with it.

12                   And some of them are counted as,  
13 there are multiple errors but they're listed  
14 now as a single finding and there's a finding  
15 number and some of them should have been caught  
16 in QA but weren't.

17                   I guess I'm just trying to think  
18 about understanding the number of errors.  
19 When we summarize the findings and things are  
20 broken into parts, does this help us or not?

21                   MR. FARVER:    So, I mean, it was a  
22 little unusual in this case because we could

**NEAL R. GROSS**

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

1 have written it up as two separate findings.  
2 They probably would have had the same Table 2  
3 number, like E.1.1. They just would have had  
4 different finding numbers.

5 In other words, we could have broken  
6 228.1 into two findings, both with the E.1.1  
7 talking about the calculation of recorded  
8 neutron dose.

9 CHAIRMAN KOTELCHUCK: Right.  
10 Doug, I don't recall having seen Parts A and  
11 Part B in a finding before.

12 MR. FARVER: Well, normally we  
13 don't find two errors in the same calculation.

14 CHAIRMAN KOTELCHUCK: Right, two  
15 different errors. My feeling, if we're going  
16 to assess how we're doing is that they would be  
17 two different findings, that is .2 and .3.

18 Put it this way, I would prefer as  
19 much as possible using a different finding for  
20 each point. You're saying that these really  
21 are so intimately connected that they're really  
22 one basic error.

**NEAL R. GROSS**

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

1                   MR. FARVER: That's why we wrote it  
2 up as one finding, because --

3                   CHAIRMAN KOTELCHUCK: Yes. Okay,  
4 and I would just say that's --

5                   MR. FARVER: If you would prefer,  
6 we will not do that in the future.

7                   CHAIRMAN KOTELCHUCK: I certainly  
8 would prefer not to do that as much in the  
9 future, to minimize. Let's not say you can't  
10 do it or you shouldn't do it.

11                   Let's just say these should be  
12 minimized unless you can really argue why these  
13 should not be separate findings because that  
14 will affect our assessment, our report to the  
15 Secretary as to how many and what kind of errors  
16 we found.

17                   So I'm not going to, I do not know  
18 enough about this to be able to say to you this  
19 should have been broken up into two points but  
20 I would prefer if there is an option to break  
21 it up into a couple of points rather than having  
22 Part A, Part B, Part C, you know, in one finding.

**NEAL R. GROSS**

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

1 MR. FARVER: Okay.

2 MEMBER MUNN: But this is kind of  
3 unusual, I think, Dave, in that the second, that  
4 is Part B, derives from the error in Part A.  
5 It's not two, if I am reading this, it appears  
6 that they're not two distinct errors.

7 Part A, the error in selection of  
8 the geometric mean resulted in a photon ratio  
9 problem which wouldn't have occurred if the  
10 first one had not occurred.

11 CHAIRMAN KOTELCHUCK: Yes.

12 MEMBER MUNN: Am I reading that  
13 correctly, Doug?

14 MR. FARVER: Yes, and it's really a  
15 judgment call. I mean --

16 MR. SIEBERT: This is Scott. Let  
17 me clarify that because, Wanda, yes, that's not  
18 quite incorrect.

19 CHAIRMAN KOTELCHUCK: Not quite  
20 correct.

21 MEMBER MUNN: Correct, right.  
22 Okay, okay.

**NEAL R. GROSS**

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

1 MR. SIEBERT: Sorry about that.

2 (Simultaneous speaking.)

3 MR. SIEBERT: Yes, what happened  
4 here, actually Part B in this one is actually  
5 just an extension of Part B of the previous  
6 finding, .1 as well.

7 The problem is the dose  
8 reconstructor did not use that photon  
9 uncertainty of 1.2 factor in the first finding,  
10 which was the photon dosimeter.

11 And then when he applied, or she, I  
12 don't remember which, applied the  
13 neutron-to-photon ratio to that value,  
14 obviously that value, the photon value, didn't  
15 have that 1.2 factor in it because we had  
16 already talked about the fact that they didn't  
17 use it earlier.

18 So that Part B is just a repeat of  
19 the Part B earlier as well. Even though it's  
20 in the same overall calculation, this really  
21 goes back to the root of they did not use that  
22 factor correctly in the photon and then it

**NEAL R. GROSS**

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

1 extended through the neutron as well.

2 MEMBER MUNN: Okay. I almost get  
3 that, yes.

4 MR. FARVER: We will not write it up  
5 this way. We'll write it up as separate  
6 findings.

7 CHAIRMAN KOTELCHUCK: Okay, if  
8 that seems appropriate or only one Part B or  
9 whatever. I'm just making a rather more  
10 general recommendation. I'm not saying that  
11 you put this in. It's in our records and it's  
12 in the matrix. And Scott's explanation was  
13 helpful.

14 MR. KATZ: Dave, I think it's  
15 important to actually get clear on this for Doug  
16 going forward because what I just heard was that  
17 one of the errors sort of cascades to the next  
18 one.

19 And it seems to me where you have a  
20 situation where you're the dose reconstruction  
21 review, you found an error and it cascades  
22 elsewhere, that's really all one.

**NEAL R. GROSS**

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

1                   You know, if it's all the root of one  
2                   problem, then that is one finding I think and  
3                   you start it where it initiates the problem and  
4                   you don't repeat it as a new finding each place  
5                   it shows up in further calculations or  
6                   whatever, right? You wouldn't want that  
7                   because --

8                   CHAIRMAN     KOTELCHUCK:            No,  
9                   certainly.

10                  MR. KATZ:     Right.     So I'm just  
11                  saying this out loud for Doug's sake because I  
12                  think we do want our accounting to be correct  
13                  and what I heard from Scott is at least in part  
14                  the second error derived from the first.

15                  MR. FARVER:   Well, the only concern  
16                  with that, Ted, is that it's going to be two  
17                  different Table 2 codes because one was for  
18                  neutron dose and the other was for beta dose,  
19                  electron dose.

20                  MR. KATZ:     Okay but, I mean, I think  
21                  nonetheless we need to figure out a way then to  
22                  account for these where someone makes one error

**NEAL R. GROSS**

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

1 and it cascades through the dose reconstruction  
2 and it really only can be picked up where it  
3 initiates.

4 I mean, that's one error and I don't  
5 think you want to count it as five findings. I  
6 mean, so I think you want to somehow capture  
7 that, you know, as a whole rather than, you  
8 know, flogging NIOSH five times for a single  
9 error that cascaded like I said.

10 MEMBER MUNN: Surely we're not  
11 precluded from using more than one Table 2  
12 finding, are we?

13 MR. KATZ: Or code or whatever.

14 MEMBER MUNN: Or code. Seems we  
15 should be able to use more than one code.

16 MR. FARVER: We would and that's  
17 what we would use in this case because that  
18 certainty error happened for neutron and  
19 happened for electron so that's two different  
20 codes, so it would get written up separately in  
21 each case.

22 CHAIRMAN KOTELCHUCK: Right. But

**NEAL R. GROSS**

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

1 in the last meeting that we had, we decided that  
2 we were not going to use two codes until we  
3 finish our report and then we would consider  
4 changing our system, our categorization of the  
5 errors, to possibly using two.

6 MR. FARVER: No, no, no, no. We're  
7 using the Table 2 codes but if you look in Table  
8 2 there's a section for photons, a section for  
9 neutrons, a section for electrons. Each one of  
10 those has a separate code associated.

11 So if the error is made in the  
12 neutron section, that is E something. If it's  
13 made in the electron section, it's going to be  
14 D something.

15 So in this case, that 1.2 error  
16 would get written up twice if we were writing  
17 these up separately because it's in two  
18 separate areas.

19 CHAIRMAN KOTELCHUCK: Right.  
20 Well, I'm --

21 MR. STIVER: This is John Stiver.  
22 I might be able to help out a little bit here.

**NEAL R. GROSS**

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

1 CHAIRMAN KOTELCHUCK: Good.

2 MR. STIVER: I think we may be  
3 conflating the Table 2 codes with the general  
4 types of codes that we came up with.

5 A couple years ago the A through F,  
6 which are more generalized types of errors --  
7 remember there was the worker placement, there  
8 was creating the exposure scenarios, whether  
9 the proper external dose and internal dose  
10 models were used and QA and then none of the  
11 above.

12 And those are kind of more general  
13 bins or general types of errors as opposed to  
14 these, what we had in Table 2 from pretty much  
15 the origin of the dose reconstruction process  
16 where we look at all the individual components  
17 of dose: photon, neutrons and so forth.

18 CHAIRMAN KOTELCHUCK: Well, I want  
19 to come back to what Ted said. I mean, that's  
20 why I said I'm not mandating, no, go back and  
21 change 228.2 to two parts.

22 But just it seems to me we have to

**NEAL R. GROSS**

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

1 just say to use your judgment but, you know, to  
2 be frugal with the use of Part A/Part B unless  
3 there is a real justification.

4 And there is a real justification  
5 here which I've heard now so I'm comfortable  
6 with keeping it as C, but I think we do want to  
7 minimize the number of times that we do that and  
8 not cascade the errors.

9 MR. FARVER: I agree, David, and we  
10 don't usually do this. This was, like Steve  
11 said, it's unusual.

12 CHAIRMAN KOTELCHUCK: Yes, okay.  
13 Should we close, folks?

14 MEMBER MUNN: Yes.

15 CHAIRMAN KOTELCHUCK: Okay.  
16 Mark, David?

17 MEMBER GRIFFON: Yes, I'm okay with  
18 closing it.

19 CHAIRMAN KOTELCHUCK: Okay.

20 MEMBER RICHARDSON: Yes.

21 CHAIRMAN KOTELCHUCK: Okay, good.  
22 We will close. By the way, it's 11:49. I'm

**NEAL R. GROSS**

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

1       figuring on going till 12:30 on Eastern  
2       Daylight Time, which would then be 9:30 for  
3       folks out on the coast. Would that be okay?

4                   MEMBER GRIFFON: That's fine.

5                   MEMBER RICHARDSON: Works for me.

6                   CHAIRMAN KOTELCHUCK: Okay, fine.

7       Let's continue.

8                   MR. FARVER: Okay, 228.3, very  
9       similar. Instead of an N/P ratio we have an  
10      E/P, electron-to-photon ratio. Dose  
11      reconstructor used the incorrect value. Very  
12      similar to what we just talked about, the N/P  
13      values, but it's just another QA concern with  
14      this case.

15                  CHAIRMAN KOTELCHUCK: It is.  
16      Well, several errors. SC&A concurs. It's  
17      worrisome.

18                  MR. CALHOUN: This is Grady and if  
19      I'm reading this right, and Scott can chime in,  
20      it looks to me like maybe there's a tool  
21      developed now that'll preclude this from  
22      happening in the future.

**NEAL R. GROSS**

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

1 MR. SIEBERT: That's correct.  
2 There was no tool at that time. He had to use  
3 the complex-wide, but there is now.

4 CHAIRMAN KOTELCHUCK: Okay, that's  
5 good to know.

6 MEMBER MUNN: And is quite  
7 specific.

8 CHAIRMAN KOTELCHUCK: Good. Then  
9 --

10 MEMBER RICHARDSON: Could you  
11 remind me what year this case was first started,  
12 I mean, when this occurred?

13 MR. CALHOUN: 2007.

14 MEMBER RICHARDSON: 2007?

15 MR. FARVER: Yes.

16 MR. KATZ: Okay and, Doug, you're  
17 capturing that there's a tool available, right,  
18 somewhere in the matrix?

19 MEMBER MUNN: Actually it says so  
20 in the matrix, yes.

21 MR. KATZ: Okay, great.

22 MEMBER MUNN: Somebody got this

**NEAL R. GROSS**

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

1 from the DR for this --

2 CHAIRMAN KOTELCHUCK: Oh, yes,  
3 yes, yes, at the time. Okay. Then I believe  
4 we can close and go on.

5 MEMBER MUNN: Yes.

6 CHAIRMAN KOTELCHUCK: Okay?  
7 Without objection, let us go on to your  
8 observations.

9 MR. FARVER: Okay, I was just  
10 adding up a little information about the LBNL.

11 CHAIRMAN KOTELCHUCK: Sure,  
12 surely.

13 MR. FARVER: I'm going to add it to  
14 all of these. Okay. Observation 1, NIOSH  
15 added an extra 25 millirem of recorded photon  
16 dose for 1978. And this is one of these we  
17 could have written up as a finding but it really  
18 didn't have a lot of impact on the case.

19 CHAIRMAN KOTELCHUCK: No, it  
20 certainly would not have. Alright.

21 MR. FARVER: And NIOSH agrees and  
22 they should have, you know, the duplicate entry

**NEAL R. GROSS**

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

1 should have been removed by the dose  
2 reconstructor and we have several dose  
3 reconstructor errors here.

4 CHAIRMAN KOTELCHUCK: Okay, second  
5 one, second observation.

6 MR. FARVER: Has to do with the  
7 counting of the number of zeroes for the missed  
8 dose and we came up with 267 compared to NIOSH's  
9 273. Looks like the 267 was the correct number  
10 so it's really just an overestimate, the more  
11 additional dose.

12 CHAIRMAN KOTELCHUCK: Correct.

13 MEMBER RICHARDSON: This is David  
14 Richardson. The explanation says 12 zeroes  
15 were left out by NIOSH in 1981 and yet they ended  
16 up with a number that's larger, the 273, so were  
17 there multiple miscountings there or what  
18 happened?

19 MR. SIEBERT: Yes, this is Scott.  
20 There were duplicate zeroes in those additional  
21 year, '73, '75, '78, '79 and '80. So the  
22 additional 18 duplicates that were over, that

**NEAL R. GROSS**

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

1           outweighs the 12 that were not.

2                       CHAIRMAN KOTELCHUCK:       Eighteen  
3           minus 12 is six. Two hundred sixty-seven plus  
4           6 is 273.

5                       MEMBER RICHARDSON: So on the one  
6           hand there was an error involving inclusion of  
7           18 duplicates and then there was a second error  
8           of omitting 12 in 1981 and it sort of, in the  
9           end, almost washed out.

10                      CHAIRMAN KOTELCHUCK: Yes.

11                      MEMBER GRIFFON: It's sort of a  
12           good news/bad news story.

13                      CHAIRMAN KOTELCHUCK: This is  
14           bothersome, the fact that it washes out to make  
15           it an observation. The fact is there were lots  
16           of errors. There were two sets of errors.

17                      MR. FARVER: Well, David, the  
18           reason we made this an observation was because  
19           at that time we did not know that there were two  
20           errors. All we knew was our sum did not match  
21           their sum but it was not that big of a  
22           difference.

**NEAL R. GROSS**

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

1                   CHAIRMAN KOTELCHUCK:       Right,  
2 right. Then when you went over it, you found  
3 that there were a couple of errors, two types  
4 of errors.

5                   MR. FARVER:    NIOSH responded back  
6 that there were errors.

7                   MR. KATZ:    Right. This is Ted.  
8 So, I mean, it just seems, quickly, it's no  
9 longer an observation. It really is a finding.  
10 You just didn't realize it was a finding at the  
11 time and I think it probably, right, is due  
12 change of categorization.

13                  CHAIRMAN KOTELCHUCK:    I would  
14 prefer that.

15                  MR. FARVER:    Okay. Okay.

16                  CHAIRMAN KOTELCHUCK:    Alright, so  
17 let's let you write that up and then let's go  
18 on. Are there any other observations on 228?

19                  MEMBER MUNN:    Yes, there are a  
20 bunch but all of those have been agreed to and,  
21 again, they are Observations 3, 4, 5 and 6, I  
22 believe, if I remember my reading correctly.

**NEAL R. GROSS**

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

1           We have agreement from the agency  
2           and the subcontractor and we have only  
3           observations, not findings involved in these.  
4           Seems reasonable to close them as a group unless  
5           someone really wants to go over them one at a  
6           time.

7           MR. FARVER:        Just so the  
8           Subcommittee knows, what I'm going to do is I'll  
9           change that to a finding. I'll give it a number  
10          and a finding number and everything and we'll  
11          go back and make that modification to our DR  
12          report or review and probably reissue it.

13          MEMBER MUNN:     Sounds like the  
14          legitimate thing to do.

15          CHAIRMAN KOTELCHUCK:    Wanda, I  
16          hate to spend time going one by one over a large  
17          number of observations. But if it is our  
18          responsibility to review the observations in  
19          case it has implications for other things, I  
20          don't think we can just simply wash it out. I  
21          think we have to go over them one by one despite  
22          my desire not to do so as an individual.

**NEAL R. GROSS**

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

1                   MEMBER MUNN:     Well, we've just  
2 demonstrated that it's possible to upgrade them  
3 to findings and so it's your call.

4                   CHAIRMAN KOTELCHUCK:     Well, my  
5 call would be I think we need to go over them  
6 one by one.   Let's just do what we can quickly  
7 and, Doug, if you would, go to Observation 3.

8                   MR. FARVER:     Okay.

9                   MR. CALHOUN:     This is Grady.  
10 Before you get to that, Doug, I just want  
11 clarification.   You said you're going to  
12 reissue that as a finding.   Are you going to  
13 reissue it as a closed finding?

14                  CHAIRMAN KOTELCHUCK:     Oh, yes.

15                  MR. CALHOUN:     Instead of a closed  
16 observation?

17                  CHAIRMAN KOTELCHUCK:     I believe  
18 we, absolutely and I would say --

19                  MR. CALHOUN:     Okay, sure.

20                  CHAIRMAN KOTELCHUCK:     Yes.   Okay?  
21 Unless I hear objection from the others.   That  
22 would be a finding but a closed finding for 2.

**NEAL R. GROSS**

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

1 MR. FARVER: Yes.

2 CHAIRMAN KOTELCHUCK: Okay.

3 Let's go over 3. Let's try to go over them  
4 quickly, Doug, but I believe we must go over  
5 them individually. Number 3, Observation 3.

6 MR. FARVER: Observation 3,  
7 there's no obvious criterion used to define  
8 when no dosimetry information was available or  
9 months in which there was a gap or gaps in EE  
10 monitoring records. This has to do with  
11 ambient dose. It really wasn't clear what the  
12 strategy was for applying ambient dose.

13 CHAIRMAN KOTELCHUCK: Would the  
14 tool clarify that? Would the existing tool  
15 clarify that?

16 MR. SIEBERT: This is Scott. I  
17 don't necessarily agree that there was no  
18 obvious criterion because the monthly exchange  
19 frequency as we state in our response was based  
20 on guidance in the TBD.

21 So we had a reason for assuming  
22 there would have been 12 badges if the person

**NEAL R. GROSS**

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

1 was fully badged and if there wasn't we filled  
2 with ambient dose so --

3 CHAIRMAN KOTELCHUCK: Okay. I  
4 accept that as okay. Anybody else want to say  
5 anything? Let's go on to 4.

6 MR. FARVER: Four, Technical Basis  
7 Document apparently contains a small error in  
8 Table 3.2 on Page 19. The Year column should  
9 read '70 to '75 instead of '71 to '75 because  
10 the first row reads pre-'70.

11 CHAIRMAN KOTELCHUCK: Dose was  
12 assigned correctly and I see rather than minor  
13 error and certainly deserves an observation and  
14 no more. If I can suggest, let's go on.

15 MR. FARVER: Okay, Observation 5,  
16 we ran the CADW program for Solubility Type S  
17 and M for thorium and found Type M thorium  
18 resulted in 2.9 E to the 3 rem. Type S resulted  
19 in a magnitude less. The NIOSH DR used the  
20 smaller value. Both cases the value is tiny  
21 but probably should have used Type M.

22 CHAIRMAN KOTELCHUCK: Okay, but

**NEAL R. GROSS**

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

1 we're talking about four millirems so that  
2 could not have had an impact unless we were  
3 absolutely on the border. In fact, it probably  
4 would have no impact. Let's go on.

5 MR. FARVER: Okay, during the CATI  
6 interview, the employee states he often could  
7 not wear a dosimeter badge into magnetic  
8 equipment areas because of the badge's metallic  
9 content.

10 Although NIOSH acknowledges this in  
11 the DR report, they don't account for any  
12 potential dose received during the period the  
13 metallic dosimeter was in use or wasn't used.  
14 I'm going through.

15 CHAIRMAN KOTELCHUCK: Why is this  
16 an observation? You're saying that there's an  
17 exposure that's not recorded. They indicate  
18 why it wasn't recorded. I can understand that.

19 But then how do you deal with that?  
20 How did they deal with that or how should they  
21 have dealt with it? Okay, you're scrolling  
22 down to let us see.

**NEAL R. GROSS**

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

1                   Yes.    What you're saying, do I  
2 understand that they're working in one of the  
3 cyclotron or synchrotron facilities and that  
4 once the exposure has stopped there is no  
5 residual exposure?  No, no, no, no.

6                   MEMBER MUNN:  No.

7                   CHAIRMAN KOTELCHUCK:  You're not  
8 saying that.  Let me finish reading.  Sorry.  
9 I missed the corrections.  Could you scroll up?  
10 Sorry, scroll up again just to the previous one.  
11 All the changes in this review.  Okay, I see.  
12 Okay, and putting in, re-analyzing this they --

13                  MR. SIEBERT:  That portion of it  
14 just --

15                  CHAIRMAN KOTELCHUCK:  There was a  
16 decrease in the exposure?

17                  MR. SIEBERT:  That point just  
18 explains that for all the findings and  
19 observations we revised everything and looked  
20 at it the impact was that it's still less than  
21 50 percent.  We just put in the last  
22 observation.  It doesn't apply specifically to

**NEAL R. GROSS**

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

1 that observation.

2 CHAIRMAN KOTELCHUCK: Right, okay,  
3 because obviously there is exposure that you're  
4 considering now that you did not consider  
5 before, small possibly, but. Okay, then that  
6 was considered and I accept that as an  
7 observation. Others, any comment that you  
8 want to make? Okay, let's go on to the next  
9 one.

10 MR. FARVER: Next one, 291.1, has  
11 to do with the environmental intakes. The  
12 NIOSH-assigned environmental intakes were not  
13 consistent with the tabulated values and they  
14 underestimated the dose.

15 And this is taken from TKBS-0049,  
16 the technical basis for Lawrence Berkeley.  
17 Yes, okay. And this looks like it was a  
18 screw-up on our part.

19 Oh, oh, I'm familiar with this one  
20 now. Okay. Yes, when you look at the CADW  
21 tool that's used for this one and for  
22 environmental intake, it shows you the initial

**NEAL R. GROSS**

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

1 time period for intake. So as the intakes  
2 vary, you don't typically see that unless you  
3 go over to the yearly intake button.

4 So it was our misreading of the CADW  
5 file and, yes, this has come up before. Now we  
6 are aware of it so it won't come up again. When  
7 you look at it, it's not clear that the intake  
8 varies over time periods.

9 CHAIRMAN KOTELCHUCK: When you say  
10 it's your error --

11 MR. FARVER: In other words the  
12 person reviewing this was not aware that the  
13 intake for this tool, that the intakes are  
14 varied within the tool.

15 CHAIRMAN KOTELCHUCK: Got it.  
16 Okay.

17 MR. FARVER: We are now aware of  
18 this.

19 CHAIRMAN KOTELCHUCK: They are now  
20 aware of this.

21 MR. FARVER: I am now aware of this,  
22 yes.

**NEAL R. GROSS**

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

1                   CHAIRMAN   KOTELCHUCK:        Okay.  
2    Alright.   So whose error is this now?   Wait a  
3    minute.

4                   MR.   KATZ:        It's an SC&A error,  
5    Dave.

6                   CHAIRMAN KOTELCHUCK:   Yes, and if  
7    it is, then --

8                   MR.   KATZ:        No problem, the finding  
9    is resolved but --

10                  CHAIRMAN KOTELCHUCK:   Yes, it is  
11   absolutely and that -- so, okay.   We're not  
12   assessing, I don't believe, SC&A errors.  
13   We're assessing NIOSH errors.

14                  MR.   KATZ:        Oh, no, no, no.   It's  
15   just, it's a mistake in finding in other words  
16   so the finding gets withdrawn, in effect.

17                  CHAIRMAN KOTELCHUCK:   Yes.

18                  MR.   KATZ:        Yes.

19                  CHAIRMAN KOTELCHUCK:   Right, so  
20   this should be withdrawn.   So as far as the  
21   Subcommittee is concerned, this is closed.  
22   But I don't think it should be recorded as a

**NEAL R. GROSS**

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

1 NIOSH error, that's all, in the Category 2  
2 Table.

3 MR. KATZ: Right.

4 CHAIRMAN KOTELCHUCK: So, Doug,  
5 you will change this to an observation if you  
6 want to, or eliminate it entirely, either way,  
7 whatever the bookkeeping --

8 MR. KATZ: The bookkeeping is when  
9 a finding is incorrect, you withdraw it, right?

10 MEMBER MUNN: Yes, that's correct.

11 CHAIRMAN KOTELCHUCK: Okay.

12 MR. FARVER: So is this another  
13 case where we'll go back and change our report  
14 to remove the finding?

15 CHAIRMAN KOTELCHUCK: Yes.

16 MR. FARVER: Okay. And how do you  
17 want the matrix to read?

18 MR. KATZ: Well, it comes out. It  
19 comes out.

20 CHAIRMAN KOTELCHUCK: I think the  
21 matrix, we've lost a case. We've lost a --

22 MR. KATZ: Right.

**NEAL R. GROSS**

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

1                   CHAIRMAN KOTELCHUCK:       We have  
2 nothing for that 291.

3                   MR. FARVER:    It just disappears?  
4 Is that what you want?

5                   CHAIRMAN KOTELCHUCK:       That's  
6 right, yes.

7                   MR. FARVER:    Okay.    I will take  
8 those actions.

9                   CHAIRMAN KOTELCHUCK:    Okay.    Not  
10 only did that disappear, my screen's  
11 disappeared too, but let me hope I can get it  
12 back.

13                  DR. MAURO:    It's nice when SC&A  
14 errors disappear.

15                  CHAIRMAN KOTELCHUCK:    There we go.

16                  DR. MAURO:    Isn't that nice?   Nice  
17 position to be in.

18                  CHAIRMAN KOTELCHUCK:    Yes, right.

19                  MEMBER MUNN:    It is.

20                  CHAIRMAN KOTELCHUCK:       Right.

21 Okay, now we go on to Mound.

22                  MR. FARVER:    Okay, 265.

**NEAL R. GROSS**

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

1 CHAIRMAN KOTELCHUCK: Okay.

2 MR. FARVER: Okay, the finding was  
3 that the ambient doses may not have been  
4 claimant-favorable. Follow up the case.  
5 Okay.

6 Our point is that by assigning  
7 ambient dose for the years when the employee was  
8 not monitored could underestimate the  
9 potential exposure.

10 The average dose for the 14 years  
11 that the employee was badged, including two  
12 years when it was zero, is 103 millirem per year  
13 which is over seven times the average  
14 environmental dose value.

15 Unfortunately there is presently  
16 not a coworker model or an OTIB that the dose  
17 reconstructor could have used for the case.

18 So what we're saying, it should have  
19 been assigned an unmonitored dose or a higher  
20 dose than just ambient or a coworker dose or  
21 something that was better reflective of his  
22 unmonitored years.

**NEAL R. GROSS**

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

1                   CHAIRMAN KOTELCHUCK:    Well, and  
2                   what was --

3                   MR. SIEBERT:    This is Scott.  The  
4                   bottom line in the guidance is that Mound did  
5                   do external monitoring when it was required.

6                   So if there is a lack of dosimetry  
7                   for years, it is reflective of the fact that the  
8                   individual was not noted by the site as needing  
9                   dosimetry for that specific time frame.  So any  
10                  time there is not dosimetry available, the  
11                  ambient doses for the site are used.

12                  CHAIRMAN KOTELCHUCK:        Doug,  
13                  others?

14                  MR. FARVER:    Yes, we still stick to  
15                  our guns and we think that they should have,  
16                  there were better ways to do this, more  
17                  claimant-favorable ways than assigning the  
18                  ambient dose so it was not reflective of the  
19                  employee's average dose.

20                  MR. CALHOUN:   Well, this is moving  
21                  into a TBD issue then, because it appears that  
22                  this is our guidance that we currently have.

**NEAL R. GROSS**

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

1                   MR. FARVER:    Is there any coworker  
2 model being worked on?

3                   CHAIRMAN   KOTELCHUCK:        Wanda,  
4 somebody?

5                   MR. CALHOUN:    For that at this  
6 time?

7                   MEMBER MUNN:    I don't think that  
8 there's, I don't think it, well, it's a matter  
9 of perception. I think always and in cases like  
10 this I personally still feel that when you have  
11 reasonably accurate ambient data, and they  
12 certainly did have [it] if I recall in Mound,  
13 I haven't really looked at that for quite a  
14 while, but it seems to me they had pretty good  
15 monitoring of their environmental there.

16                   And there is no question -- you  
17 can't have it both ways. You can't say on the  
18 one hand that the person is always being exposed  
19 and on the next case say that they changed jobs  
20 all the time. And the safety records of the  
21 companies and the sites indicate that these  
22 folks did quite often take jobs for a period of

**NEAL R. GROSS**

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

1 time that did not involve exposure.

2 Then, you know, it seems rational to  
3 me that you place some validity on the records  
4 that are available and that's what's been done  
5 in this case.

6 When you say it's seven times, that  
7 makes it sound spectacular but the truth is 1/7  
8 of 100-plus millirem is a pretty tiny number.

9 CHAIRMAN KOTELCHUCK: Other  
10 Subcommittee Members?

11 MEMBER RICHARDSON: This paragraph  
12 is NIOSH's response which concerns the  
13 unmonitored period in 1965. They say the  
14 dosimetry file, the paragraph above that, the  
15 penultimate one says, show a minor line or a  
16 dash in 1965, which is interpreted here. I'm  
17 not quite sure. I've interpreted that way in  
18 the past, but this indicates the site did not  
19 appear to monitor in 1965.

20 But then it goes on to say the person  
21 did submit polonium urine samples and NIOSH  
22 seems to be computing here based on this.

**NEAL R. GROSS**

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

1 Assigning the average annual photon dose as the  
2 more claimant-favorable approach is  
3 reasonable.

4 So is the position that the guidance  
5 is clear or is this a statement that the  
6 guidance is clear but a more reasonable or  
7 favorable approach would be to use the average  
8 annual dose net year?

9 Is NIOSH in the response raising a  
10 question about the reasonableness of the  
11 guidance which they've been given?

12 CHAIRMAN KOTELCHUCK: Somebody  
13 from NIOSH.

14 MR. SIEBERT: This is Scott. I  
15 can't specifically state that. I would assume  
16 and this is, well, considering I'm conflicted  
17 with Mound, all I do is give the responses that  
18 people who are not conflicted have given. I'm  
19 not going to speculate at all on the answer  
20 there. So I'm really not in position to go any  
21 further into anything on the polonium urine  
22 samples at Mound.

**NEAL R. GROSS**

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

1                   MEMBER RICHARDSON:    Oh, so who  
2 wrote this response?

3                   MR. SIEBERT:    It would be, let me  
4 check, I want to verify that I'm right but I  
5 believe it was a TBD author.

6                   MEMBER RICHARDSON:    Because it's  
7 --

8                   MR. SIEBERT:    No, I take that back.  
9 It was not the TBD authors. I'll go back and  
10 we'll look into this a little bit further.

11                   CHAIRMAN KOTELCHUCK:    So we'll  
12 hold this open, correct? For a little while  
13 anyway.

14                   MEMBER MUNN:    Yes.

15                   CHAIRMAN KOTELCHUCK:    Okay, and  
16 that was -- let me get the number again. I  
17 didn't put that down. 265.1. Okay, 265.1 is  
18 open. Alright. Doug, you'll record that.

19                   MR. FARVER:    Yes.

20                   CHAIRMAN KOTELCHUCK:    And, let's  
21 see, where are we? We have a few more from  
22 Mound, right? Well, we have some

**NEAL R. GROSS**

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

1 observations, right?

2 MR. FARVER: You want to take care  
3 of them?

4 CHAIRMAN KOTELCHUCK: Yes, let's  
5 do that.

6 MR. FARVER: Okay. Observation 1,  
7 time period used for the badge exchanges are not  
8 always consistent in the Technical Basis for  
9 Mound. And in NIOSH's response they really  
10 kind of concede this. It's got multiple  
11 tables. It is confusing.

12 Actually in this case I think they  
13 used frequencies that were less than favorable  
14 for this case, not that it mattered that much  
15 in general. So they responded the TBD is being  
16 revised. They said that should help avoid some  
17 confusion.

18 And the latest response is Table  
19 6.1 lists exchange frequencies and Table 6.7  
20 lists exchange frequency for neutron  
21 dosimeters. Now we've kind of cleared things  
22 up a little bit in the new revision.

**NEAL R. GROSS**

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

1                   CHAIRMAN KOTELCHUCK:    Okay.    And  
2                   it's not that anything is wrong.    They're just  
3                   simply... it's confusing.

4                   MR. FARVER:    Yes.

5                   CHAIRMAN KOTELCHUCK:    Okay, and  
6                   that will be dealt with.    So that's fine.  
7                   What's the next observation?

8                   MR. FARVER:    One has to do with  
9                   medical x-rays, and the Mound TBD somewhere  
10                  states in it that you would multiply them by  
11                  1.3, assignment in a normal distribution with  
12                  an uncertainty of 30 percent.

13                  And we've talked about this before  
14                  and don't use both.    You don't use both the 1.3  
15                  and the 30 percent.    So they have cleared this  
16                  up in the TBD.

17                  CHAIRMAN KOTELCHUCK:    Yes.    Okay,  
18                  that's cleared up.    And then Mound 323.1 opens  
19                  up.

20                  MR. FARVER:    You want to take that  
21                  now or --

22                  CHAIRMAN KOTELCHUCK:    No, I think

**NEAL R. GROSS**

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

1 that really opens up a new case and a new issue  
2 and it's 25 after 12:00 here on the East Coast.  
3 So this may be a reasonable time to take a break,  
4 folks. And let's get back together at 1:25 or  
5 is that reasonable, 1:25?

6 MEMBER MUNN: Sure. See you in an  
7 hour.

8 CHAIRMAN KOTELCHUCK: Okay, see  
9 you all in an hour.

10 MEMBER MUNN: Alright.

11 CHAIRMAN KOTELCHUCK: 1:25. Have  
12 a good lunch, folks.

13 MEMBER MUNN: You too.

14 CHAIRMAN KOTELCHUCK: Bye-bye.

15 MEMBER MUNN: Bye-bye.

16 CHAIRMAN KOTELCHUCK: Bye-bye.

17 (Whereupon, the above-entitled  
18 matter went off the record at 12:24 p.m. and  
19 resumed at 1:28 p.m.)  
20  
21  
22

**NEAL R. GROSS**

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

1

2

3

4

5

6

7

8

A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

9

(1:28 p.m.)

10

CHAIRMAN KOTELCHUCK: Okay, so we

11

can begin. And it is 1:28. And, Scott, you

12

had a report on 290.1.

13

MR. SIEBERT: Correct. We looked

14

into it over lunch. Matt, can you handle that

15

for us, please?

16

MR. SMITH: Sure. Again, with

17

respect to a correction factor, looking back

18

over things, one can note that there's a factor

19

that is put forth in the Savannah River TBD.

20

And that factor really is one that converts the

21

dose into what we call would modern Hp(10) type

22

of dose. And then we use the appropriate DCF

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 from IG-001 --

2 CHAIRMAN KOTELCHUCK: If you  
3 wouldn't mind, for clarity -- by the way, your  
4 name for the record --

5 MR. SMITH: Sure, sorry. It's  
6 Matt Smith of ORAU Team.

7 CHAIRMAN KOTELCHUCK: Okay, great.  
8 And the Hp, if you'll start with the acronyms.  
9 Pardon.

10 MR. SMITH: Sure, Hp(10) dose, you  
11 know, which is the current dosimetry quantity  
12 that we would use off a modern dosimetry system.

13 CHAIRMAN KOTELCHUCK: Okay, thank  
14 you.

15 MR. SMITH: Basically, it's where  
16 the dosimeter has been calibrated on a phantom,  
17 and it's taking into account backscatter from  
18 that phantom acting as a surrogate for the human  
19 body.

20 CHAIRMAN KOTELCHUCK: Okay, good.

21 MR. SMITH: We had a set of dose  
22 conversion factors. And those are in

**NEAL R. GROSS**

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

1 Implementation Guide 001, published by DCAS.  
2 And those, when we are doing the estimate of  
3 external dose, those dose conversion factors  
4 are used to convert what's been measured by the  
5 dosimeter into the dose to the organ.

6 CHAIRMAN KOTELCHUCK: Okay.

7 MR. SMITH: So depending on the  
8 nature of the dosimetry data that we have, we  
9 will use the appropriate dose conversion factor  
10 from IG-001.

11 If it's a modern dosimeter -- for  
12 the sake of the discussion here, we'll say that  
13 it's gone through the DOELAP accreditation  
14 process -- it's measuring what we call Hp(10).

15 CHAIRMAN KOTELCHUCK: Okay.

16 MR. SMITH: We would use that  
17 particular Hp(10) DCF.

18 CHAIRMAN KOTELCHUCK: Okay.

19 MR. SMITH: For dosimeters that  
20 were calibrated without a phantom in place --  
21 in other words, in free air -- we would use the  
22 exposure, or, in a sense, roentgen-to-dose DCF.

**NEAL R. GROSS**

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

1           When I say dose, I mean dose to the organ.

2                        You know, typically the TBDs will  
3           recommend to us what era to make those  
4           decisions. Some TBDs, like Savannah River, do  
5           provide a -- you know, we'll call it a  
6           correction factor.

7                        In other words, it allows us to  
8           correct dose in the era where they did not use  
9           a phantom for calibration. It allows us to  
10          convert it to what we would call an Hp(10)  
11          quantity. And then we use the Hp(10) DCF.

12                       CHAIRMAN KOTELCHUCK: Right.

13                       MR. SMITH: The issue that Dr.  
14          Richardson brought up regarding angular  
15          response, again -- and as we did discuss before  
16          -- we've looked at the claimant-favorability of  
17          doing things and also the efficiency of doing  
18          things. And for the longest time on this  
19          program, we've gone with an AP assumption.

20                        Certainly, we do correct the dose  
21          for geometry considerations. A good example  
22          would be a glove box worker. That's been

**NEAL R. GROSS**

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

1 discussed many times in many different groups.

2 CHAIRMAN KOTELCHUCK: Right.

3 MR. SMITH: When we have a worker  
4 where there is a geometric exposure situation  
5 with respect to the source term, we certainly  
6 do then apply a geometric correction factor to  
7 the dosimeter dose.

8 But typically, you know, we're  
9 running with 100 percent AP assumption with  
10 respect to geometry. In those kind of  
11 situations, we're not making any corrections  
12 for angular dependence.

13 CHAIRMAN KOTELCHUCK: Okay. And  
14 that was the case for INL?

15 MR. SMITH: INL, there is no  
16 correction factor for the dosimeter dose. And  
17 I think that's mentioned in the response.

18 CHAIRMAN KOTELCHUCK: Right.

19 MR. SMITH: There is, of course, an  
20 uncertainty factor associated with that dose.

21 CHAIRMAN KOTELCHUCK: Right.

22 MR. SMITH: That's applied,

**NEAL R. GROSS**

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

1 typically, as I mentioned before, as a  
2 log-normal distribution as we process the dose  
3 for use in IREP.

4 CHAIRMAN KOTELCHUCK: Okay.

5 MEMBER MUNN: And, Matt, this is  
6 Wanda. How large is the DCF from air  
7 measurement to Hp(10)?

8 MR. SMITH: How large is the -- I  
9 guess repeat the question one more time.

10 MEMBER MUNN: How large is the  
11 correction factor between air measurement and  
12 Hp(10)?

13 MR. SMITH: Oh. For Savannah  
14 River, it turned out to be a factor of 1.119.

15 MEMBER MUNN: Okay, that gives us  
16 a feel.

17 CHAIRMAN KOTELCHUCK: That  
18 certainly does.

19 MEMBER MUNN: Thank you much.

20 CHAIRMAN KOTELCHUCK: That  
21 certainly does. Are there any comments? That  
22 seems to answer, for me at least, what was going

**NEAL R. GROSS**

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

1 on. Are there any remaining concerns, David or  
2 Mark?

3 MEMBER RICHARDSON: This is David  
4 Richardson. The statement was that for INL  
5 there's no correction factor. And I didn't  
6 hear the reason why that was. Are you saying,  
7 over the history of INL, it was always estimated  
8 -- the dosimetry system was always estimating  
9 Hp(10)?

10 MR. SMITH: Yeah, let me clarify  
11 with respect to INL. I don't have it directly  
12 open in front of me, but basically it gives  
13 recommendations of the particular era in which  
14 it's appropriate to use either the exposure DCF  
15 or the Hp(10) DCF.

16 And typically we see that  
17 changeover occur when the switch to TLD  
18 measurement came into play. Sometimes it's  
19 apparent from looking at the site factors that,  
20 even after switching the TLDs, the calibration  
21 might have still been done in free air. But let  
22 me crack open the INL TBD, if that will help.

**NEAL R. GROSS**

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

1 CHAIRMAN KOTELCHUCK: Okay.

2 MEMBER RICHARDSON: I guess the  
3 question is, just more generally -- maybe I'm  
4 not following the language here. As I  
5 understood the statement, there's no bias  
6 correction applied to INL.

7 And we know that INL didn't use TLDs  
8 over its entire history. So regardless of when  
9 the changeover happened -- and this may be the  
10 issue of language I'm not understanding -- my  
11 interpretation was that the dosimeters were  
12 treated the same way in terms of bias in  
13 response over its entire history.

14 MR. SMITH: In terms of bias in  
15 response, the answer would be yes.

16 MEMBER RICHARDSON: I mean, well, I  
17 would separate the issue of uncertainty from  
18 bias and the correction factor in dealing with  
19 wanting to get to a common metric, let's say  
20  $H_p(10)$ , and needing to apply a correction  
21 factor to the dosimetry results in order to get  
22 the measured values onto that scale.

**NEAL R. GROSS**

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

1           And the statement was that no  
2 correction -- there's no correction for bias  
3 for INL. And it wasn't during period of TLD or  
4 during period of multi-element dosimeter, but  
5 that there was no correction factor and they're  
6 all treated the same way. Am I  
7 misunderstanding something still?

8           MR. SMITH: No. I think we're  
9 understanding the same thing. But in the Idaho  
10 TBD, I can reference you to Section 6.4.1. And  
11 the statement there is there are no adjustments  
12 to photon dose, okay? So in terms of any bias  
13 adjustment, none is recommended.

14           MEMBER RICHARDSON: Okay. And  
15 then my understanding is correct. And it's  
16 just remarkable to me. But I suppose we can  
17 leave it at that, or we can ask --

18           (Simultaneous speaking.)

19           MEMBER RICHARDSON: So for  
20 example, we're talking about the situation at  
21 Savannah River and it's describing a  
22 period-specific correction. Then you have

**NEAL R. GROSS**

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

1 Idaho, [which] does not require those.

2 MR. SMITH: With respect to then  
3 converting the dosimeter dose to organ dose,  
4 the reference there would be Section 6.6.

5 MEMBER RICHARDSON: I understand  
6 that. That's a different issue.

7 MR. SMITH: Okay. But to the  
8 question of there being a bias or an adjustment  
9 to photon dose for Idaho, the TBD states no.

10 CHAIRMAN KOTELCHUCK: Okay.

11 MR. KATZ: So this is Ted, Dave and  
12 David. I mean, I think this is a case then  
13 where, I mean, in effect it sounds like, David,  
14 you have a TBD comment. And I think that needs  
15 to be communicated. Independent of going  
16 forward with these cases, the Subcommittee  
17 needs to communicate that concern or issue for  
18 further explanation by the INL Work Group.  
19 Because they're the ones who are interacting  
20 with NIOSH on the TBDs.

21 MEMBER RICHARDSON: Right, thank  
22 you. I agree.

**NEAL R. GROSS**

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

1                   CHAIRMAN KOTELCHUCK:     I agree,  
2     right.

3                   MR. SIEBERT:     This is Scott.  I do  
4     have one question.  I'm just wondering if  
5     there's a clarification that we're missing  
6     here.  Dr. Richardson, are you asking why  
7     Savannah River would have a correction factor  
8     during the film badge era and INEL does not?  
9     I mean, is that the root of the question?

10                  MEMBER RICHARDSON:   Well, it's not  
11     just specific to Savannah River, but yes.  That  
12     would be among the list of questions.

13                  MR. SIEBERT:     Okay.  Because the  
14     reasoning for that is we have dose conversion  
15     factors that are for exposure.  And there are  
16     dose conversion factors that are the Hp(10)  
17     dose conversion factors.  They were created  
18     separately.

19                  And     the     appropriate     dose  
20     conversion factor is used based on the time  
21     frame of which dosimetry was being used at a  
22     site.  Savannah River is the unusual site in

**NEAL R. GROSS**

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

1 that it was an early-on site when we created the  
2 process of doing that.

3 So we made these correction factors  
4 to use Hp(10) DCF across the board. All other  
5 sites will use the exposure DCFs during the time  
6 frame of film badges. And we use the Hp(10)  
7 DCFs for the time frame of TLDs. Does that make  
8 a little bit more sense?

9 MEMBER RICHARDSON: You've  
10 embedded them into the organ dose coefficients  
11 for the other sites. Is that what you're  
12 saying?

13 MR. SIEBERT: That is correct.

14 MEMBER RICHARDSON: Okay. So  
15 they're there. They're simply buried. They're  
16 multiplied in. Thank you.

17 CHAIRMAN KOTELCHUCK: Okay.

18 MR. SMITH: And let me just close  
19 the loop on it with respect to Idaho itself.  
20 Again, the section of interest would be Section  
21 6.6 of the external TBD. For the period of time  
22 before 1981, we would use the exposure DCF with

**NEAL R. GROSS**

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

1 the data. For the period starting with 1981  
2 and going forward, we would use the Hp(10) DCF.

3 CHAIRMAN KOTELCHUCK: Okay.

4 MR. SMITH: And we would not do any  
5 correction to the older pre-81 data that Scott  
6 was describing for Savannah River. That does  
7 not occur here at Savannah River.

8 CHAIRMAN KOTELCHUCK: Okay.

9 MR. SMITH: You just go ahead and  
10 use the appropriate DCF for the appropriate  
11 era.

12 CHAIRMAN KOTELCHUCK: Alright.  
13 Then that, I think, closes it, right? The  
14 question's responded to well and in detail.  
15 Can we close that? Any objections?

16 MEMBER MUNN: Seems appropriate.

17 CHAIRMAN KOTELCHUCK: Okay.

18 290.1 is closed.

19 Let's now go back to our first Mound  
20 [case], which is 323.1. That is on our screen.  
21 Doug?

22 MR. FARVER: Okay, 323.1,

**NEAL R. GROSS**

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

1 incomplete assignment of missed photon dose.  
2 For 1978, NIOSH did not assign a missed photon  
3 dose for August 7th, '78, and October 16th, '78.  
4 The recorded value was less than the LRD over  
5 two, so it should have been a missed dose.  
6 That's the basis for the finding. It had been  
7 treated as a missed dose.

8 Okay. And when we looked at their  
9 first response and went back and tried to find  
10 the IREP input, and there were no IREP inputs  
11 after 1977 for measured photon dose. So then,  
12 NIOSH, you responded in June of 2014.  
13 Apparently there was a workbook error.  
14 The workbook was not doing what it was supposed  
15 to. Or if it was, then the dose reconstructor  
16 was not. But anyway, there's an error  
17 associated with this. And I'll turn that over  
18 to Scott.

19 MR. SIEBERT: Yeah. And, Doug,  
20 you're right. It was not a tool issue. The  
21 tool did exactly what the tool was asked to do.  
22 It's the dose reconstructor who made an error.

**NEAL R. GROSS**

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

1 They entered -- and this is the complex-wide  
2 best estimate tool, because this claim was done  
3 back in 2009 -- they entered a zero error for  
4 the dosimeters. And the tool, when a zero  
5 error is entered, does not include that year.  
6 It doesn't look at it. It doesn't do the  
7 calculation for it.

8 So that was the actual issue, the  
9 dose reconstructor entered the wrong entry into  
10 the tool and then the tool did exactly what it  
11 was told to do.

12 MR. FARVER: Now, Scott, was that  
13 something you manually enter, the error?

14 MR. SIEBERT: Back at that time  
15 frame, before we had a site-specific tool for  
16 Mound, yes. Now we do have a site-specific  
17 tool that handles that, so that is not the case.

18 MR. FARVER: Okay.

19 CHAIRMAN KOTELCHUCK: Which is to  
20 say that that's been resolved since.

21 MR. SIEBERT: Correct.

22 CHAIRMAN KOTELCHUCK: Could you

**NEAL R. GROSS**

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

1 scroll up a little bit? Is this a -- right,  
2 this is a Category C error. Okay, so the  
3 recommendation -- the tool has been changed.  
4 And the recommendation is to close, right?

5 MEMBER MUNN: I wasn't sure that I  
6 heard they're getting a correction made. I  
7 thought I heard that the tool was okay. And --

8 MR. SIEBERT: No, they're -- let me  
9 clarify. I'm sorry, Wanda, I'm referring to a  
10 lot of different things.

11 The complex-wide best estimate  
12 tool that was used at the time this claim was  
13 done was because it had to be the generic tool.  
14 And there was no Mound best estimate tool at  
15 that time.

16 The dose reconstructor entered the  
17 information incorrectly. So there was nothing  
18 wrong with that tool itself. It was used  
19 incorrectly.

20 Now, since that time frame, we do  
21 have a best estimate tool for Mound. So the  
22 dose reconstructor can't even make that same

**NEAL R. GROSS**

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

1 error.

2 MEMBER MUNN: Right. But I just  
3 wanted to make sure that the question that's  
4 being asked here on the hard copy of our matrix  
5 is in fact being answered and that what we used  
6 to close it out here will explain that.

7 MR. FARVER: Yes. I put down that  
8 the CWBE tool is no longer used for Mound. A  
9 site-specific Mound tool is now used, so the  
10 error cannot recur.

11 MEMBER MUNN: And so SC&A accepts  
12 that?

13 MR. FARVER: Yes.

14 MR. KATZ: And Category C means  
15 what again, Doug?

16 MR. FARVER: Gosh, I'll have to go  
17 look that up.

18 MR. KATZ: Because this sounds  
19 like it's a QA issue, right? Because he  
20 entered the wrong -- he used the tool wrongly.  
21 The tool wasn't the problem.

22 CHAIRMAN KOTELCHUCK: Somebody is

**NEAL R. GROSS**

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

1 looking up C.

2 MR. FARVER: C, was the correct  
3 external dose model and assumption used?  
4 Well, no. So it could be C or E.

5 CHAIRMAN KOTELCHUCK: And E is,  
6 we've said before --

7 MR. KATZ: E is QA.

8 MR. STIVER: E is a quality issue.  
9 And, you know, I think at the last meeting we  
10 came to conclusion that we could actually have  
11 kind of a hybrid type.

12 CHAIRMAN KOTELCHUCK: Right.

13 MR. STIVER: So it could possibly  
14 be C and related to the external model but also  
15 a quality issue in how it was implemented.

16 CHAIRMAN KOTELCHUCK: Yeah.

17 MR. KATZ: Okay. I just thought I  
18 heard Scott say that the problem was he didn't  
19 understand his tool, not that he didn't know  
20 what he was doing otherwise.

21 CHAIRMAN KOTELCHUCK: Okay. I  
22 think we're ready to close. I would like to

**NEAL R. GROSS**

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

1 propose that.

2 MEMBER MUNN: Yes.

3 CHAIRMAN KOTELCHUCK: Okay.

4 MEMBER CLAWSON: Dave, hold on one  
5 second.

6 CHAIRMAN KOTELCHUCK: Brad, yes,  
7 hi. Good to hear you. You were not  
8 participating earlier with INL.

9 MEMBER CLAWSON: Well, it's been  
10 INL and I've been out chasing my dog around the  
11 yard. Because, you know, I can't talk anyway.

12 CHAIRMAN KOTELCHUCK: Right.

13 MEMBER CLAWSON: But what I was  
14 going to ask Doug is, in this situation, this  
15 was just a finding, correct? This one that  
16 we're just closing right now. Because my issue  
17 is -- I look at this a little bit different  
18 maybe. We have a lot of QA issues coming up,  
19 and we've changed a lot of these. But if  
20 there's a significant effect to somebody, we're  
21 sampling a small amount of people here.

22 So my question is how many other

**NEAL R. GROSS**

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

1 times has this been, and if it's a no never mind,  
2 it really didn't get up to that much, then we're  
3 not worried about it. But I want us to keep in  
4 mind that we are sampling a small, small amount  
5 when we start finding things like this.

6 And, yes, it has been corrected to  
7 where now the human involvement, but, you know,  
8 how many claims were in and how many different  
9 little things that we have go wrong to them, is  
10 my question. So to you, Doug, is there any  
11 significant impact to any claim because of  
12 this?

13 MR. FARVER: Well, it's hard to  
14 tell. I mean, it's human error. And it didn't  
15 get caught in your QA. So it's hard to tell  
16 what else isn't getting caught. That's all.  
17 I mean, I can't put a magnitude on it.

18 MEMBER CLAWSON: Okay. Well, I  
19 just wanted us to think about that. Because,  
20 you know, it's real easy, yeah, it's just QA,  
21 we just jump on and keep on going. But here's  
22 the other part of the question. How many

**NEAL R. GROSS**

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

1 others and how much did this affect?

2 CHAIRMAN KOTELCHUCK: Yeah. Well  
3 taken.

4 MEMBER CLAWSON: Okay.

5 CHAIRMAN KOTELCHUCK: Well taken.

6 MEMBER CLAWSON: We can close it.

7 CHAIRMAN KOTELCHUCK: Okay. So  
8 we're going to close unless I hear a further  
9 objection. Unless I hear objection, I should  
10 say. Alright. Let's go on.

11 MR. FARVER: Alright, 223.2 is the  
12 same finding for missed neutron dose.

13 MR. SIEBERT: And this is Scott.  
14 I'll save you some time. It's the identical  
15 answer. It would be error being entered as  
16 zero in the complex-wide best estimate tool.

17 CHAIRMAN KOTELCHUCK: Right. It  
18 is the same issue. Okay.

19 MEMBER MUNN: And can we assume  
20 that SC&A no longer needs the IREP entry number?

21 MR. FARVER: Yes.

22 MEMBER MUNN: Okay.

**NEAL R. GROSS**

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

1                   CHAIRMAN KOTELCHUCK: Right, you  
2 should change that. Any other additional  
3 concerns? Let's close that.

4                   And .3?

5                   MR. FARVER: Okay, lack of  
6 investigation of unmonitored period from 1982  
7 to 1996. Let me get my dates right on this guy.  
8 This person worked at Mound from -- he started  
9 in 1965 and through -- the paperwork says  
10 through February 9th of 1996. That's both in  
11 the DOL paperwork and the DR report. That is  
12 his final date.

13                   But there was no, what's ceded to  
14 us is there's no data after 1982. There's no  
15 data in the records. So that is what prompted  
16 the finding.

17                   MEMBER MUNN: Can we assume this  
18 was a compensable claim?

19                   MR. FARVER: No.

20                   MEMBER MUNN: The real question  
21 here is if it was compensated.

22                   MR. FARVER: No.

**NEAL R. GROSS**

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

1 MEMBER MUNN: No, okay.

2 CHAIRMAN KOTELCHUCK: I'm not  
3 quite -- the person terminated employment in  
4 '82 or '83. And what was the employee's  
5 employment from '82 to '96? You're saying that  
6 the person was still employed at Mound?

7 MR. FARVER: I'm saying that all  
8 the paperwork says he lasted -- the last day of  
9 employment February, whatever, 1996.

10 CHAIRMAN KOTELCHUCK: The  
11 paperwork from the company?

12 MR. FARVER: No. The paperwork --

13 CHAIRMAN KOTELCHUCK: From DOE?

14 MEMBER MUNN: The claimant.

15 CHAIRMAN KOTELCHUCK: Okay.

16 Alright.

17 MR. FARVER: And apparently it  
18 says -- I remember just reading it at lunchtime  
19 -- when the employments were verified. Now, I  
20 don't know. This is really strange. Because  
21 that final date is the employee's date of death.

22 CHAIRMAN KOTELCHUCK: Yeah.

**NEAL R. GROSS**

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

1                   MR. FARVER:    Now, I don't think  
2                   it's unusual to have employees retire and then  
3                   come back.

4                   CHAIRMAN KOTELCHUCK:   Right.

5                   MEMBER MUNN:    But the record says  
6                   that he terminated January 1, '82.   And that's  
7                   when the dosimetry records stop.

8                   MR. FARVER:        But the final  
9                   employment date was 1996.

10                  MEMBER MUNN:    Well, that's what it  
11                  says on the claimant's --

12                  CHAIRMAN KOTELCHUCK:        Is it  
13                  possible the employee could have been working  
14                  for Mound in another capacity such that they  
15                  would not be exposed at all?   Well, there's  
16                  ambient exposure.

17                  MR. FARVER:        That is possible.  
18                  But it's also possible he was working there and  
19                  the records were either filed under another  
20                  employee number or something like that.

21                  Because if -- and that's if the 1996  
22                  date's correct.   There's just that lapse from

**NEAL R. GROSS**

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

1 '92 to '96 where there's just absolutely  
2 nothing in the records that were provided, any  
3 dosimetry data, or there's no indication that  
4 the job changed. He was still listed as a  
5 millwright mechanic during the entire  
6 employment period.

7 CHAIRMAN KOTELCHUCK: Could you  
8 scroll down a little bit more? No lack of  
9 investigation for the unmonitored period, so  
10 there was an investigation and nothing came up.

11 MR. FARVER: No, no. We felt that  
12 they should have investigated this time period  
13 to figure out, you know, what was going on.

14 CHAIRMAN KOTELCHUCK: Yeah.

15 MEMBER MUNN: That's not what the  
16 words say.

17 CHAIRMAN KOTELCHUCK: Right.  
18 Since it was not compensated, I don't even see  
19 the rationale for saying close.

20 MR. FARVER: Well, I'm not sure  
21 what else you're going to do.

22 MR. CALHOUN: Well, you're looking

**NEAL R. GROSS**

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

1 into -- this is Grady. And I don't know, it  
2 seems like the crux of this is if we didn't  
3 re-request dosimetry data from Mound?

4 MR. FARVER: Well, there's nothing  
5 in the DR report about that period. I mean, if  
6 you're contending that he retired in '82, then  
7 why would you go ahead and give him -- I think  
8 we go on and we have some environmental dose or  
9 something later in the year or later in the time  
10 period.

11 There's just no information for  
12 that time period that was contained in the  
13 records or in the DR report. I mean, if he was  
14 employed and if his job didn't change, it might  
15 have been appropriate to give coworker-type  
16 dose or --

17 MEMBER MUNN: Conversely, the  
18 record says he was paid sick leave until he  
19 retired, effective January 1, '82. He was  
20 receiving sick leave. It doesn't seem likely  
21 that he would have eliminated his sick leave  
22 payments even if he were not reporting for work.

**NEAL R. GROSS**

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

1 CHAIRMAN KOTELCHUCK: Well, we're  
2 talking a 14 year period.

3 MEMBER MUNN: Yes, we are. And he  
4 was employed from '60-when to --

5 MR. FARVER: '69, was it? '65?  
6 Something very early on.

7 MEMBER MUNN: Okay.

8 MR. SIEBERT: 1965.

9 CHAIRMAN KOTELCHUCK: '65, wow.

10 MR. FARVER: You know, our point  
11 was there should have been some sort of  
12 investigation, some sort of rationale covering  
13 this time period. And it was not included in  
14 the DR report.

15 MEMBER MUNN: So what his claim  
16 says is he was employed for 16 years. And then  
17 for another 16 years there was more claim of  
18 employment but no record that was returned from  
19 the file.

20 MR. FARVER: Right.

21 CHAIRMAN KOTELCHUCK: And was this  
22 case filed after the employee had died, after

**NEAL R. GROSS**

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

1 '96?

2 MR. CALHOUN: It says so, yes.

3 MR. FARVER: Yes.

4 CHAIRMAN KOTELCHUCK: So that the  
5 claim of his working from '82 to '96 was his  
6 family's claim or his survivor's claim.

7 MR. FARVER: I don't know.

8 CHAIRMAN KOTELCHUCK: Not his.

9 MR. FARVER: They filled out the  
10 paperwork, yes. It all has to get verified by  
11 DOL.

12 CHAIRMAN KOTELCHUCK: Right.

13 MEMBER MUNN: And if he died in  
14 '96, then it's a lead-pipe cinch he was not  
15 filing the paper for this claim.

16 CHAIRMAN KOTELCHUCK: That's the  
17 point.

18 MEMBER MUNN: Yes.

19 CHAIRMAN KOTELCHUCK: In which  
20 case the family could have been -- first, this  
21 is absolutely, this is speculative. I don't  
22 know and there's not evidence. But I'm

**NEAL R. GROSS**

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

1 wondering if the discrepancy in the records and  
2 in reports is the discrepancy between the  
3 family's report and the actual employment. I  
4 mean that the family may have said something in  
5 error.

6 MEMBER MUNN: Or simply entered a  
7 wrong date.

8 CHAIRMAN KOTELCHUCK: Yeah.

9 MR. FARVER: The question is why  
10 the Department of Labor would verify a date when  
11 he didn't work that time period.

12 CHAIRMAN KOTELCHUCK: Should it be  
13 sent back to the Department of Labor?

14 MR. FARVER: Well, our point was  
15 somebody should have asked some questions at  
16 the time, you know? Are there records? And  
17 that just wasn't done. I mean, that's the  
18 basis for the finding. It's a mystery. I  
19 don't know what the answer is. But we felt that  
20 someone should have done some initiative and  
21 looked into it.

22 MEMBER MUNN: I don't believe we

**NEAL R. GROSS**

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

1 can return claims to DOL.

2 CHAIRMAN KOTELCHUCK: No. It's  
3 not an issue of returning, it's an issue of  
4 perhaps they made a mistake in their  
5 verification process. It that possible?

6 MR. FARVER: It could.

7 CHAIRMAN KOTELCHUCK: At the  
8 moment, it seems more of an observation than a  
9 finding. You're saying that the data that we  
10 were provided with was properly evaluated but  
11 that there is a conflict between the claim  
12 itself and the period, the time of the claim  
13 itself and the period investigated.

14 MR. CALHOUN: Hold on a second.  
15 Let me read you a sentence here.

16 CHAIRMAN KOTELCHUCK: Okay.  
17 Thank you.

18 MR. CALHOUN: It says, "Dosimetry  
19 records were not available for '82 through '95  
20 so only on-site ambient dose was assigned for  
21 this portion of the employment."

22 CHAIRMAN KOTELCHUCK: Right.

**NEAL R. GROSS**

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

1 MR. CALHOUN: And I've got dose in  
2 his DR all the way up through '95.

3 MR. FARVER: I understand. Our  
4 point was --

5 MR. CALHOUN: I know you  
6 understand. I just didn't think that the other  
7 people on the line might have understood that.

8 CHAIRMAN KOTELCHUCK: I did not  
9 understand that. So thank you.

10 MR. CALHOUN: So we did assign  
11 ambient. And the fact that we didn't go back,  
12 I don't know if that's an issue.

13 CHAIRMAN KOTELCHUCK: What do the  
14 other Committee Members think? Subcommittee  
15 Members?

16 MEMBER CLAWSON: Well, this is  
17 Brad. I'm sitting here, you know, I think it's  
18 kind of interesting that we have this kind of  
19 an error or mistake, whatever we want to call  
20 it. But --

21 MR. CALHOUN: There's no mistake.

22 MEMBER CLAWSON: It's not a

**NEAL R. GROSS**

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

1 mistake? You guys just gave him some dose?

2 MR. CALHOUN: That's not what the  
3 mistake was.

4 MEMBER CLAWSON: When did he leave  
5 employment at Mound?

6 MR. CALHOUN: '95. And we gave  
7 him the dose through '95.

8 MEMBER CLAWSON: Okay.

9 CHAIRMAN KOTELCHUCK: Yeah.

10 MR. CALHOUN: So where's the  
11 mistake?

12 MR. FARVER: The problem is  
13 there's no record of his employment after 1982.

14 MR. CALHOUN: Right. So we  
15 requested dosimetry information. We got  
16 dosimetry information. We used the  
17 information we had. Where we had holes, we  
18 added ambient dose like we always do, or  
19 something else. So I don't see a mistake here.

20 MEMBER MUNN: My question is, in  
21 the verbiage that we have, I did not see  
22 anything that gave me the information I just

**NEAL R. GROSS**

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

1 heard, which was that he was employed through  
2 '95. I didn't see that in what I read.

3 What I read was the record shows he  
4 was discharged, that his employment was  
5 terminated January 1st, 1982. But I just heard  
6 that he actually was terminated in 1995.  
7 That's new information to me.

8 MR. SIEBERT: Well, this is Scott.  
9 The verification from DOL is through 1996. The  
10 date of his death is verified by DOL.

11 MEMBER MUNN: Now, that does not  
12 appear in anything that I just read, though,  
13 Scott. That's what I'm saying. This is new  
14 information to me.

15 MR. SIEBERT: Okay. So that is the  
16 verified employment from DOL. And I would  
17 recommend remembering that the claim number for  
18 this is [identifying information redacted].  
19 So it's a very early one, even for DOL, when they  
20 were in their process as well. So the DOL  
21 verified date is through '96. That doesn't --

22 MR. CALHOUN: It's actually just

**NEAL R. GROSS**

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

1 two months into '96. Not even.

2 CHAIRMAN KOTELCHUCK: Okay.

3 MEMBER MUNN: But that's okay. The  
4 fact that the DOL record shows anything is news  
5 to me. I just wasn't reading that.

6 MR. SIEBERT: Right. And when we  
7 looked at the DOE response, it states that he  
8 retired and left and was also on sick leave at  
9 the end of the time frame. I think it was in  
10 1982.

11 MEMBER MUNN: Yeah. He may have  
12 been on sick leave and not on-site the rest of  
13 those 15 years. Who knows?

14 MR. SIEBERT: Now, I'm looking at  
15 the request for information that was conducted  
16 early on. And the dates of employment of the  
17 request are -- it originally states -- and I'm  
18 looking at the original DOE response page -- I'm  
19 sorry, page 2 of the original DOE response, the  
20 dates of employment are typewritten through the  
21 date of death, which is 2/9/1996. But that is  
22 then lined out, and written over it is 1/1/82.

**NEAL R. GROSS**

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

1 And it states that the 2/9/96 date is when he  
2 passed away.

3 So it looks as if Mound, when they  
4 responded or when we requested -- I can't tell  
5 the difference -- was stating that the  
6 employment ended in the beginning of '82.

7 However, when we assessed the claim,  
8 we just made the assumption that it was all the  
9 way through '96, because the DOL verified  
10 employment stated that, even though there may  
11 have been more indication saying he left in '82.  
12 And as a claimant-favorable assumption,  
13 thinking that he may not have even been on-site,  
14 that we don't have any monitoring, we don't have  
15 any indication of monitoring, it was assigned  
16 to ambient for the time frame from when he's  
17 listed in the DOE records as leaving the site  
18 until the date the DOL ended their verification  
19 of the employment.

20 MEMBER MUNN: Yeah. My only  
21 puzzlement was I had seen nothing in the wording  
22 of the finding and subsequent comments that gave

**NEAL R. GROSS**

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

1 me the information about DOL saying he was  
2 employed until '95. That explains it  
3 completely, seems to me. And right there it  
4 says covered end date established by DOL as  
5 1996. Okay, got you.

6 MR. FARVER: The basis for the  
7 finding was that, if he was employed during that  
8 14 year period and if his job and occupation did  
9 not change, environmental dose was not  
10 claimant-favorable and he probably should have  
11 done something like coworker dose.

12 MEMBER MUNN: Yes.

13 MR. FARVER: That's the basis for  
14 the finding, because there was just no  
15 information for that period.

16 MEMBER MUNN: Yeah.

17 CHAIRMAN KOTELCHUCK: If folks will  
18 excuse me on the conference call, somebody  
19 knocked at [my] door. And I missed a little bit  
20 of the discussion. So please continue.

21 So there seems to be, Wanda, you were  
22 saying basically that you agree with the

**NEAL R. GROSS**

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

1 finding.

2 MEMBER MUNN: Yes.

3 CHAIRMAN KOTELCHUCK: And there is  
4 enough information on the record now that there  
5 should have been coworker data entered.

6 MEMBER MUNN: No. I don't feel  
7 that's the case. I think that what was done was  
8 done appropriately because there is no  
9 dosimeter record. There's an indication that  
10 the employee was sick at the time that the first  
11 dates that we talked about --

12 CHAIRMAN KOTELCHUCK: Right. The  
13 '82, right.

14 MEMBER MUNN: The '82 dates, and  
15 they don't have dosimeter records after that  
16 time. Then that's been checked. I think they  
17 did the appropriate thing.

18 CHAIRMAN KOTELCHUCK: Okay. Other  
19 Subcommittee Members?

20 MEMBER CLAWSON: Where was he?  
21 What did he do?

22 MEMBER MUNN: He may have been home

**NEAL R. GROSS**

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

1 sick for 15 years, as I said.

2 MEMBER CLAWSON: Fifteen years?

3 MEMBER MUNN: Yeah.

4 MEMBER CLAWSON: One year, long  
5 term disability, then you're kicked on Social  
6 Security. They don't hold you on. I think  
7 we're missing something here.

8 MR. KATZ: I think, Brad, what they  
9 were explaining was that they have -- all they  
10 have to say that he worked until '96 is the DOL  
11 verification. But all of their narrative in  
12 their records seems to suggest that he actually  
13 retired in '82 and that the date -- '96 is the  
14 date he died, not the date he left employment.

15 So that's what, I think, NIOSH is  
16 trying to say. I don't want to put words in  
17 their mouth, but that's more or less what they  
18 said.

19 MR. CALHOUN: But we're not  
20 ignoring that period either. We're trying --

21 MR. KATZ: So they credited the  
22 ambient dose just out of some uncertainty about

**NEAL R. GROSS**

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

1 that. Because they still have that DOL date.  
2 But all their records otherwise seem to indicate  
3 he retired in '82.

4 MR. CALHOUN: Exactly.

5 MR. KATZ: Right. So I'm just  
6 trying to synopsise all this so you understand  
7 why they did what they did.

8 MEMBER CLAWSON: I understand, and  
9 I appreciate it.

10 MR. KATZ: Okay.

11 CHAIRMAN KOTELCHUCK: Other  
12 comments?

13 MEMBER GRIFFON: I just agree with  
14 the original finding. I wonder if this wasn't  
15 a borderline case. What would you have done if  
16 this was a best estimate case? I don't know if  
17 it was, even.

18 But what would you have done if it  
19 came up near the 50 percentile? Would you have  
20 assigned dose when the person wasn't even  
21 working at the site for 13 years? It was a bit  
22 -- you know, it seems like you would want to

**NEAL R. GROSS**

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

1 check that.

2 MR. CALHOUN: We definitely would  
3 have assigned dose.

4 MEMBER GRIFFON: This was  
5 convenient additional dose. You know, you can  
6 say claimant-favorable --

7 (Simultaneous speaking.)

8 MR. CALHOUN: -- at the site.

9 MR. SIEBERT: Well, let me tell you,  
10 what we likely would have done at that time was,  
11 if it was in best estimate territory, we may have  
12 asked the question to DOL about the verification  
13 and/or asked additional questions of Mound.

14 However, it was not in best estimate  
15 territory. It was well less than 50 percent.  
16 It's 33 percent. So assigning ambient is  
17 reasonable and follows the dictates of what we  
18 assign when there is no monitoring at Mound.

19 MEMBER GRIFFON: Okay. I like that  
20 explanation better actually, Scott. I mean, if  
21 it's that low, and I'm hoping that if it was  
22 approaching that you would have done more

**NEAL R. GROSS**

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

1 investigation, you know, if you got to 45  
2 percent or whatever. Alright.

3 CHAIRMAN KOTELCHUCK: Could I ask  
4 what would have happened had you made the  
5 extreme assumption that the dosimetry records  
6 were missing but that the person stayed on the  
7 same job from '82 to '96? I assume -- well, let  
8 me ask you. Do you think the PoC would have  
9 risen significantly?

10 MR. SIEBERT: Without running  
11 anything, I cannot begin to address the  
12 question.

13 CHAIRMAN KOTELCHUCK: Right. And  
14 that is --

15 MR. SIEBERT: The fact that it's at  
16 33 percent indicates to me -- we also have to  
17 remember that PoC is not linear to dose.

18 CHAIRMAN KOTELCHUCK: Oh,  
19 absolutely, absolutely.

20 MR. SIEBERT: As you get higher and  
21 higher and closer to 50 percent, it takes more  
22 and more dose. You know, you have to double the

**NEAL R. GROSS**

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

1 dose. If I remember correctly, this is off the  
2 top of my head.

3 CHAIRMAN KOTELCHUCK: Right.

4 MR. SIEBERT: You have to pretty  
5 much double the dose to get from around 40 or  
6 42 percent to 50 percent. It takes a lot more  
7 to get there.

8 So if we're sitting at 33 percent,  
9 and we're talking about basically doubling this  
10 individual's dose if we assume he was working  
11 another 16, it still would not likely get you  
12 into that territory.

13 But that is just loose looking at the  
14 numbers. I can't say anything for sure without  
15 actually running anything.

16 CHAIRMAN KOTELCHUCK: Yes. And  
17 there is -- first, I have the problem of  
18 diversion in the middle of the conversation.  
19 So there are things I believe I missed or am  
20 unclear that you may have dealt with.

21 But I believe there's a good chance  
22 -- I think there's a very good chance that your

**NEAL R. GROSS**

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

1 assumption is correct, that the person died in  
2 '96.

3 But there is evidence that -- there  
4 is something on the record that says that the  
5 person worked through '96. Calling it ambient  
6 dose doesn't seem to me to be dealing with it.

7 I would be much more comfortable  
8 were this rerun with the person working at their  
9 same job that they worked at up to 1982. I just  
10 feel as if we're not being claimant-favorable.  
11 We're dealing with the data that we have. But  
12 the data that we have, there seems to me to be  
13 a deep conflict in there.

14 MR. CALHOUN: David, what we do is  
15 we have to use the weight of the evidence. And  
16 even if this guy hadn't passed away, we would  
17 try to go back and look to see if anything had  
18 changed. In this case, we found out that he was  
19 sick and he was likely not there. And because  
20 the lack of dosimetry comes at the end rather  
21 than at the beginning of his work era, it's much  
22 more reasonable to assign ambient dose. I'm

**NEAL R. GROSS**

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

1 completely okay with that approach.

2 CHAIRMAN KOTELCHUCK: Yeah. If he  
3 were really working -- I don't think he was  
4 working, but that's thinking, not evidence.

5 MR. CALHOUN: You've got to look at  
6 the era too. This is 1982.

7 CHAIRMAN KOTELCHUCK: Yeah.

8 MR. CALHOUN: And if he was working  
9 at that time, it's a very, very high likelihood  
10 that he would have been monitored.

11 CHAIRMAN KOTELCHUCK: Oh, yes.

12 MR. SIEBERT: Especially through  
13 1992 once 835 compliance has kicked in.

14 CHAIRMAN KOTELCHUCK: Yeah. Well,  
15 that's true. That's true.

16 MR. CALHOUN: If this was a 1950s  
17 case, maybe we'd think about it a little  
18 differently.

19 CHAIRMAN KOTELCHUCK: Yeah.  
20 You're right that they would -- I would have  
21 confidence that he would have been monitored.  
22 While I'm pondering, other folks anything?

**NEAL R. GROSS**

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

1                   MEMBER MUNN:     I would imagine,  
2                   after he had worked there for 15 years, if he  
3                   was not being monitored he himself would raise  
4                   an issue, I would think.   I've never known  
5                   anyone who worked at any of these sites who was  
6                   not conscious of the fact that they needed to  
7                   be monitored.

8                   CHAIRMAN KOTELCHUCK:   I agree.

9                   MEMBER MUNN:   Not after 15 years of  
10                  employment.

11                  CHAIRMAN    KOTELCHUCK:           That's  
12                  absolutely reasonable.

13                  MEMBER GRIFFON:   Yeah.   But I think  
14                  Doug raised this question.   I mean, these are  
15                  all -- we're all sort of speculating here.   But,  
16                  I mean, if he left and came back, it could have  
17                  been that he was monitored, they just didn't put  
18                  the records together.   He might have been  
19                  assigned a different employee number.   I don't  
20                  know exactly how Mound --

21                  MR.   SIEBERT:   This is Scott.   I  
22                  will look.   I'm doing some additional looking

**NEAL R. GROSS**

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

1 through the records as we do this. In looking  
2 through the DOE records, I am finding  
3 assessments that were done by Mound in -- let  
4 me look at the date here -- in 1999 as part of  
5 the dose reconstruction project that was done.  
6 And this individual is clearly listed in those  
7 dose reconstruction reports as leaving in '82  
8 or '83.

9           Whereas, if the site was assessing  
10 things back in the late '90s time frame, they  
11 would have been aware of the fact that there were  
12 multiple ways to link to an individual. And  
13 they would have taken that into account.

14           CHAIRMAN KOTELCHUCK: Good.

15           MEMBER CLAWSON: And, Scott, I  
16 think that if statements like that were included  
17 in the DR report it would have cleared a lot of  
18 this up.

19           CHAIRMAN KOTELCHUCK: Okay. Yeah.

20           MEMBER CLAWSON: You know, our  
21 basis for assigning ambient and environmental  
22 is because our bioassay records show that he was

**NEAL R. GROSS**

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

1 not monitored and, you know, you have more  
2 justification for it. But that was just  
3 absent.

4 CHAIRMAN KOTELCHUCK: Yeah.

5 MR. KATZ: So, Scott, I don't want  
6 to prolong this, but can I ask you just one  
7 question? Those records that you just looked  
8 for, are they part of his claims file? Or did  
9 you find that elsewhere?

10 MR. SIEBERT: No. That is part of  
11 his claims file. It is in the DOE record --

12 MR. KATZ: Okay, okay, okay. But  
13 so, Doug, I mean, in part answer to you, I mean,  
14 if it's in the claims file, that's part of what  
15 you review when you review these cases, no?

16 MR. FARVER: That is.

17 MR. KATZ: Okay.

18 MR. FARVER: But just because we're  
19 looking up, you know, it's under bioassay  
20 records, doesn't mean he can't have some  
21 external records that are missing.

22 I can't really fault them too bad for

**NEAL R. GROSS**

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

1 what they did after we get the explanation.  
2 It's when you're looking at the data and looking  
3 at the DR report, and the DR report doesn't say  
4 something, then you kind of have to wonder,  
5 well, did they think of this? And the 14 years  
6 was a big gap.

7 CHAIRMAN KOTELCHUCK: I'm  
8 satisfied measurements were made in a later  
9 period. And if he doesn't have -- if they are  
10 not there for that person, then that suggests  
11 that that was not appropriate to monitor him for  
12 whatever reason. I could close on this.  
13 Others?

14 MEMBER CLAWSON: This is Brad. We  
15 can close it.

16 CHAIRMAN KOTELCHUCK: Okay.  
17 David?

18 MEMBER RICHARDSON: Yes.

19 CHAIRMAN KOTELCHUCK: Okay. Then  
20 we are going to close.

21 The observation?

22 MR. FARVER: Observation: in

**NEAL R. GROSS**

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

1 February 1972 plutonium bioassay result,  
2 there's a transcription error. The value used  
3 was 0.162. It should have been 0.135.

4 CHAIRMAN KOTELCHUCK: Yeah.

5 MEMBER MUNN: Which is  
6 claimant-favorable.

7 CHAIRMAN KOTELCHUCK: Yeah. It's  
8 claimant-favorable, and it's really minor.

9 MEMBER MUNN: Yeah.

10 CHAIRMAN KOTELCHUCK: So we've  
11 observed. Let's go, folks, to Pinellas.  
12 There are some observations on 233.

13 MR. FARVER: Let me find that case.

14 CHAIRMAN KOTELCHUCK: Right.  
15 While he's looking, Ted or others, I'm just  
16 checking my own records of what we've talked  
17 about today. And it seems to me that we have  
18 -- am I correct that we have closed everything  
19 that we've looked at?

20 MR. KATZ: Yes.

21 CHAIRMAN KOTELCHUCK: Right. That  
22 we don't have anything open from today's

**NEAL R. GROSS**

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

1 discussion. Okay. Good, Ted. Thank you.

2 MEMBER MUNN: Well --

3 CHAIRMAN KOTELCHUCK: I know you're  
4 keeping notes.

5 MEMBER MUNN: We did have one thing  
6 we were going to pursue, did we not?

7 CHAIRMAN KOTELCHUCK: The 290.1 we  
8 closed.

9 MR. SIEBERT: No, actually --

10 CHAIRMAN KOTELCHUCK: Oh, 265.1.

11 MR. SIEBERT: Yes. Yes, we are  
12 going to look further into that issue.

13 MEMBER MUNN: Yeah.

14 CHAIRMAN KOTELCHUCK: There is one  
15 open. Okay. Okay, Pinellas.

16 MR. FARVER: 233. I'm getting  
17 there.

18 CHAIRMAN KOTELCHUCK: Okay.

19 MR. FARVER: Okay. Observation 1,  
20 on Page 7 of the CATI report one question, when  
21 questioned, Are you aware of any records related  
22 to your information you provided that may help

**NEAL R. GROSS**

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

1 us estimate your doses? The remark is yes, next  
2 to the incident reports. While the employee's  
3 file, DOE file, contains mostly medical  
4 records, the DR report should have at least  
5 acknowledged the CATI information. That was  
6 the basis for the observation.

7 MR. SIEBERT: And as to -- and this  
8 is Scott. We've had a long discussion as to why  
9 we did what we did. But I will agree with Doug  
10 that it would have been wise to have addressed  
11 that in the dose reconstruction report itself,  
12 at least mention that they said that in the CATI  
13 about the incident.

14 I'm looking back at the claim. And  
15 it was done in 2005, before we updated many of  
16 the things that we additionally document. So  
17 I want to bear that in mind.

18 MR. FARVER: Right. This is one of  
19 those pretty standard observations we were  
20 recording because we didn't feel they were  
21 making good use of the CATI information.

22 I'm sure you remember those

**NEAL R. GROSS**

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

1 discussions. And really we just felt like if  
2 you put a statement in there saying that, you  
3 know, acknowledging what was in the report or  
4 the CATI report, that was all. That's why it  
5 was an observation, not a finding.

6 CHAIRMAN KOTELCHUCK: Yes. Okay.

7 MEMBER MUNN: And I think the  
8 explanation that the employee was assigned the  
9 99th percentile external and internal doses for  
10 all years more than adequately covers that in  
11 the absence of a spectacular event of some kind.  
12 Exposure to smoke stack, well, yeah, that's  
13 pretty well covered by 99 percentile.

14 CHAIRMAN KOTELCHUCK: Okay.  
15 Further comments before we move on?

16 (No response.)

17 CHAIRMAN KOTELCHUCK: Let's go.

18 MR. FARVER: Okay, next one. This  
19 is another Pinellas case, 299.1, failure to  
20 assign external neutron dose.

21 Our reviewer felt that after  
22 reviewing the records supplied by DOE, the CATI

**NEAL R. GROSS**

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

1 report and site-specific information, that  
2 despite the fact there were no dosimeter results  
3 available, there was enough evidence to support  
4 assigning unmonitored external neutron dose.

5 Based on the work history and the  
6 CATI report, the employee most likely worked in  
7 the area from '60 to '65.

8 MEMBER MUNN: Yeah, the revision  
9 covers it. And, well, the contractor  
10 recommends the finding be closed. It certainly  
11 seems reasonable. Recommend closure.

12 CHAIRMAN KOTELCHUCK: Okay.  
13 Comments? Scroll up so we can just look again  
14 at SC&A's response. Okay. Close?

15 MEMBER MUNN: Yes.

16 MEMBER CLAWSON: That's fine with  
17 me, Dave.

18 CHAIRMAN KOTELCHUCK: Okay. Then  
19 it's closed.

20 MR. FARVER: Okay. Next finding,  
21 299.2, X-ray frequency was not consistent with  
22 the interview information.

**NEAL R. GROSS**

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

1                   And this is some more CATI report  
2 information where the employee recalls X-rays  
3 were performed annually from '58 through '92.

4                   CHAIRMAN KOTELCHUCK:     Could we  
5 scroll up to NIOSH's response in the green?  
6 Thank you.

7                   MEMBER MUNN:     TBD sounds pretty  
8 specific. The record sounds pretty specific.  
9 They're done on an annual basis, but they didn't  
10 always include X-rays. The record exists to  
11 support their position.

12                   CHAIRMAN KOTELCHUCK: Right. That  
13 sounds --

14                   MEMBER MUNN:     It sounds as though  
15 they did what the, well, what the documents tell  
16 them to do. And that's really what we're  
17 looking at here.

18                   CHAIRMAN KOTELCHUCK: Right.

19                   MEMBER MUNN:     Did they follow their  
20 instructions? I'd recommend closure.

21                   CHAIRMAN KOTELCHUCK: Seems to me  
22 they did.

**NEAL R. GROSS**

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

1                   MEMBER MUNN:    Is SC&A accepting  
2                   that?  Do you have any comments?

3                   MR. FARVER:    Yes.

4                   CHAIRMAN KOTELCHUCK:  Okay.

5                   MEMBER MUNN:    Good.

6                   CHAIRMAN KOTELCHUCK:  Yeah.

7                   MEMBER MUNN:    Recommend closure.

8                   CHAIRMAN KOTELCHUCK:        Agreed.  
9                   Objection, concern?  In this case, I think we  
10                  have written evidence on the record that X-rays  
11                  were not always taken.

12                  MR. FARVER:    Okay.

13                  CHAIRMAN KOTELCHUCK:    And that's  
14                  why it makes sense.  Okay, I agree.  Let's  
15                  close.  If I hear no objection --

16                  MEMBER CLAWSON:    That's fine.  Go  
17                  ahead.

18                  CHAIRMAN KOTELCHUCK:    Go ahead.  
19                  .3?

20                  MR. FARVER:    .3, omission of a 1968  
21                  X-ray exposure.  Although there exists only a  
22                  reference the June 1968 chest X-ray and no DOE

**NEAL R. GROSS**

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

1 records were provided, SC&A thought that it  
2 would be claimant-favorable to include this  
3 exposure, since you're including other actual  
4 records.

5 There wasn't any actual X-ray  
6 record, but there was a reference to a June '68  
7 chest X-ray.

8 MR. SIEBERT: And this is Scott. I  
9 looked a little more deeply into this even than  
10 we'd explained here.

11 It really comes down to, as Doug was  
12 saying, there's a memo in the file of a DOE  
13 response where the doctor is talking about --  
14 they're tracking the elevation of the  
15 diaphragm. And they're saying, in '70, it's  
16 very much the same as previous examinations of  
17 June '68, January of '64 and October of '69.

18 In that statement, the two later  
19 ones, the 1964 and the 1969 X-rays, are  
20 corroborated by the actual X-ray record. There  
21 is no record of a June 1968 X-ray.

22 Now, there is, in the file, a June

**NEAL R. GROSS**

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

1 1958 X-ray in the file. And I look back at this,  
2 and there are clearly only three X-rays in the  
3 file before 1970. And the memo is responding  
4 and stating there are three X-rays they're  
5 referring to.

6 And it's very easy to make the  
7 assumption that they made a typographical error  
8 of 1958 -- they wrote it as 1968. The  
9 additional thing that makes me think that as  
10 well is the order they are written in the memo,  
11 as June '68, January '64 and October '69.  
12 They're out of order, out of date order. If you  
13 make the assumption it should have been '58,  
14 where we do have a record, it makes perfectly  
15 good sense, because they would have been in  
16 order.

17 CHAIRMAN KOTELCHUCK: Sounds good.

18 MEMBER MUNN: And speaking as a  
19 person who made their living typing during that  
20 particular period, that makes eminently good  
21 sense.

22 CHAIRMAN KOTELCHUCK: Yes.

**NEAL R. GROSS**

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

1                   MEMBER MUNN: Recommend closure.

2                   CHAIRMAN KOTELCHUCK: I agree.

3 Doug, do you accept that?

4                   MR. FARVER: Well, having gone and  
5 looked at that, I can see where you could go  
6 either way. I mean, you're looking at a piece  
7 of paper. And it's hard to tell.

8                   I mean, a lot of these records that  
9 we look at, it can go either way. I mean, I  
10 can't fight too hard on it. My only defense is,  
11 if you decide you're going to use actual  
12 records, then you want to at least be  
13 claimant-favorable to include this.

14                  DR. MAURO: This is John. I'd like  
15 to jump in also, just a little bit. In the many  
16 cases -- now we're talking on the DOE side of  
17 the house as opposed to AWE -- the default has  
18 always been to assign annual chest X-rays unless  
19 there was some affirmative evidence to the  
20 contrary.

21                  In this case, we have an interesting  
22 circumstance where it sounds like we have some

**NEAL R. GROSS**

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

1 affirmative evidence that there were at least  
2 three, I guess, prior to 1970. That's the  
3 position that's being taken.

4 MR. SIEBERT: There were plenty  
5 after that we listed as well.

6 DR. MAURO: But they were after.  
7 Now, it just seems that we aren't in -- and  
8 you're right, we're in sort of gray territory.  
9 The fact that you have affirmative evidence  
10 making reference to these three, in effect what  
11 we're saying is -- the fact that they do make  
12 reference to these three -- and we'll accept  
13 that 1958 for the purposes of this conversation.  
14 In effect what we're saying is the fact that,  
15 when they made past reference to pre-70, that  
16 is sort of affirmative evidence that these were  
17 in fact the only X-rays that were taken. And  
18 that's certainly a reasonable decision. But  
19 it's the first time we've -- at least the first  
20 time I've heard this.

21 So, in effect, the fact that they  
22 spoke about just those three, as long as

**NEAL R. GROSS**

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

1 everyone is comfortable, I think that puts you  
2 in a place where you're feeling confident.  
3 That means, in the other years, X-rays were not  
4 taken. And that's, in effect, what you're  
5 doing right now.

6 And, you know, it's a tough call  
7 which way you want to go on that. Because if  
8 it was silent regarding X-rays in the records  
9 for this worker and in the Site Profile, we would  
10 assign.

11 CHAIRMAN KOTELCHUCK: Correct.

12 MEMBER MUNN: But it is not silent.

13 CHAIRMAN KOTELCHUCK: But there is  
14 not silence.

15 MR. SIEBERT: The TBD is clear that  
16 if we have no information, we go with annuals.  
17 But we do have information in this case,  
18 correct.

19 DR. MAURO: Okay. I just wanted to  
20 make sure it's clear that that's the path we're  
21 going on. And we'll keep that in mind in our  
22 future evaluations.

**NEAL R. GROSS**

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

1                   CHAIRMAN KOTELCHUCK: Right. And  
2 we will close this. Okay. Good. Let's go to  
3 the next.

4                   MR. FARVER: Okay, 299.4, failure  
5 to include radiological incident in the DR.  
6 The DR report reads, in part, according to the  
7 telephone interview, the EE was involved in one  
8 radiological incident in 1975. The incident  
9 involved the vacuum shop where the EE was  
10 working at the time. Information in the  
11 interview indicated the vacuum shop was found  
12 to be contaminated while the EE was there.

13                   Once contamination was discovered,  
14 the area was shut down. Given that the EE was  
15 periodically monitored for tritium throughout  
16 '75 and assigned internal doses based on a  
17 reasonable evaluation of bioassay data, it is  
18 unlikely that this incident resulted in a  
19 tritium dose higher than the assigned dose.

20                   Okay. So that's a tritium exposure  
21 in the vacuum shop in '75. The one we're  
22 referring to is where the employee mentions in

**NEAL R. GROSS**

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

1 the CATI report that he worked in maintenance  
2 from -- oh, having to work one weekend on top  
3 of a stack while it was blowing out, he put up  
4 an antenna. He worked in maintenance. So he  
5 was up on the stack while it was still blowing  
6 out. And he's putting up an antenna.

7 During the time period from '67  
8 through '92, no urine bioassays were taken  
9 between '78 and '92. So there [we] were through  
10 the first part.

11 We believed it was reasonable to  
12 assume that the incident may have resulted in  
13 the inhalation of radioactive materials, and it  
14 should have been addressed somehow. That is  
15 the basis for that finding.

16 CHAIRMAN KOTELCHUCK: And did he --  
17 It's not clear, the basis for SC&A suggesting  
18 to close the findings.

19 MR. FARVER: Because, if I'm a dose  
20 reconstructor, I don't know what I'm going to  
21 do. You know, I don't know how you handle  
22 something like that, that could have happened.

**NEAL R. GROSS**

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

1 I thought at the very least they  
2 should put a statement in there acknowledging  
3 it. But I don't know how you would, you know,  
4 calculate a reasonable dose from that, or if you  
5 should. But I just thought they should have  
6 mentioned something.

7 CHAIRMAN KOTELCHUCK: Okay. And  
8 that was a finding?

9 MR. FARVER: It was. This goes  
10 back to where they were writing up information  
11 in the CATI report. It is not addressed in the  
12 DR report. You have to kind of remember the  
13 time period we're in at this time.

14 CHAIRMAN KOTELCHUCK: Comments  
15 from anyone?

16 MR. FARVER: And I'm not familiar  
17 with Pinellas, their stacks or anything like  
18 that.

19 MEMBER MUNN: I think the  
20 assumptions being made are reasonable. No  
21 reason to maintain it open. I don't know what  
22 you're going to do other than what's been done.

**NEAL R. GROSS**

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

1 And it's easy to agree. It would have been a  
2 lot better if they'd mentioned it. But it  
3 wouldn't have affected the end result. That's  
4 really what we're looking at here, would this  
5 likely have affected the outcome of the claim?  
6 And it's unlikely.

7 CHAIRMAN KOTELCHUCK: Right.

8 MEMBER CLAWSON: This is Brad.  
9 We've also got to look at the quality of what's  
10 going on. I understand what Doug's saying  
11 here, is that all this, this is something that  
12 may just -- it's an unusual thing to be able to  
13 do, especially if you look at Pinellas.

14 They had one of the main stacks that  
15 was blowing out. They had several other ones  
16 too. But it doesn't make me feel that good that  
17 something like this would be bypassed a little  
18 bit. But I'm with Doug. You know, what do we  
19 do on this?

20 MR. STIVER: This is John. As a  
21 contextual way to look at this, incidents are  
22 always a problem, whether you're doing the dose

**NEAL R. GROSS**

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

1 reconstruction or you're reviewing the Site  
2 Profile or an SEC.

3 And the general philosophy is that  
4 if there is, in fact, evidence of a  
5 comprehensive health physics oversight program  
6 where there's air sampling, there is ongoing  
7 bioassay, it's more of a more current, recent  
8 type of program underneath -- I guess it's part  
9 of the -- what's the DOE reg that came out, the  
10 Number 835, kind of post -- the DOE protocols  
11 that got much more formal.

12 The idea being that if an incident  
13 occurred, it would have been recorded. If the  
14 person claims he might have been doing a job  
15 where you're concerned that he might have gotten  
16 exposure, you would expect the bioassay to  
17 follow such an exposure.

18 So you generally get a warm and fuzzy  
19 feeling that when you have that set of  
20 circumstances, that you feel there's a strong  
21 health physics oversight, this goes toward  
22 everything we do, even SECs, you come out at the

**NEAL R. GROSS**

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

1 other end saying, well, if this person was  
2 exposed from an incident, we would have his data  
3 reconstructed. There would be something in his  
4 record regarding it. And there's a way to  
5 manage that problem.

6 But if you don't have that context,  
7 I don't know. What year are we talking about  
8 here for Pinellas? Do we have when this worker  
9 was involved in working, I guess, on the roof  
10 and perhaps being exposed to, I guess, tritium  
11 that might have been exhausted? Is that the  
12 issue here?

13 MR. FARVER: Yeah. It could have  
14 been like the '80's.

15 MR. STIVER: Yeah. Well, I did  
16 look at Pinellas quite some time ago. And,  
17 again, it's a contextual issue. And, you know,  
18 feeling that you're comfortable with saying,  
19 no, if this person did get a snoot full because  
20 he was doing a certain kind of job, the nature  
21 of the health physics oversight at the time was  
22 such that he would have been put on the bioassay

**NEAL R. GROSS**

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

1 program to watch for this.

2 Now, it's within the context of the  
3 Site Profile that really helps you make that  
4 judgment. And I'm not quite sure, you know, do  
5 we have that context?

6 CHAIRMAN KOTELCHUCK: Thanks.  
7 Alright. Comments, further comments? I think  
8 there's not that much more we can do. I agree.  
9 Do we want to close it?

10 MEMBER MUNN: Yes. The point's  
11 been made.

12 CHAIRMAN KOTELCHUCK: Yeah.

13 MEMBER MUNN: It would have been  
14 wiser to have made some comment about it.

15 CHAIRMAN KOTELCHUCK: Yeah.

16 MEMBER MUNN: It wasn't done. But  
17 it wouldn't have changed anything.

18 CHAIRMAN KOTELCHUCK: Okay. Let's  
19 move to close it.

20 MEMBER MUNN: So moved.

21 CHAIRMAN KOTELCHUCK: Okay. So,  
22 Aliquippa, 248, we can -- let's forge on, folks.

**NEAL R. GROSS**

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

1 MR. FARVER: Do you want to talk  
2 about the Aliquippa Forge?

3 CHAIRMAN KOTELCHUCK: Yes. With  
4 only observations.

5 MR. FARVER: Observation 1, SC&A  
6 questions why the DR was performed using a --  
7 (Telephonic interference.)

8 MEMBER MUNN: And the answer was  
9 it's an overestimate. And SC&A accepts that.

10 CHAIRMAN KOTELCHUCK: Okay. Then  
11 let's move on.

12 MEMBER MUNN: Closed.

13 MR. FARVER: Okay. Although NIOSH  
14 calculated exposure to residual contamination  
15 using Table 4 of OTIB-004, the thyroid dose was  
16 selected as a surrogate organ to the brain.  
17 However, Table 4 contains dose specific to the  
18 brain. It would have been more appropriate to  
19 use the actual organ instead of a surrogate.

20 CHAIRMAN KOTELCHUCK: The thyroid  
21 wasn't provided a higher dose than the brain?

22 MR. FARVER: It was used as an

**NEAL R. GROSS**

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

1 overestimating method. I understand, it's  
2 just kind of strange if you already have the  
3 brain number there. You would just pull that  
4 one off. But that's okay. I mean, it's an  
5 overestimating table.

6 CHAIRMAN KOTELCHUCK: It is an  
7 overestimate. Okay. Let's go on.

8 MR. FARVER: Very similar, the next  
9 one is why use OTIB-004 for your inhalation and  
10 ingestion when you have specific guidance in  
11 your TBD? Overestimate.

12 CHAIRMAN KOTELCHUCK: Yeah,  
13 understand. Okay, West Valley.

14 MR. FARVER: Okay, West Valley,  
15 234.1. The DR does not account for all the  
16 recorded photon dose. Specifically, there are  
17 three time periods. One is for 70 millirem, one  
18 is for 206 millirem and one is for 67 millirem  
19 for a total of 343 millirem that is omitted.  
20 And that's the basis for the finding.

21 CHAIRMAN KOTELCHUCK: The total is  
22 dose is over 39 rems. Was this a compensated

**NEAL R. GROSS**

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

1 case?

2 MR. FARVER: No, 48 [PoC].

3 CHAIRMAN KOTELCHUCK: Okay.

4 MEMBER MUNN: SC&A concurs.

5 CHAIRMAN KOTELCHUCK: Yeah.

6 MR. FARVER: It's a QA issue.

7 MEMBER MUNN: No, it's a serious  
8 mistake, actually.

9 CHAIRMAN KOTELCHUCK: Three  
10 instances, right?

11 MEMBER MUNN: Two pages of the file  
12 overlooked.

13 CHAIRMAN KOTELCHUCK: And this  
14 error was made when?

15 MR. FARVER: What year?

16 CHAIRMAN KOTELCHUCK: 2-06 period,  
17 roughly. Well, okay. SC&A agrees.

18 MR. FARVER: Yeah, I'm not sure what  
19 you can do about it except write it up as a QA  
20 concern.

21 CHAIRMAN KOTELCHUCK: Yeah.

22 DR. MAURO: I'm sorry, I didn't

**NEAL R. GROSS**

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

1 follow the numbers exactly. This is John. Did  
2 you say that the PoC was 48 percent?

3 MR. FARVER: Yes.

4 DR. MAURO: And total dose was in  
5 the multiple high rems --

6 MR. FARVER: Thirty-nine.

7 DR. MAURO: Thirty-nine. And  
8 you're adding what, 150 -- 150, about, is  
9 missed?

10 MR. FARVER: Four hundred.

11 CHAIRMAN KOTELCHUCK: Four  
12 hundred.

13 DR. MAURO: Four hundred is missed.  
14 Yeah, you could see where that could create a  
15 little tension. I, for one, would say that I  
16 don't think 400 millirem is going to tip you --

17 MEMBER MUNN: I wouldn't expect  
18 that either.

19 DR. MAURO: Yeah. But still, this  
20 is a concern.

21 MEMBER MUNN: Yeah.

22 CHAIRMAN KOTELCHUCK: Right.

**NEAL R. GROSS**

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

1 MEMBER MUNN: It's a bad error.

2 CHAIRMAN KOTELCHUCK: Yes.

3 MEMBER MUNN: Even though the dose  
4 itself is not going to make any effective  
5 change, likely would not make any effective  
6 change.

7 CHAIRMAN KOTELCHUCK: Right,  
8 right.

9 MEMBER MUNN: But still, it's a  
10 serious error and it's too bad.

11 CHAIRMAN KOTELCHUCK: Right.

12 MEMBER MUNN: But NIOSH has done  
13 everything they could. They've --

14 MR. FARVER: Well, if you look at  
15 their response, you can see that there seems to  
16 be a problem with their QC file.

17 MEMBER MUNN: Yes.

18 MR. FARVER: It overlooked the last  
19 two pages when they were doing the transcription  
20 from the DOE file. So we have a little bit of  
21 issue with the data entry. That's how the QC  
22 file gets populated, I believe.

**NEAL R. GROSS**

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

1 MEMBER MUNN: Yeah, not good.

2 CHAIRMAN KOTELCHUCK: Well,  
3 there's no reason for the Subcommittee to do  
4 anything but close it and record it.

5 MEMBER MUNN: Yeah.

6 DR. MAURO: There's a question of  
7 process. When we all agree that, yes, there was  
8 some dose that was missed, or an error was made  
9 that resulted in an underestimate of the dose,  
10 and right now, I guess, we're all on the phone  
11 agreeing that, well, yes, it's an error.  
12 Here's the magnitude of the error. And that  
13 that error is not sufficient to bring you from  
14 uncompensated to compensated.

15 CHAIRMAN KOTELCHUCK: Correct.

16 DR. MAURO: And, of course, that is  
17 a judgment call that we're making through  
18 intuition.

19 I'm not quite sure what NIOSH does.  
20 When this happens, do you go back and confirm,  
21 check "Yes, we agree. We did miss that dose.  
22 And if we re-ran the case and here's how the PoC

**NEAL R. GROSS**

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

1 changes." Or do we just stop at the place we're  
2 at right now?

3 MEMBER MUNN: Well, NIOSH has given  
4 us some words, John.

5 DR. MAURO: Okay.

6 MEMBER MUNN: It doesn't say that  
7 they re-ran the data. But it does say they  
8 checked it, and it appears to have been a data  
9 entry error and that they'd had a lot more  
10 experience since then. And they feel okay that  
11 this probably won't happen again.

12 DR. MAURO: Okay.

13 MEMBER MUNN: I think that's a tacit  
14 admission it's pretty bad do-do there on this  
15 one.

16 CHAIRMAN KOTELCHUCK: Yes. But it  
17 doesn't say that it's been re-run. Often when  
18 we have issues, they will say, look, we re-ran  
19 it, or we looked more carefully into the  
20 possibility of a re-run and recognized that it  
21 was not necessary.

22 DR. MAURO: Okay.

**NEAL R. GROSS**

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

1                   MR. SIEBERT: This is Scott. And  
2                   yes, generally, for most of the time, we will  
3                   do that to determine if there is an impact,  
4                   especially something that's around 48 percent.  
5                   I'm not going to argue with that.

6                   We have not, however, discussed  
7                   Observation Number 1, which also comes into it,  
8                   where we over assign 470 millirems, which  
9                   basically cancels out that same --

10                  MEMBER MUNN: Yeah, more than--

11                   (Simultaneous speaking.)

12                  CHAIRMAN KOTELCHUCK: Yes, okay.

13                  MR. SIEBERT: So I believe -- we put  
14                  these responses together a long time ago. But  
15                  I believe, in my thought process, there's no  
16                  reason to re-run it when those cancel each other  
17                  out or over-cancel it out.

18                  MEMBER MUNN: Yes, you already know  
19                  it in advance.

20                  CHAIRMAN KOTELCHUCK: You're  
21                  right, you're right. Okay. Then we should  
22                  close that.

**NEAL R. GROSS**

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

1                   MEMBER CLAWSON:     Well, this is  
2     Brad.  I think in, you know, serious QA issues  
3     like this we ought to punch the dose  
4     reconstructor and make them listen to these  
5     meetings, or at least --

6                   (Laughter.)

7                   MEMBER CLAWSON:     -- that would  
8     teach them.

9                   MEMBER MUNN:     That's probably a  
10    good idea.

11                  MEMBER CLAWSON:     Just kidding.  
12    Thanks, we can close it.

13                  CHAIRMAN KOTELCHUCK:    Sure.  And  
14    with that, we've also discussed Observation 1?

15                  MEMBER MUNN:     Yes.

16                  MR. FARVER:     Well, Observation 1's  
17    a little different.  It has to do with  
18    interpreting handwritten numbers on a dosimetry  
19    card.  It was unclear if certain doses were  
20    included or excluded, from the information on  
21    that card, if it was included or excluded in the  
22    dose assessment.  Well, it was more a question.

**NEAL R. GROSS**

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

1                   And I guess the answer is they added  
2 a duplicate dose in there when they didn't have  
3 to. And that's where the extra 470 millirem  
4 comes from.

5                   MR. SIEBERT: Correct.

6                   MR. FARVER: Yes.

7                   CHAIRMAN KOTELCHUCK: Well, this  
8 most assuredly balances out.

9                   MR. FARVER: Well, it does, but it  
10 goes back to reading dosimeter cards and how  
11 they're interpreted and --

12                   CHAIRMAN KOTELCHUCK: Yeah. No,  
13 it's proper that it be an observation. But in  
14 terms of our concern in the finding, I'm  
15 satisfied about that, our decision to close it  
16 and that we are not changing the compensation.  
17 So, let's go on. Observation 2.

18                   MR. FARVER: Observation 2 is  
19 basically agreeing to disagree on the total full  
20 body exposure. SC&A comes up with one number,  
21 NIOSH comes up with one number, and both numbers  
22 are different from the DOE number that's in the

**NEAL R. GROSS**

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

1 DOE records.

2 The good news is the NIOSH and SC&A  
3 numbers are higher. And I think this just kind  
4 of indicates some of the difficulties  
5 interpreting some of these records.

6 CHAIRMAN KOTELCHUCK: Yeah.

7 MR. FARVER: But it's just an  
8 observation to point out that our number, we  
9 couldn't match the DOE number, NIOSH didn't  
10 match it. We didn't match NIOSH. So we're  
11 just agreeing to disagree.

12 CHAIRMAN KOTELCHUCK: Alright.  
13 Next observation?

14 MR. FARVER: Next observation is  
15 the dose reconstructor applied a  
16 claimant-favorable assumption that the  
17 uncertainty factor of 1.3 was to be used in this  
18 case for missed dose as well as for positive  
19 recorded dose.

20 This looks like a case where the dose  
21 reconstructor inserted the 1.3 using the DR tool  
22 and gave an incorrect answer.

**NEAL R. GROSS**

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

1 CHAIRMAN KOTELCHUCK: Yeah.

2 MEMBER MUNN: Favorable, but  
3 incorrect.

4 MR. FARVER: Yeah. It's another  
5 one of those where they're changing the numbers  
6 in the DR tool or entering information  
7 incorrectly.

8 MEMBER MUNN: Right.

9 MR. FARVER: And it's from July 2007  
10 time period again.

11 CHAIRMAN KOTELCHUCK: Right. If  
12 it was an error, why was it an observation?

13 MR. FARVER: Probably because it  
14 didn't have a big impact on anything.

15 CHAIRMAN KOTELCHUCK: Yeah.

16 MR. FARVER: I mean, I don't  
17 remember. But that's probably --

18 CHAIRMAN KOTELCHUCK: Yeah. In  
19 assessing how well we're doing, this really  
20 should be a finding.

21 MEMBER MUNN: Well, but the tool's  
22 been changed since.

**NEAL R. GROSS**

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

1 CHAIRMAN KOTELCHUCK: Yeah.

2 MEMBER MUNN: And that's the real  
3 point, is to make sure it doesn't continue  
4 happening.

5 CHAIRMAN KOTELCHUCK: Okay, next  
6 observation. There are a lot of observations  
7 on this one.

8 MEMBER MUNN: Yes.

9 MR. FARVER: And a lot of times  
10 we'll write up findings, and then during our  
11 one-on-one Board Member discussions, when we  
12 discuss the cases, sometimes findings are  
13 turned into observations, sometimes  
14 observations are turned into findings. So all  
15 of these have been discussed with Board Members  
16 prior to you seeing them here.

17 CHAIRMAN KOTELCHUCK: Yeah, good  
18 point. And that's important.

19 DR. MAURO: This is John again.  
20 Regarding the last one that we just moved away  
21 from, the fact that it was an observation.  
22 There is a good story there that, I think, needs

**NEAL R. GROSS**

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

1 to be part of the record. And I guess it is part  
2 of the record now from our, you know,  
3 transcript.

4 But what we have here is there's a  
5 workbook, I guess this goes back to 2007, that  
6 had an error in it that resulted in an  
7 overestimate. And in my mind -- and it was  
8 clearly an error -- that is a quality issue.  
9 That is a finding. The good news is there's a  
10 process at work where that's been corrected.

11 And it seems to me, by leaving it as  
12 an observation we do a disservice to the record.  
13 I think it is a finding. And there's a process  
14 at work where that --

15 MR. KATZ: I agree with John.

16 MR. FARVER: Okay. Do we want  
17 Observation Number 3 changed to a finding?

18 CHAIRMAN KOTELCHUCK: Yeah. That  
19 was my feeling. And I agree with what's been  
20 said. Let's do that. You'll categorize it  
21 properly.

22 MR. FARVER: And it's going to be a

**NEAL R. GROSS**

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

1 QA issue.

2 CHAIRMAN KOTELCHUCK: Right.

3 MR. FARVER: And the action's going  
4 to be that the tool has been updated to prevent  
5 this error.

6 CHAIRMAN KOTELCHUCK: Yes.

7 MR. FARVER: So we're going to close  
8 this with no further action?

9 CHAIRMAN KOTELCHUCK: Correct.

10 Let me just get it for my record.  
11 That was Observation Number -- which one's being  
12 changed to a finding, three?

13 MR. FARVER: Observation Number 3.

14 CHAIRMAN KOTELCHUCK: Right.  
15 Okay, good. So we're on Four.

16 MR. FARVER: Four, the observation  
17 basically states that the TBD says workers had  
18 a yearly physical examination and a PA exam  
19 every two years, which is exactly what NIOSH  
20 did. And it was very reasonable. So, pointing  
21 out a good thing.

22 CHAIRMAN KOTELCHUCK: Somebody's

**NEAL R. GROSS**

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

1 on the phone. If they could just shield it for  
2 a moment. Okay.

3 MR. FARVER: What we were pointing  
4 out was that they were following the guidance  
5 in the TBD.

6 CHAIRMAN KOTELCHUCK: Yeah. Okay.  
7 Then if they were, and no response necessary,  
8 fine. Let's go Number 5.

9 MR. FARVER: Number 5.

10 CHAIRMAN KOTELCHUCK: By the way,  
11 folks, in about 15 minutes or so we will take  
12 a short break, if that's agreeable.

13 MR. KATZ: I was going to suggest  
14 after we get through this case.

15 CHAIRMAN KOTELCHUCK: After we get  
16 through this observation.

17 MR. KATZ: Yeah, whatever, these  
18 observations.

19 CHAIRMAN KOTELCHUCK: If they ever  
20 -- I do trust it will come to an end.

21 MR. FARVER: If they ever end, okay.

22 MR. SIEBERT: It's the last one.

**NEAL R. GROSS**

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

1 MR. FARVER: Last one.

2 CHAIRMAN KOTELCHUCK: Okay.

3 MR. FARVER: The internal alpha  
4 dose was assigned during the full six years that  
5 the employee was monitored for external  
6 exposure. However, the tritium dose was  
7 assigned for only two years that the employee  
8 was actually bioassayed for tritium.

9 Because of the relatively short  
10 biological effective half-life of tritium, the  
11 results of the two bioassays for tritium being  
12 below MDA values, it is not possible to  
13 determine if the employee had a tritium intake  
14 during '70 to '73. These are years prior to him  
15 being bioassayed.

16 Therefore, to be consistent with the  
17 alpha internal dose assignment, NIOSH could  
18 have assigned the model coworker internal doses  
19 for tritium for those two years. It would have  
20 been a small dose and probably would have had  
21 no impact on the case.

22 DR. MAURO: You know, this is John,

**NEAL R. GROSS**

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

1 this is an interesting question, you know, as  
2 I'm listening. This is a judgment call. You  
3 can't really call it a quality assurance issue.  
4 It is a judgment call. And different people  
5 could make different reasonable judgments.

6 I'm not quite sure how we categorize  
7 something like this even if we agree. Let's say  
8 right now we talk about we could have assigned  
9 a coworker dose to this person, or you couldn't  
10 have. And this is a judgment call. What do we  
11 do with things like this?

12 MEMBER MUNN: Well, it's always  
13 been a problem, what we do with things like this.  
14 Because so many of the things that one has to  
15 do when you're looking at this kind of program  
16 is rely upon the judgment of the professional  
17 people who are dealing with the information.

18 You know, we just simply have to do  
19 it. We don't have -- there's no mechanical way  
20 to do this and see that it magically happens.  
21 There are too many variables. And we just have  
22 to rely on the good will and the confidence of

**NEAL R. GROSS**

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

1 the people who are doing the work, in my view,  
2 at any rate.

3 And I have great empathy for the  
4 people who have to do this work.

5 DR. MAURO: And I think it's  
6 important that we're about to make a judgment  
7 on this. I mean, that's why I jumped in when  
8 I did. I wanted to raise the question.  
9 Because the way we deal with this sets a standard  
10 that, I think, has implications on how we deal  
11 with these kinds of issues in general.

12 And I'm sure there's plenty of  
13 history in the ten years we've been doing this  
14 where we did discuss these judgmental calls.  
15 But quite frankly, you know, I'm not quite sure  
16 how it all ends up.

17 To help ensure consistency, it's  
18 almost as if, when these kinds of judgments are  
19 made, the rationale for why, in this particular  
20 case, coworker dose was not provided -- Doug,  
21 do you know whether or not there's a discussion  
22 of why the dose reconstructor's judgment was not

**NEAL R. GROSS**

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

1 to assign coworker doses for tritium prior to  
2 that date?

3 MR. FARVER: I believe it's silent.  
4 But this, you know, this I could look at and say,  
5 well, if the dose that we're missing out on is  
6 a rem-and-a-half, well, that could be  
7 significant.

8 DR. MAURO: Yeah.

9 MR. FARVER: You know, we're  
10 talking about a two-year tritium dose which  
11 might be a couple millirem.

12 DR. MAURO: Yeah.

13 MEMBER MUNN: Yeah, yeah.

14 MR. FARVER: And I have a feeling  
15 that's why it's an observation.

16 DR. MAURO: Yeah.

17 MR. FARVER: I could see this -- and  
18 I think we discussed it earlier today, where we  
19 would have done it differently. We would have  
20 assigned coworker dose for missing years.

21 CHAIRMAN KOTELCHUCK: Right.

22 MEMBER MUNN: Oh, sure. If you're

**NEAL R. GROSS**

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

1 talking about cesium exposure, you know, any  
2 gamma, but for goodness' sake, when you know  
3 what the general limits are of the tritium  
4 protection on the site, and you recognize, as  
5 the verbiage points out, this doesn't cost a lot  
6 of money anymore either. There would have been  
7 no reason not to do it if it were an issue.

8 This is what I meant when I said you  
9 have to rely on the experience and the judgment  
10 of the individuals who are handling this.  
11 There are just too many variables.

12 MR. FARVER: I understand, for this  
13 case, for this instance. But if we can go back  
14 to our conversation we had earlier in the day,  
15 when we were suggesting you add coworker data  
16 for the missing 14 years when you have no  
17 information, that would be similar but not  
18 really similar.

19 MEMBER MUNN: Yeah. But --

20 CHAIRMAN KOTELCHUCK: I think we're  
21 -- folks, I think we're going over a case. We're  
22 not establishing general principles. I'm

**NEAL R. GROSS**

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

1 willing to consider if we are violating general  
2 principles. But I'm not -- this is, in some  
3 sense, not, in my opinion, an appropriate  
4 discussion at this point.

5 MEMBER MUNN: It's philosophy and  
6 not enough concrete.

7 CHAIRMAN KOTELCHUCK: Yeah. And I  
8 would like to move on.

9 MR. FARVER: Okay. I just wanted  
10 to point out that we were, for this case, we are  
11 looking at it as an observation just because of  
12 the parameters involved.

13 CHAIRMAN KOTELCHUCK: Right.

14 MR. FARVER: In the other case, we  
15 looked at that as a finding because the  
16 parameters were different there.

17 MEMBER MUNN: Yeah.

18 CHAIRMAN KOTELCHUCK: Yes.

19 MR. FARVER: There are some  
20 questions, and we understand that.

21 CHAIRMAN KOTELCHUCK: Yes, okay.  
22 Now, where are we at now? Was that the last

**NEAL R. GROSS**

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

1 observation for this?

2 MR. FARVER: Yes.

3 CHAIRMAN KOTELCHUCK: Where do we  
4 go next? What's our next case? Are we at the  
5 end? I'm going on the -- I'm on the live  
6 network, so I'm not --

7 MR. FARVER: Well, I thought --

8 MEMBER MUNN: Yeah. But next we  
9 have the Simonds Steel.

10 CHAIRMAN KOTELCHUCK: Simonds  
11 Steel.

12 MEMBER MUNN: Simonds Saw.

13 CHAIRMAN KOTELCHUCK: Yeah, 240,  
14 okay. Well, then why don't we take a break now,  
15 as suggested. It's 3:14, 3:15. Let's take a  
16 15 minute break, and we'll be back at 3:30.

17 MEMBER MUNN: Thank you so much.

18 (Whereupon, the above-entitled  
19 matter went off the record at 3:15 p.m. and  
20 resumed at 3:32 p.m.)

21 CHAIRMAN KOTELCHUCK: Doug?

22 MR. FARVER: Yes. There we are.

**NEAL R. GROSS**

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

1 MR. FARVER: Okay.

2 CHAIRMAN KOTELCHUCK: We're  
3 reading the NIOSH response on Simonds Saw,  
4 240.1.

5 MR. FARVER: Okay. Yes. I was  
6 talking earlier, but you couldn't hear me,  
7 because I had the mute button pushed.

8 CHAIRMAN KOTELCHUCK: Oh. Is that  
9 it? Okay. That'll do it every time.

10 MEMBER MUNN: Yes.

11 MR. FARVER: Fortunately, I pushed  
12 it again instead of the off button which I do  
13 sometimes. That never works.

14 CHAIRMAN KOTELCHUCK: Okay.

15 MR. FARVER: Okay. Simonds Saw,  
16 240.1.

17 CHAIRMAN KOTELCHUCK: Well, this is  
18 from, well, let me let you present.

19 MR. FARVER: Okay. I'm in Simonds  
20 Saw and Steel, method used for measuring  
21 external submersion surface contamination dose  
22 is not claimant-favorable.

**NEAL R. GROSS**

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

1                   MR. SIEBERT:   And, Doug, this is  
2                   Scott.  I just want to point out, that first  
3                   portion is not accurate.  It was not updated in  
4                   between.  We agree with that.

5                   That is entirely my fault when these  
6                   first responses went in.  I apologize to  
7                   everybody.  It's really the green response that  
8                   we need to be looking at.

9                   CHAIRMAN   KOTELCHUCK:        Right.  
10                  Question is, is this a TBD issue?  It is a TBD  
11                  issue.  And we're waiting for their results.  
12                  In that sense, I don't see that we would take  
13                  any action.        That is, this should be  
14                  transferred over to TBD.  And our portion of the  
15                  activity should be closed.

16                  MR. KATZ:    I don't think it needs  
17                  transferring, because I think it's addressed  
18                  by, it's being addressed by the Work Group.  
19                  Isn't that correct, John?

20                  CHAIRMAN KOTELCHUCK:  Right.

21                  MR. KATZ:    Yes.

22                  CHAIRMAN KOTELCHUCK:  But, I mean,

**NEAL R. GROSS**

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

1 this is not for, this does not require further  
2 action on the part of the Subcommittee.

3 MR. KATZ: Yes. The only problem  
4 is that you can't really close it with respect  
5 to whether the finding is correct or not.

6 MEMBER MUNN: Yes. You can't close  
7 it at this time, until after the Work Group has  
8 responded to you on what the --

9 MR. KATZ: Well, the Work Group is  
10 about to meet. So --

11 MEMBER MUNN: Yes, we are.

12 MR. KATZ: -- it'll be, if I'm not  
13 mistaken, we'll be addressing this then.

14 CHAIRMAN KOTELCHUCK: Okay. I see  
15 what you're saying.

16 DR. MAURO: This is John. This is  
17 going to be the case in many, many of the AWE  
18 cases that are before you. I know I looked at  
19 about 50 findings that came in on Thursday.

20 CHAIRMAN KOTELCHUCK: Yes.

21 DR. MAURO: A very large number of  
22 them make reference to revised Site Profiles.

**NEAL R. GROSS**

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

1 Because many depend entirely on the matrix  
2 that's in the Site Profile.

3 CHAIRMAN KOTELCHUCK: Right.

4 DR. MAURO: So there'll be many of  
5 these in the same situation.

6 CHAIRMAN KOTELCHUCK: Okay.

7 MR. FARVER: That's what I wanted to  
8 get straight on how we're going to handle these.  
9 A lot of these are TBD revisions that are in  
10 process.

11 Do you want me to put in that action  
12 section that it's open pending update to TBD or  
13 something like that, no action?

14 CHAIRMAN KOTELCHUCK: Yes.

15 MEMBER MUNN: Yes, that's  
16 appropriate, yes.

17 CHAIRMAN KOTELCHUCK: That has to  
18 be done, I think.

19 MR. FARVER: Okay. Because I was  
20 looking at a lot of these, and we're going to  
21 run into this quite a bit.

22 CHAIRMAN KOTELCHUCK:

**NEAL R. GROSS**

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

1 Unfortunatley.

2 MEMBER RICHARDSON: Can someone  
3 clarify, what is the implication in terms of the  
4 category, I guess, of the finding? Why can't  
5 we close them?

6 MR. KATZ: Well, because, I mean, it  
7 depends on what the finding is we're talking  
8 about. But if it's a finding as an issue as to  
9 whether the current, whether the procedure used  
10 in the dose reconstruction is correct and the  
11 TBD 6000 Work Group is still resolving the  
12 finding, in effect, as to whether they agree or  
13 not with the SC&A finding, there's no way to  
14 close it.

15 Because you don't have an answer to  
16 that question. You don't know if the dose  
17 reconstruction is correct or not.

18 MR. FARVER: Well, we often have  
19 this issue that they say the procedure that was  
20 in effect at the time the evaluation was or was  
21 not used or implemented correctly, if we say we  
22 have a procedure that was in effect at the time

**NEAL R. GROSS**

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

1 we disagree with, then I think we need to punt  
2 it back to Procedures, for example.

3 Then that, you know, it sort of does  
4 seem like we can close it or we can say we're  
5 making an evaluation all the time on these in  
6 terms of whether it was done with the procedures  
7 in effect at the time that the case was evaluated  
8 --

9 MR. KATZ: Well, I mean, I don't  
10 know. I think those two situations are  
11 different.

12 I mean, where in the dose  
13 reconstruction case review you raise an issue  
14 about whether a methodology is correct or not  
15 and that methodology gets resolved elsewhere,  
16 I don't think we've, in the past, resolved the  
17 cases themselves until we have an answer to the  
18 question is the science right or not.

19 But it makes more sense, I mean, then  
20 when you have, when you're reviewing your dates,  
21 I mean, this is sort of the overlap between case  
22 review, and Site Profile review and SEC reviews.

**NEAL R. GROSS**

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

1           And I think you want them to be, you  
2 know, that overlap is good at sort of reassuring  
3 that you have that overlap, that you're having  
4 a finding of a case and it relates to the issue  
5 they're wrestling with on the TBD level or SEC  
6 level.

7           But again, I don't know how you close  
8 it until you know whether it's right or wrong.

9           MEMBER MUNN:   What we've done in  
10 other venues is we've made the notation in the  
11 matrix that this is transferred to whatever Work  
12 Group or Subcommittee is dealing with it.

13           And we do not deal with it ourselves  
14 until we hear back from that source what their  
15 determination was.   At that time, it becomes a  
16 question of whether or not there's a change  
17 going to be made.

18           For example, will there be a change  
19 in the existing TBD?   Will there be a new  
20 revision?   In which case, it then becomes an  
21 in-abeyance activity until NIOSH has, in fact,  
22 issued that revision.   That's what we've done

**NEAL R. GROSS**

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

1 in other cases.

2 MR. KATZ: Right, but in this case,  
3 in this situation, that works fine for the Site  
4 Profile, I mean, for the Procedures  
5 Subcommittee when it's doing its business and  
6 it refers something to a site-specific Work  
7 Group. That works fine.

8 Here we have cases where we have  
9 findings on cases. Until you have the outcome  
10 into the finding, you can't close the case, I  
11 think. Because you don't have an answer as to  
12 whether the finding is correct or not.

13 MR. STIVER: Yes. This is John  
14 Stiver. I think we had that same situation on  
15 the Set Nine case. I believe it's Huntington  
16 Pilot Plant. We had to wait until the TBD  
17 issues were resolved.

18 MR. KATZ: Right. And we did.

19 MR. STIVER: That's an outstanding  
20 case or two --

21 MR. KATZ: Yes. And I think it's  
22 desirable to get that result first.

**NEAL R. GROSS**

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

1                   MR. SIEBERT: Just, can I clarify?  
2                   The Huntington, it's a different situation,  
3                   because it was a mini-TBD review that was done  
4                   as part of the 9th set. It wasn't just the  
5                   claims in the 9th set.

6                   MR. STIVER: That's right. But  
7                   there were a couple of claims that were still  
8                   outstanding in addition to the mini-review, as  
9                   I recall. Maybe I'm not recalling it  
10                  correctly, but I'm pretty sure that's what it  
11                  was.

12                  DR. MAURO: To throw a monkey wrench  
13                  into this a little bit, I do a lot of the TBD  
14                  reviews and the case reviews for AWE sites.

15                  And when we have a little bit of  
16                  ambiguity here, when I'm reviewing an AWE case  
17                  that depends entirely on an exposure matrix that  
18                  was not reviewed, okay, what I do is I review  
19                  the exposure matrix, and I will have findings  
20                  based on my review of that exposure matrix.

21                  Now, however, if a review has  
22                  already been performed on an exposure matrix,

**NEAL R. GROSS**

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

1 and there are a number of findings, and it is  
2 before a Work Group, like the AWE Work Group,  
3 and that's in process, okay, and then I get a  
4 case that uses that exposure matrix.

5 I simply point out that there are  
6 issues that have, I will say in my write-up,  
7 there are issues that we express concern that  
8 could have a bearing on this case. But I am not  
9 going to score this case negatively because of  
10 that, you see.

11 And I have to say, it may not be the  
12 best way to do things, but I feel as if, that  
13 if they performed their dose reconstructions in  
14 accordance with the procedure that they said  
15 they followed.

16 Even though I may not like the  
17 procedure they followed, I do not score them  
18 negatively if that procedure is currently in the  
19 mill. So it's kind of a very strange place to  
20 be. But that's how I do it.

21 MR. KATZ: But, John, let me feed in  
22 here now. Because this is, what you're saying

**NEAL R. GROSS**

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

1 is sort of inconsistent with the discussion we  
2 had now, I think, going on two years ago with  
3 Jim Melius where he joined the Subcommittee.

4 And we were talking about the fact  
5 that we wanted consistency, and we wanted sort  
6 of more unification between Site Profile, SEC  
7 and this. We wanted to know that the case  
8 reviews were, in effect, consistent with the  
9 findings elsewhere.

10 In other words, we should be  
11 finding, in a case review, an issue that ends  
12 up resulting in an SEC action or what have you.  
13 Where it's possible to find those, we should be  
14 finding those.

15 And it's not in our review  
16 procedures to say that if they followed their  
17 TBD, it's correct. That is not part of our dose  
18 reconstruction review procedure, to say that.

19 DR. MAURO: But that's what we do on  
20 DOE sites.

21 MR. KATZ: Not when we have an issue  
22 with the procedure, we don't. I mean, I do want

**NEAL R. GROSS**

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

1 to --

2 DR. MAURO: I think we have a  
3 problem here.

4 (Simultaneous speaking.)

5 MR. KATZ: There are cases where  
6 we've raised, and we did this analysis, again,  
7 two years ago. We looked at a bunch of cases  
8 and found, aha, yes, it's true. In a number of  
9 these case reviews we did, we had findings that  
10 were consistent, then, with findings that arose  
11 in the TBD or SEC review.

12 And that was actually encouraging to  
13 us that we were, in fact, finding the same thing  
14 if the case review. So we were not ignoring  
15 matters that, even though the TBDs that do it  
16 this way, we're not ignoring them if we  
17 disagreed with them.

18 I mean, we did that. And John  
19 Stiver, if you're on the line now, you may recall  
20 that. Because we did it for a set number of  
21 cases just to get a sense of this when Jim Melius  
22 raised this issue.

**NEAL R. GROSS**

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

1                   MR. STIVER:    Yes.    I do recall  
2                   there was some, there was some type of issues  
3                   that were raised in the dose reconstruction. I  
4                   don't recall off the top of my head if those were  
5                   captured in the section 1.3 which, you know,  
6                   that previously identified how all those  
7                   findings are listed.

8                   But they're actually sort of  
9                   independently derived from the dose  
10                  reconstructor. I remember there was fraction  
11                  of cases that followed either category.

12                  MR. KATZ:    Right.    And to go  
13                  further, I mean, we very specifically said going  
14                  forward we want to capture these. We want to  
15                  be identifying problems with science, do case  
16                  review as well if they're apparent to us.

17                  So anyway, if you think big-picture  
18                  in terms of what the Secretary's report ought  
19                  to be, the Secretary wants to hear from a sample  
20                  of cases how the dose constructions are going  
21                  and not just from the basis of whether they're  
22                  following their procedures and QA issues.

**NEAL R. GROSS**

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

1           I mean, if there are scientist views  
2           that are identified through the case review  
3           process, the Secretary wants to know those. So  
4           in these cases where we may have issues raised  
5           about the science, and then those get resolved  
6           elsewhere, we want those results when there is  
7           resolution elsewhere as part of our report to  
8           the Secretary.

9           CHAIRMAN KOTELCHUCK: Okay. Well,  
10          for this particular case, open pending TBD  
11          updates. And let's go on.

12          MR. FARVER: Okay, 240.2. The  
13          method used for assessing the proton dose from  
14          uranium billets. Exposure is not  
15          claimant-favorable. Looks like another TBD  
16          issue.

17          CHAIRMAN KOTELCHUCK: And NIOSH  
18          says it uses a large GSD, log-normal GSD. Could  
19          I ask, I don't understand, Doug, from what you  
20          said, why the method is not claimant-favorable.

21          MR. FARVER: I'm going to refer to  
22          John Mauro.

**NEAL R. GROSS**

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

1 DR. MAURO: You know, I wish I could  
2 help you, but I have to refer to Bob Barton.  
3 He's our guru on, he did the Site Profile review  
4 and, I believe, case reviews. So there's one  
5 special area. I'm at a loss.

6 CHAIRMAN KOTELCHUCK: Okay.

7 MR. STIVER: Now sadly, Bob Barton,  
8 I believe, is away this week on vacation.

9 CHAIRMAN KOTELCHUCK: Well, okay.  
10 So 240.1 is open. I think we just have to leave  
11 240.2 open.

12 DR. MAURO: I'm sorry. I know you  
13 want to move this along. But, Ted --

14 CHAIRMAN KOTELCHUCK: No, that's  
15 okay. I mean, we have a person that's not here.  
16 And it isn't like we're not coming back to this.  
17 So we'll just have to keep it open.

18 DR. MAURO: And I also have a  
19 question for Ted. So, Ted, if there is an open  
20 issue on Hanford, and we're doing the dose  
21 reconstruction and we don't agree with the  
22 neutron-to-photon ratio, which is an issue,

**NEAL R. GROSS**

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

1 let's say that's being researched, delta that's  
2 historic, are you saying that, and we don't like  
3 that neutron-to-photon ratio, we should have a  
4 finding and score negatively the case because  
5 SC&A believes that's a bad neutron-to-photon  
6 ratio?

7 MR. KATZ: Yes. And we actually  
8 talk, I mean, we talked about this. We also  
9 talked about actually whether it needed,  
10 whether we needed some sort of category or  
11 something which I think we discounted, that we  
12 don't, but to indicate these cases where it's  
13 going to be resolved elsewhere, I think.

14 But any problem we have with a dose  
15 reconstruction case, whether it is something  
16 that has to be resolved elsewhere or within this  
17 Subcommittee, they should all be indicated,  
18 yes.

19 DR. MAURO: Okay. And that's a  
20 finding. Alright. I just wanted to make sure  
21 we got that clear. Because --

22 MR. KATZ: That's a finding. I

**NEAL R. GROSS**

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

1 mean, that's a finding. If we have a problem  
2 with the science, it's a finding.

3 DR. MAURO: Yes, got it. Okay.

4 MR. STIVER: Although there's one  
5 little wrinkle there that we probably ought to  
6 be aware of. It's kind of blurring the process  
7 that's in place in a way, at least maybe in my  
8 mind, for the PER process where there's a change  
9 to the TBD. And then NIOSH is going to go back  
10 and look at the cases that were affected and then  
11 make changes to them if need be.

12 MR. KATZ: The PER process is  
13 something NIOSH does when it changes the TBD.  
14 But that doesn't affect our review of cases that  
15 have been completed.

16 MR. STIVER: There was just a little  
17 concern that there might be sort of a, as kind  
18 of doubling the work really, in that sense as  
19 opposed to --

20 MR. KATZ: Well, whose work are we  
21 doubling? I mean, NIOSH does its TBD updates  
22 based on whatever, their own insights into

**NEAL R. GROSS**

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

1 things that need to be improved as well as SC&A  
2 reviews of all these different matters, whether  
3 it's cases, or SECs or TBD reviews.

4 But all we're doing here is a proper  
5 accounting of the findings we have for each case  
6 that we review.

7 MR. STIVER: But, I guess, maybe  
8 John maybe can help me out here. You seem to  
9 be a little concerned about the situations where  
10 there are findings that have, say, come out of  
11 the TBD review --

12 MR. KATZ: Yes.

13 MR. STIVER: -- that now you have  
14 resolved or are still in play.

15 MR. KATZ: Right.

16 MR. STIVER: And so we capture that  
17 in our dose reconstruction. But we don't score  
18 it as a negative. Because it wasn't in play at  
19 the time that they did the dose reconstruction.

20 MR. KATZ: Exactly right.

21 MR. STIVER: It's a matter of  
22 whether it was fair or not to hit NIOSH on

**NEAL R. GROSS**

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

1 something that they weren't aware of at the  
2 time.

3 But, you know, since reviews have  
4 changed and improved, then it becomes a  
5 situation where it would go back and be captured  
6 again there in NIOSH's PER process as opposed  
7 to a situation where a dose reconstructor might  
8 actually find some new problem with a TBD, that  
9 to the extent of the finding, that hadn't  
10 previously been identified. And I could see  
11 where that would be a fair assessment.

12 MR. KATZ: So you're saying to score  
13 negatively if it's found in the case review  
14 originally, but where it's accounted for  
15 because you're aware of it because of TBD  
16 reviews going on or an SEC, then you don't score  
17 it. Is that what you're saying?

18 MR. STIVER: It's the way I  
19 understand it, yes.

20 DR. MAURO: You know,  
21 unfortunately, I know this is important because  
22 I've been operating on the premise that if it's

**NEAL R. GROSS**

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

1 an exposure matrix and it is under review, it  
2 is really a Site Profile issue. And it would  
3 be inappropriate for me to judge, at that point  
4 in time, while I'm doing a case and say, no, the  
5 external dose is incorrect because we don't like  
6 the model you used generically in your Site  
7 Profile. You know, it's --

8 MR. KATZ: But, John, I guess the  
9 thing I'm confused about, you're saying it's  
10 inappropriate to judge. But it's just what  
11 you're doing with everything, you're making  
12 your judgments as to whether there's a QA error  
13 or what have you. I mean, it doesn't get  
14 resolved until it's resolved. But you're not  
15 the final --

16 DR. MAURO: We know it's there.  
17 Don't get me wrong. It's there that we have  
18 this concern. But we don't give it a negative  
19 score.

20 In other words, as I say, you're  
21 talking about external dose, whatever it is.  
22 And the way they did it, and I don't like the

**NEAL R. GROSS**

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

1 way the matrix does the external dose, for  
2 whatever reason.

3 CHAIRMAN KOTELCHUCK: Yes.

4 DR. MAURO: And I know that this is  
5 an issue that we're talking about. And this  
6 might be a very perfect example for Simonds Saw.  
7 It's going on right now.

8 And the very first comment you just  
9 read, that's a Site Profile issue. The  
10 question becomes, in the case that we're looking  
11 before us, apparently it was given a negative  
12 score.

13 And I guess I was a little bit  
14 surprised to see that because I thought that  
15 would be something we would not give a negative  
16 score. And so there was some judgment made by  
17 the active AWE review of that particular case,  
18 of that particular Site Profile. A little  
19 embarrassing to say this, but I guess --

20 MR. KATZ: Okay, but --

21 DR. MAURO: -- I'm not quite sure  
22 what the ground rules are here --

**NEAL R. GROSS**

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

1                   MR. KATZ: Okay. But again, going  
2 back, I mean, this is exactly the issue we  
3 discussed two years ago with Melius. And it was  
4 exactly his concern. He wanted to be certain  
5 that we were, in fact, doing this because he  
6 didn't want a bunch of dose reconstruction cases  
7 coming out and saying everything's fine and  
8 dandy.

9                   And on the other hand, right over  
10 here in Door Number 2, they're saying this TBD  
11 is a mess and needs improvements. And he didn't  
12 want that conflict and asked us to look into this  
13 very question.

14                   Actually, how are we doing about  
15 capturing things here, not expecting that every  
16 time we do a case review we're necessarily going  
17 to capture the same thing?

18                   Because we're not really expected in  
19 this situation to capture half as many  
20 situations as you would when you're doing the  
21 TBD review and digging into all the background  
22 documentation.

**NEAL R. GROSS**

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

1 DR. MAURO: Yes. I thought that  
2 was why we put in 1.3 in the dose reconstruction  
3 format. It's there, we point it out, alert  
4 everyone that in this case there are several  
5 active issues that are undergoing review that  
6 could impact this case.

7 But we don't actually negatively  
8 score it. This goes toward more of the DOE  
9 sites. It doesn't happen as much on AWEs,  
10 because, you know, AWE --

11 MR. KATZ: I know, right.

12 CHAIRMAN KOTELCHUCK: You know, I  
13 think what we can do, given I was not there when  
14 Melius met with us, that was before my time.  
15 But --

16 MR. KATZ: Well, I think you were  
17 actually. But --

18 (Simultaneous speaking.)

19 MR. KATZ: -- the beginning of your  
20 time, though. So I'm not --

21 CHAIRMAN KOTELCHUCK: Oh, it may  
22 have been. It may have been while Mark was

**NEAL R. GROSS**

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

1 Chair and I was just starting. Anyway, be that  
2 as it may, you're looking at this as scoring.

3 We can explain in the results that  
4 we send to the Secretary, the report that we send  
5 to the Secretary, that not all of these cases  
6 were errors.

7 In many cases, we updated procedures  
8 to improve upon the dose reconstruction. And  
9 so not everything that's listed in one of the  
10 categories is an error.

11 And therefore, not everything that  
12 we're categorizing is a negative score in your  
13 way of saying it. Is that helpful?

14 (No response.)

15 So, I mean, I think we were given  
16 instructions essentially from Jim at that time  
17 to score more issues.

18 MR. KATZ: Yes. He wasn't saying  
19 to score more. He was just checking on his  
20 concern as to whether we were capturing these  
21 things or not. He wasn't saying score more, he  
22 was expecting that we were capturing these

**NEAL R. GROSS**

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

1 things when we could, when it would be obvious  
2 in a case review.

3 CHAIRMAN KOTELCHUCK: Well, that  
4 means operationally that we're scoring more  
5 than we need to. And John is saying, you know,  
6 I'm giving them a negative score by even citing  
7 this in our matrix. And that's true.

8 MR. STIVER: Yes. And I think  
9 we're correct at verifying. We're capturing,  
10 well, at least identifying in a case what  
11 ongoing issues are at play that may impact that  
12 case at a future time, even though we're  
13 capturing what's going on in the other groups  
14 and procedures or --

15 CHAIRMAN KOTELCHUCK: Yes.

16 MR. STIVER: -- Site Profile  
17 reviews. If something wells up as a result of  
18 the dose reconstruction, then we can go find it.

19 CHAIRMAN KOTELCHUCK: Yes.

20 MR. STIVER: And so I think we're  
21 all on the same page here. We're just  
22 expressing slightly differently.

**NEAL R. GROSS**

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

1                   CHAIRMAN KOTELCHUCK:     Right, we  
2                   are.  And I would like to go on.

3                   MR. CALHOUN:     Hold on.  I got it,  
4                   and I've got to at least say something here.  
5                   This is Grady.

6                   CHAIRMAN KOTELCHUCK:     Okay.

7                   MR. CALHOUN:     We've got the guys  
8                   that are doing the reviews that are somewhat  
9                   concerned that they haven't been writing stuff  
10                  down, because they didn't know the rules.

11                  And the reason I say that is, almost  
12                  by definition, we're going to get more findings  
13                  now.  And so I just, you know, and who's going  
14                  to close them out?  Is it going to be the  
15                  Procedures group, is it going to be our group?  
16                  Are we just going to throw them all to the Board?

17                  I'm just worried that that's  
18                  muddling something up now that's going to get  
19                  captured.  I'd rather just, if you find them,  
20                  great, but think of a mechanism to send them to  
21                  somebody else or else, we're making great  
22                  progress in this group now, and I don't see how

**NEAL R. GROSS**

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

1 that's not going to throw a major wrench in  
2 things. Because now, if you say, well, you  
3 know, I really think that those could be higher,  
4 then we've got to somehow explain how. And who  
5 closes this out? It could be already being  
6 reviewed. I don't like it.

7 (Simultaneous speaking.)

8 MR. STIVER: -- here, in that you  
9 might be doing things on a case by case basis  
10 and getting a lot of duplication which I think  
11 might have been one of the reasons we went to  
12 Work Groups in the first place, is to capture  
13 all the things that related to our TBD revision  
14 at one time as opposed --

15 MEMBER MUNN: If you can stand a  
16 sixth perspective on the issue, if, I believe  
17 that what the exercise we went through with Jim  
18 a couple of years ago did what it was intended  
19 to do, that is to say it reassured us that we  
20 were not dropping these things through the  
21 cracks and we were not exercising them unduly,  
22 I think John Mauro's case is well taken.

**NEAL R. GROSS**

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

1           We have taken the position from the  
2           outset, I believe, that we are doing two things  
3           here. One is we're checking to see whether or  
4           not the folks who did the dose reconstruction  
5           did them properly.

6           And the only way we can do that is  
7           to assess whether they followed the procedures  
8           that were in place at the time.

9           The key is, once we make that  
10          definition, if the end result is, yes, they were  
11          okay at the time, but there's an outstanding  
12          issue with respect to the science of some point,  
13          then we do not close it in our matrix.

14          That's just exactly what Dave asked  
15          to begin with. We don't close it. We indicate  
16          that this will be closed when the matter is  
17          addressed and revised in the TBD following the  
18          discussion in the Work Group.

19          And I think that is the reassurance  
20          that we've had after we looked at the process  
21          to make sure that we were, in fact, doing what  
22          we needed to do.

**NEAL R. GROSS**

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

1           But John Mauro is absolutely  
2 correct. From my memory, we have always worked  
3 on the assumption that if the folks did what they  
4 were instructed to do by the procedures, then  
5 they did it right.

6           However, we can't close the issue,  
7 because the science is under debate in some  
8 other forum. And until that revised issue is  
9 resolved, we can't close it. Does that make  
10 sense?

11           CHAIRMAN KOTELCHUCK: It does.

12           DR. MAURO: Yes. Wanda,  
13 everything you said is absolutely the way I'm  
14 thinking about it. But where we run into  
15 trouble is the scorecard, you know, when we say  
16 we have a finding, okay.

17           I would say, and certainly I'll be  
18 corrected, if one of the items where you put a  
19 check mark in that Table 2 says yes or no or not  
20 applicable, now if it turns out there is an  
21 active issue related to one of those line items,  
22 the C.1.1, and it is an active issue in the Site

**NEAL R. GROSS**

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

1 Profile related to that particular subject and  
2 is yet to be resolved, but they did, in fact,  
3 do the dose calculation according to the  
4 procedures as they were currently in effect when  
5 they did it, I do not say no.

6 I say, I give it a yes. So right  
7 now, the record that we're creating, where we're  
8 going over each of the findings, those findings  
9 are not here. You see what I'm getting at?

10 MEMBER MUNN: Yes, I do.

11 DR. MAURO: The finding that we have  
12 an issue with regard to a particular item in the  
13 Site Profile is not captured in the record we're  
14 creating right now.

15 (Simultaneous speaking.)

16 MR. STIVER: Well, remember we also  
17 have a category called under review.

18 DR. MAURO: I take it back. You're  
19 absolutely correct.

20 MR. KATZ: But that's a finding.

21 DR. MAURO: You're absolutely  
22 correct.

**NEAL R. GROSS**

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

1                   CHAIRMAN KOTELCHUCK:  Yes, it's a  
2                   finding.

3                   DR. MAURO:  So I am mistaken.  
4                   You're right.  We have been using the under  
5                   review check mark to keep that active.  And is  
6                   that a finding?  I mean, I'm asking a stupid  
7                   question.  But in the findings we're talking  
8                   about, do they include the under-review ones  
9                   also?

10                  MR. STIVER:  It means the impacts of  
11                  the deficiency cannot be determined at this  
12                  time.

13                  DR. MAURO:  Yes.

14                  MR. KATZ:  Right, right.  I mean  
15                  you don't even know that it's a deficiency until  
16                  it's resolved.

17                  DR. MAURO:  Exactly.

18                  MS. BEHLING:  This is Kathy  
19                  Behling.  I just want to interject one other,  
20                  or two other issues.  As we mentioned, this is  
21                  why I thought we had included, in our report,  
22                  a Section 1.3 which is supposed to identify that

**NEAL R. GROSS**

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

1       there is an ongoing Work Group that is  
2       discussing the Site Profile that is part of our  
3       dose reconstruction.

4               So because we're doing that, we're  
5       already stating up front that there are some  
6       issues, even if we have an issue, it's probably  
7       being discussed in another forum.

8               And John Mauro's comments are  
9       appropriate for a lot of the AWEs, because what  
10      has started to happen, under what we maybe would  
11      classify as an advanced review, is for the AWEs  
12      that don't have a Work Group or that SC&A is not  
13      going to look at an exposure matrix, we've been  
14      given, I felt that we'd been given a green light  
15      to look closer at that exposure matrix.

16              So nothing has fallen through the  
17      cracks because, while we do a dose  
18      reconstruction, we're also looking at technical  
19      issues associated with that exposure matrix.  
20      And then those become findings in that dose  
21      reconstruction audit.

22              DR. MAURO: True.

1                   MR. KATZ:     Right.     So there's  
2     nothing, I think then, I'm just trying to get  
3     back to Grady's concern about the whole process  
4     being somehow hogtied by having other groups  
5     that have to resolve their, Hanford or whoever  
6     it is, that has to resolve their TBD or SEC  
7     review findings.

8                   So, I mean, you can go two paths with  
9     this.    You can leave these then in terms of  
10    trying to go forward, I think, the Subcommittee  
11    could leave those just as, I think, whoever most  
12    recently characterized it, these things are  
13    under consideration.    And you could report out  
14    iterating the number of findings that are under  
15    consideration and hence not resolved.    Or you  
16    could report them out after you close it.

17                  And I guess if we're trying to get  
18    a report to the Secretary, we may want to just  
19    go ahead with that path of leaving findings  
20    unresolved but to be resolved, you know, through  
21    this kind of science review process that's  
22    external from the case review process.

**NEAL R. GROSS**

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

1 CHAIRMAN KOTELCHUCK: Yes.

2 MR. KATZ: Yes. You may want to do  
3 that because you do want to get a report to the  
4 Secretary.

5 CHAIRMAN KOTELCHUCK: Right. And  
6 that's the way to take it into account in the  
7 report.

8 MR. KATZ: Right. So you'll still  
9 have the findings; they'll be tabulated. But  
10 then you're going to have this category of  
11 findings that's, you know, the science is under  
12 review, in effect. And then we don't lose  
13 anything.

14 MR. STIVER: I have a little bit of  
15 deja vu going on here.

16 MR. KATZ: Okay. Deja vu's  
17 probably good in this case.

18 MR. STIVER: Yes, I think so. It's  
19 definitely been done this way before.

20 CHAIRMAN KOTELCHUCK: Right. So  
21 anyway, this 240.2 is under review or, as we said  
22 before, as we said up above, open, right?

**NEAL R. GROSS**

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

1 MR. FARVER: I have a list --

2 CHAIRMAN KOTELCHUCK: Unless you  
3 want to call, you want to say under review or  
4 to go to the --

5 MR. FARVER: I have it currently  
6 listed as open pending updates to TBD.

7 CHAIRMAN KOTELCHUCK: Right, let's  
8 do that again here.

9 DR. MAURO: I think that's the way  
10 to do it, yes.

11 CHAIRMAN KOTELCHUCK: Okay. And  
12 we can now look at three, .3.

13 MR. FARVER: .3, it goes back to PFG  
14 X-rays at AWE sites. And we have resolved this  
15 where PFGs should not be used for AWEs. Now,  
16 there's a time period where they were saying  
17 they thought they should be. But this has been  
18 resolved for a while now.

19 CHAIRMAN KOTELCHUCK: The PFG is,  
20 please, remind me?

21 DR. MAURO: Photofluorographic  
22 X-rays as opposed to classical chest X-rays.

**NEAL R. GROSS**

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

1 CHAIRMAN KOTELCHUCK: Okay, fine.  
2 Okay.

3 DR. MAURO: And then the doses are  
4 much, much higher.

5 CHAIRMAN KOTELCHUCK: Oh, yes.  
6 Absolutely.

7 DR. MAURO: And as a result, and  
8 there was a time when the standard, when you're  
9 dealing with DOEs, this is a good thing for  
10 everybody to, again, deja vu. You know, after  
11 ten years it's important to refresh your memory  
12 on these things to make sure we're all on the  
13 same page.

14 DOE in OTIB-6, I believe it is, and  
15 60, there's a couple of them, takes the position  
16 that PFG should be assumed to be the case as  
17 something that they did routinely.

18 Even if the records aren't, there's  
19 no clear affirmative evidence of it prior to  
20 1970, assume PFG is used -- and that was very  
21 important, and that's at DOE sites -- unless  
22 there's affirmative evidence to the contrary.

**NEAL R. GROSS**

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

1           However, for AWE sites, we don't do  
2           that. And there's a good reason for that. And  
3           this is something that was resolved quite some  
4           time ago. But it's good for you to be reminded  
5           of it.

6           CHAIRMAN KOTELCHUCK: Yes.

7           DR. MAURO: Because the AWE sites  
8           are under contract with the Atomic Energy  
9           Commission or the MED at the time. And if the  
10          contract did not call for X-rays, or PFG or  
11          whatever, they would not be automatically  
12          assigned.

13          So that's where the contract itself  
14          has to be clear and unambiguous. Say yes, in  
15          fact, they did do X-rays, whether it's X-rays  
16          or PFG.

17          But the PFG issue is very important  
18          for DOE sites pre-1970 where, unless they  
19          revised the procedure, you automatically  
20          assumed that the person did get a PFG annually  
21          as part of his routine exposure examination.  
22          And that's quite a dose, three rem.

**NEAL R. GROSS**

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

1 CHAIRMAN KOTELCHUCK: Oh, yes.

2 DR. MAURO: I think it was three rem  
3 per examination, on that order, as opposed to  
4 whatever, 10 millirem. But I'm not sure if I  
5 got the numbers right.

6 But is that everyone's, and folks  
7 there at, you know, DCAS and ORAU, am I telling  
8 the story in a correct way? Or am I just  
9 revealing that I've lost touch?

10 MR. SIEBERT: This is Scott. No,  
11 you're right on. I would clarify one thing,  
12 that PFGs are not always claimant-favorable.  
13 It's dependent on the organ and whether it's in  
14 the beam or not.

15 DR. MAURO: Okay.

16 MR. SIEBERT: But other than that,  
17 as to why PFGs are not assumed at AWE, yes,  
18 you're right on there.

19 DR. MAURO: Right.

20 CHAIRMAN KOTELCHUCK: Okay.

21 DR. MAURO: That's reassuring to  
22 me, believe me. Because I realize that I've

**NEAL R. GROSS**

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

1       been away from deep involvement the way I was  
2       originally.  And it's very easy for me, and this  
3       program's very complex, and it's very easy to  
4       abstract.

5                   CHAIRMAN KOTELCHUCK:  Right.

6                   MEMBER MUNN:  Yes.  But those  
7       fluorographic  examinations  resulted  in  
8       exposures in many cases, more than a magnitude  
9       above what the actual occupational and --

10                  CHAIRMAN KOTELCHUCK:  Yes, yes.

11                  MEMBER  MUNN:  --  and  the  
12       operational that were very important.

13                  DR. MAURO:  Yes.

14                  CHAIRMAN KOTELCHUCK:  Oh, yes.  
15       Alright, for basic, that also was a public  
16       health problem --

17                  MEMBER MUNN:  Yes.

18                  CHAIRMAN KOTELCHUCK:  -- outside of  
19       our worker population.  Okay.  Well, that  
20       should be closed now, right?

21                  MEMBER MUNN:  Yes.

22                  CHAIRMAN KOTELCHUCK:  Let's go on.

**NEAL R. GROSS**

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

1                   MR. FARVER:    Okay, 240.4, method  
2                   for reconstructing doses, inhalation of  
3                   resuspended residual uranium contamination may  
4                   not be claimant-favorable.

5                   As noted in the SC&A response, there  
6                   are additional issues being resolved for  
7                   Simonds Saw and the impact of previous changes  
8                   to the Site Profile.  And upcoming changes will  
9                   be examined when the update is completed.

10                  CHAIRMAN KOTELCHUCK:  Right.  So  
11                  this is an open issue.

12                  MR. FARVER:    Looks like another  
13                  open pending update.

14                  CHAIRMAN KOTELCHUCK:  Pending TBD  
15                  6000.

16                  MR. FARVER:    And 240.5 looks very --

17                  MR. SIEBERT:  Wait a second, wait a  
18                  second.  This is Scott.  I think this is  
19                  slightly different.

20                  We have agreed that the method  
21                  needed to be changed.  And it already has been  
22                  changed in the most recent TBD.  All we're

**NEAL R. GROSS**

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

1 saying is that additional determination of the  
2 impact will not be done as a PER until all issues  
3 in the TBD that are still out there are being  
4 resolved.

5 We've already agreed this issue has  
6 been resolved in the present TBD. So I think  
7 this is a different category --

8 CHAIRMAN KOTELCHUCK: I see.

9 MR. SIEBERT: -- than we were just  
10 discussing.

11 CHAIRMAN KOTELCHUCK: I see. So  
12 this is resolved. But still, the results are  
13 pending, the review is pending.

14 MR. KATZ: No. This one you can  
15 just close. Because there's agreement on the  
16 science, and it's resolved.

17 MEMBER MUNN: And there is an  
18 automatic redo that falls on every revision to  
19 a TBD of this sort.

20 CHAIRMAN KOTELCHUCK: Okay.

21 MEMBER MUNN: Every case that might  
22 be affected by that change is redone

**NEAL R. GROSS**

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

1 automatically by NIOSH.

2 CHAIRMAN KOTELCHUCK: Okay. How  
3 do we express this?

4 MR. FARVER: This is a TBD change  
5 that has been implemented.

6 MR. KATZ: Exactly.

7 MR. FARVER: Okay.

8 MS. BEHLING: This is Kathy  
9 Behling. While we're waiting for just one  
10 second, shouldn't there also be some numbering  
11 system under 240.2 and 240.3 that ties us back  
12 to the Table 2 findings. I don't see that in  
13 the matrix.

14 MR. FARVER: I inserted them,  
15 Kathy. I didn't see them in here, but I went  
16 back to the report, and I put them in. It's  
17 C.1.1 and C.1.3.

18 MS. BEHLING: Okay, very good.  
19 Thank you.

20 MR. FARVER: Okay. Changes to TBD  
21 6000 have been implemented. There is no  
22 further action.

**NEAL R. GROSS**

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

1 CHAIRMAN KOTELCHUCK: Yes.

2 MR. FARVER: Okay, 0.5. It looks  
3 like that's similar.

4 CHAIRMAN KOTELCHUCK: Yes, it does.

5 MR. FARVER: And it looks like it  
6 should have a similar answer.

7 CHAIRMAN KOTELCHUCK: There is not  
8 the mention of TBD 6000 or --

9 MR. SIEBERT: Well, the reason we  
10 didn't mention that in every single one was the  
11 fact that all of these where we've already  
12 agreed, what we weren't going to do is determine  
13 the impact on it, because that is what's going  
14 to be done under the PER when everything is  
15 completed. So I just didn't put that comment  
16 in every single response where that --

17 CHAIRMAN KOTELCHUCK: Okay.  
18 Alright.

19 MR. FARVER: So is this the same  
20 issue as above, Scott?

21 MR. SIEBERT: Yes. It's a  
22 resuspension issue.

**NEAL R. GROSS**

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

1 MR. FARVER: Okay.

2 DR. MAURO: This is important. See,  
3 this is a good news story, you know. We looked  
4 at an issue that came up that we were concerned  
5 about, the resuspension factor, et cetera, et  
6 cetera. And we may have raised it.

7 But another part of the process, the  
8 issue has been resolved in the process. And it  
9 closes the loop for this case in a very  
10 satisfactory way.

11 But the actual doses have not been,  
12 see, interesting, have not been recalculated  
13 because the PER process hasn't begun yet. In  
14 a funny sort of way, this story is the entire  
15 story of this whole program.

16 MEMBER MUNN: It is. It's going to  
17 work.

18 DR. MAURO: It's working.

19 CHAIRMAN KOTELCHUCK: Okay.

20 MR. FARVER: Okay, 240.6.

21 CHAIRMAN KOTELCHUCK: Okay.

22 MR. FARVER: These are questions

**NEAL R. GROSS**

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

1 whether the activity fractions for Pu-239 and  
2 neptunium-239 are appropriate and  
3 claimant-favorable. That should be  
4 neptunium-237, I believe.

5 MR. SIEBERT: That is correct.

6 MR. FARVER: Okay. And I guess the  
7 gist of this is the TBD has been revised,  
8 Revision 1. And Revision 1, the derived intake  
9 for plutonium and neptunium are higher than they  
10 were in Revision PC-1.

11 MEMBER MUNN: But then they will be  
12 covered in the PER.

13 MR. FARVER: I don't believe this is  
14 an issue anymore.

15 MEMBER MUNN: No.

16 MR. FARVER: Close?

17 CHAIRMAN KOTELCHUCK: Right.

18 MR. FARVER: No further action.

19 240.7, reviewer questions whether the  
20 assumptions used for calculating thorium  
21 inhalation are claimant-favorable.

22 It's been addressed in the Site

**NEAL R. GROSS**

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

1 Profile and an SEC. I guess, just according to  
2 the SEC, this is no longer an issue either.  
3 Because it's covered under the SEC.

4 CHAIRMAN KOTELCHUCK: Yes.

5 MR. FARVER: The ability to  
6 reconstruct thorium exposure.

7 CHAIRMAN KOTELCHUCK: Okay.

8 MR. FARVER: So that'll be a closed,  
9 no further action.

10 CHAIRMAN KOTELCHUCK: Okay.

11 MR. FARVER: And 240.8, the method  
12 for reconstruction thorium doses from the  
13 inhalation of resuspended residual  
14 contamination may not be claimant-favorable.

15 I believe Revision I of the TKBS-32  
16 does cover for an exposure during residual  
17 periods.

18 MR. SIEBERT: This is one of those  
19 that we have addressed the resuspension issue.  
20 However, there's additional open issues with  
21 residual internal doses with TBD 6000 with the  
22 Work Group.

**NEAL R. GROSS**

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

1           But I think this is probably one of  
2 those that would still be open. The present TBD  
3 reflects it, however there are still upcoming  
4 ideas as to whether that's fully appropriate or  
5 not that the Working Group is looking at.

6           CHAIRMAN KOTELCHUCK: Okay.

7           MR. FARVER: Well, just for my  
8 information, the resuspended issue has been  
9 addressed, but you're still working on some  
10 other internal dose issues.

11          MEMBER MUNN: Right.

12          MR. FARVER: Okay.

13          CHAIRMAN KOTELCHUCK: Okay.

14          MR. FARVER: Okay. 240.9, methods  
15 for reconstructing doses from the ingestion of  
16 resuspended residual thorium contamination may  
17 not be claimant-favorable. Similar?

18          CHAIRMAN KOTELCHUCK: Yes.

19          MR. FARVER: Okay.

20          MR. SIEBERT: This would be  
21 identical. It's just inhalation and  
22 ingestion.

**NEAL R. GROSS**

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

1                   MR. FARVER:    Okay.    Open pending  
2                   update to TBD.    240.10, some of the interview  
3                   information is not consistent with the data used  
4                   in the dose reconstruction.

5                   And this has to do with, in the CATI  
6                   report, an employee recalled working up to 60  
7                   hours per week including weekends.    But the  
8                   hours were not adjusted in the dose  
9                   reconstruction to accommodate this or any  
10                  mention made of it.    So that was the basis for  
11                  the finding.

12                  CHAIRMAN KOTELCHUCK:    I'm not sure  
13                  what SC&A understands and accepts, that the  
14                  person did not work 60 hours or that he did?

15                  MEMBER MUNN:    Yes, he did not appear  
16                  to be, likely.

17                  MR. FARVER:    Well, I'm going to have  
18                  to, I can't tell you how to write this answer.  
19                  So --

20                  CHAIRMAN KOTELCHUCK:    Pardon?

21                  MR. FARVER:    That's not a good  
22                  excuse, but I can look into it.    We can keep it

**NEAL R. GROSS**

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

1 open if you'd like. A lot of these I send off  
2 to people to get responses to, because I'm just  
3 not familiar with AWE sites.

4 CHAIRMAN KOTELCHUCK: Well, it did  
5 not appear likely, yes.

6 DR. MAURO: Yes. I did not, well,  
7 this is John. I normally would have looked at,  
8 I looked at a real large number of issues that  
9 came in last week. And let me see if, is this  
10 one of those?

11 Because I went through all of those.  
12 And I have in front of me the, it's part of the  
13 General Steel. But it went down to a whole  
14 bunch of other cases, different AWE sites. Is  
15 this? I might have looked at this.

16 MR. FARVER: I believe you looked at  
17 it.

18 DR. MAURO: Yes.

19 MEMBER MUNN: This one refers you to  
20 the DOL file.

21 DR. MAURO: I'm just looking to see  
22 if Simonds Saw is among the cases that came in.

**NEAL R. GROSS**

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

1 Bethlehem Steel is here. But I'm looking, just  
2 bear with me.

3 CHAIRMAN KOTELCHUCK: It's a  
4 different file, I believe.

5 DR. MAURO: Yes, I know. No, see  
6 the package that I looked at, all the AWE, did  
7 not include Simonds Saw. Otherwise, I would  
8 have looked at this and been in a better position  
9 to help out here. But I have to apologize.  
10 This is not among the package of AWE issues --

11 CHAIRMAN KOTELCHUCK: Right.

12 DR. MAURO: -- that came in last  
13 Wednesday or Thursday.

14 MR. FARVER: No. This came in a  
15 week before that or so that I sent you.

16 DR. MAURO: You know, and --

17 MR. FARVER: You emailed me back,  
18 and I --

19 DR. MAURO: It probably went, okay,  
20 go ahead, keep going.

21 MR. FARVER: And you emailed me  
22 back. You didn't update the matrix. You just

**NEAL R. GROSS**

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

1 had some responses to the text --

2 DR. MAURO: Okay.

3 MR. FARVER: -- for certain ones.

4 And if I could find the email, I would read it.

5 DR. MAURO: Yes.

6 MR. SIEBERT: Just to point out,  
7 this SC&A response is back from February of this  
8 year.

9 MR. KATZ: Right, I was going to  
10 say.

11 DR. MAURO: Okay, this goes way back.

12 MR. KATZ: Way back. And, John,  
13 you didn't have any new information on it?

14 DR. MAURO: I don't. And I have to  
15 say, I'd have to refresh my memory, and I did  
16 not, for this. I probably could have helped out  
17 here, but I just did not have the presence of  
18 mind to go back and to look at these.

19 (Simultaneous speaking.)

20 CHAIRMAN KOTELCHUCK: We'll keep  
21 this open.

22 MR. SIEBERT: Well, what it really

**NEAL R. GROSS**

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

1 comes down to is there are additional, when you  
2 look in the DOL files, there are additional  
3 places where the individual was employed during  
4 the same time frames based on pay records from  
5 the Social Security Administration, it looks  
6 like.

7 So it seemed to make sense to us that  
8 maybe he did work a lot of hours, but not  
9 necessarily all of them were at Simonds Saw and  
10 Steel. That's the basis of the answer here.

11 CHAIRMAN KOTELCHUCK: Yes.

12 MEMBER MUNN: That's what it  
13 appears to be. If he's working somewhere else,  
14 then he's not putting in 60 hours a week at  
15 Simonds Saw.

16 MR. KATZ: Right. And I would  
17 assume, John, you may not remember, but back in  
18 February you reviewed this and accepted it. I  
19 would sort of take that on faith.

20 DR. MAURO: I believe you.

21 MR. KATZ: Yes.

22 DR. MAURO: And again, I should have

**NEAL R. GROSS**

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

1 refreshed my memory on this. And it may very  
2 well be that Bob too, because I know Bob and I  
3 worked very closely on -- there was actually a  
4 transition where I moved off Simonds Saw and Bob  
5 moved in. So I might not be as close to it as  
6 I should be.

7 CHAIRMAN KOTELCHUCK: So the  
8 claimant has approved the list of his employment  
9 records --

10 MEMBER MUNN: No. DOL does that.  
11 DOL tells us whether --

12 CHAIRMAN KOTELCHUCK: Right.  
13 Okay. So DOL has done that. And there are,  
14 okay, there are records of other places that he  
15 worked --

16 MEMBER MUNN: Where he worked.

17 CHAIRMAN KOTELCHUCK: -- at that  
18 time. Yes.

19 MEMBER MUNN: Correct.

20 CHAIRMAN KOTELCHUCK: Okay. And  
21 so you went back and put it in at 40 hours at  
22 Simonds Saw.

**NEAL R. GROSS**

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

1 MEMBER MUNN: Right.

2 CHAIRMAN KOTELCHUCK: That is what  
3 you will do.

4 MEMBER MUNN: Or did not cover the  
5 period from --

6 (Simultaneous speaking.)

7 MR. KATZ: Dose reconstruction was  
8 correct. And SC&A's in effect withdrawing,  
9 having looked at the records that Scott referred  
10 to, allows that he couldn't have worked 60  
11 hours.

12 CHAIRMAN KOTELCHUCK: Yes.

13 DR. MAURO: And you're saying that  
14 was previously discussed and closed?

15 MR. KATZ: No. It's being closed  
16 now. It has been discussed. It's been sitting  
17 on the, you know, on the back to be closed.

18 CHAIRMAN KOTELCHUCK: This is, in a  
19 way, this is not a finding, is it?

20 MR. KATZ: Well, it would have been  
21 a finding if it was, I mean, it would have been  
22 a finding if it were correct that he worked 60

**NEAL R. GROSS**

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

1 hours and not been credited for it.

2 CHAIRMAN KOTELCHUCK: Right.

3 Okay.

4 MR. KATZ: But that doesn't seem to  
5 be the case.

6 CHAIRMAN KOTELCHUCK: Right. So  
7 then this is actually just to be closed.

8 MR. KATZ: Yes.

9 MR. FARVER: Yes. I think what was  
10 done, this is the CATI information thing again.  
11 You know, it was information in the CATI report  
12 that --

13 CHAIRMAN KOTELCHUCK: Right.

14 MR. FARVER: -- does not appear to  
15 be considered.

16 MR. KATZ: Well, no. I mean, but if  
17 they looked at the documentation, that's what  
18 they based it on, not the CATI which doesn't mean  
19 they didn't discuss it in the CATI in the dose  
20 reconstruction report. But it sounds like they  
21 used the correct basis for --

22 CHAIRMAN KOTELCHUCK: Right.

**NEAL R. GROSS**

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

1 MR. KATZ: -- adjustments.

2 CHAIRMAN KOTELCHUCK: And they  
3 followed-up on the CATI.

4 MR. KATZ: Right, yes.

5 MR. FARVER: All we're saying is the  
6 CATI information is not consistent with what we  
7 used in the DR. So it's --

8 CHAIRMAN KOTELCHUCK: Right.

9 MR. FARVER: -- findings we used to  
10 make all the time about the information in the  
11 CATI report --

12 CHAIRMAN KOTELCHUCK: Right.

13 MR. FARVER: -- and what this works  
14 out to be, you know. There's information in the  
15 CATI report that is not used, not acknowledged.

16 CHAIRMAN KOTELCHUCK: Right. And  
17 they explain --

18 MEMBER MUNN: And that was because  
19 there's documentation that shows otherwise.

20 CHAIRMAN KOTELCHUCK: Alright.

21 And this has been examined. Closed.

22 MR. FARVER: Well, that's okay now.

**NEAL R. GROSS**

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

1 But it just wasn't in the DR report.

2 CHAIRMAN KOTELCHUCK: Okay.

3 Therefore it could be closed.

4 MR. FARVER: Yes.

5 MEMBER MUNN: Yes.

6 CHAIRMAN KOTELCHUCK: Okay. Now,  
7 look. It is now 4:30. We need to close at  
8 5:00. And the question is how to proceed. We  
9 have a few more [cases] in this file.

10 As I understand, we have a couple of  
11 open ones in ORNL and, three, and we have two  
12 open findings in the Fernald/Hanford file. And  
13 we have several in this file, right? I looked  
14 before. Let me ask you, this would come to be  
15 about a dozen, roughly. Well, the observations  
16 will take us time. But clearly we need another  
17 meeting.

18 MR. KATZ: Right. And don't you  
19 have, you have pictures from other sites too,  
20 right, like GSI and so on?

21 CHAIRMAN KOTELCHUCK: Yes. Well,  
22 that was this morning, right? That's your

**NEAL R. GROSS**

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

1 sense, a file?

2 MR. FARVER: Yes.

3 MR. KATZ: Yes.

4 CHAIRMAN KOTELCHUCK: Yes.

5 MR. KATZ: So definitely we need  
6 another meeting, right. So I guess I think it's  
7 a good idea, Dave, to sort of run through these  
8 other logistics first before we carry on. Do  
9 you want to schedule another meeting first  
10 before we do anything?

11 CHAIRMAN KOTELCHUCK: Well, what  
12 other logistics, I mean, we --

13 MR. KATZ: Oh, no. I mean, but we  
14 have these other items on the agenda that we  
15 might touch upon. But not all of them we need  
16 to touch upon. But at least one I want to talk  
17 to you about.

18 CHAIRMAN KOTELCHUCK: Okay. Well,  
19 I would just say for the moment, we're talking  
20 about this, let's simply set the most reasonable  
21 date that we can as quickly as we can, given the  
22 60 day notice.

**NEAL R. GROSS**

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

1 MR. KATZ: Yes. It's always, it's  
2 a 30 --

3 CHAIRMAN KOTELCHUCK: Thirty day  
4 notice, sorry.

5 MR. KATZ: Thirty day notice. And  
6 then there's about, I mean, another week on top  
7 of that to actually get it through our system.

8 CHAIRMAN KOTELCHUCK: Right. July  
9 9th, this is July 7th.

10 MR. KATZ: So I would say --

11 CHAIRMAN KOTELCHUCK: September,  
12 early September?

13 MR. KATZ: Well, I would say we  
14 could do it in August. I don't see why, if you  
15 guys can make it in August, it would be better  
16 to meet in August.

17 CHAIRMAN KOTELCHUCK: It would be  
18 fine to meet in August. I'm anticipating that  
19 it would be very hard, given some people's  
20 vacation plans. But that's to be determined.

21 MR. KATZ: Yes. Let's give it a  
22 shot. Because, I mean, the agenda's set. We

**NEAL R. GROSS**

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

1 have all this work sitting on the table.

2 CHAIRMAN KOTELCHUCK: We sure do.

3 MR. KATZ: So I mean, for example,  
4 I think, people, just speak up. From August  
5 16th, or 17th or 18th, as soon as that, I think,  
6 I could get, you know, Federal Register notice  
7 out and we'd be fine.

8 CHAIRMAN KOTELCHUCK: Okay.

9 MEMBER MUNN: How about the 20th?

10 MR. KATZ: Or that we --

11 CHAIRMAN KOTELCHUCK: I'm out that  
12 week entirely.

13 MR. KATZ: Which week, David?

14 CHAIRMAN KOTELCHUCK: The week of  
15 the 16th.

16 MR. KATZ: Okay, that's fine.

17 CHAIRMAN KOTELCHUCK: For  
18 vacation.

19 MR. KATZ: Yes. So how about the  
20 week of the 21st?

21 CHAIRMAN KOTELCHUCK: Let's see.

22 MEMBER MUNN: The 21st of August?

**NEAL R. GROSS**

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

1 MR. KATZ: 21st of --

2 CHAIRMAN KOTELCHUCK: No, 25th of  
3 August.

4 MR. KATZ: Oh, I'm sorry, right,  
5 right, right, I'm on the wrong month here.

6 MEMBER MUNN: No. I was going to  
7 say, 21st is not a start. How about --

8 (Simultaneous speaking.)

9 MEMBER MUNN: -- August 26th?

10 MR. SIEBERT: I believe there's a  
11 Procedures Subcommittee meeting on the 28th and  
12 --

13 MEMBER MUNN: On the 28th, that's  
14 correct.

15 MR. SIEBERT: On the 28th, right.

16 MEMBER MUNN: So the 26th would be  
17 good.

18 CHAIRMAN KOTELCHUCK: 26th works  
19 for me.

20 MR. KATZ: How about everyone else?

21 MR. CALHOUN: It works for me.  
22 This is Grady.

**NEAL R. GROSS**

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

1 MR. KATZ: How about David  
2 Richardson and, did you say yes, that's okay?

3 MEMBER RICHARDSON: I'll be out on  
4 the 28th.

5 CHAIRMAN KOTELCHUCK: Well, we're  
6 talking about Tuesday, the 26th.

7 MEMBER MUNN: Yes, we are.

8 MEMBER CLAWSON: This is Brad. I  
9 could do that one.

10 CHAIRMAN KOTELCHUCK: Mark?

11 MR. KATZ: I didn't hear David  
12 Richardson. Was that okay, the 26th?

13 MEMBER RICHARDSON: No, it's not.

14 MR. KATZ: Okay, then that does it.  
15 Okay, well, anytime that week are you saying or  
16 --

17 MEMBER RICHARDSON: I'm going to be  
18 in Seattle that week. I have a conference  
19 there.

20 MR. KATZ: Yes, that's fine.

21 CHAIRMAN KOTELCHUCK: Okay, that's  
22 fine. If we could get, if Mark or John were

**NEAL R. GROSS**

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

1 available that would be a fourth person.

2 MR. KATZ: Yes. I need to get that  
3 before I can go forward.

4 CHAIRMAN KOTELCHUCK: I'm just  
5 saying--

6 MR. KATZ: And Mark, I've always --

7 CHAIRMAN KOTELCHUCK: Mark, I don't  
8 hear.

9 MR. KATZ: [interruption] -- with  
10 Mark because it doesn't rule his life so much.

11 CHAIRMAN KOTELCHUCK: Right.

12 MEMBER MUNN: So can we do this on  
13 the 14th then?

14 MR. KATZ: The 14th of what?

15 MEMBER MUNN: August. Is that  
16 pushing too close?

17 CHAIRMAN KOTELCHUCK: I cannot do  
18 the week of the 13th. I mean, that entire week  
19 I'm out.

20 MEMBER MUNN: So you're gone the two  
21 weeks.

22 MR. KATZ: Let's move to another

**NEAL R. GROSS**

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

1 date. Because let's at least get a date when  
2 everyone on the phone can do it here.

3 CHAIRMAN KOTELCHUCK: I think  
4 that's September.

5 MR. KATZ: It looks like it is. So  
6 September is getting pretty busy. So how about  
7 September, well, September 1st is Labor Day.  
8 That's not happening. September 2nd?

9 MEMBER CLAWSON: I have to travel to  
10 get back to Cincinnati that day.

11 MEMBER MUNN: How about the 4th?

12 MR. KATZ: Oh, that's right, no.  
13 So that week's no good.

14 MEMBER CLAWSON: That's Fernald and  
15 --

16 MR. KATZ: That's no good for that  
17 week. And the next week is no good because Brad  
18 is out for a chunk of the next, oh no, Brad's  
19 not.

20 MEMBER CLAWSON: I'm not.

21 MR. CALHOUN: I'm gone the whole  
22 week of the 8th.

**NEAL R. GROSS**

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

1                   MR. KATZ:   Okay, so that's no good.  
2                   Okay.   So we're well into September now.   The  
3                   week of the 15th?

4                   MEMBER MUNN:   We have our ABRWH  
5                   telecon on the 17th, right?

6                   MR. KATZ:   Right.   That's on the  
7                   17th --

8                   MEMBER MUNN:   15th or 16th?

9                   MR. KATZ:   How about the 16th or the  
10                  18th?   Or the 15th, whatever.

11                  MEMBER MUNN:   Yes.

12                  CHAIRMAN KOTELCHUCK:   16th or 18th  
13                  is okay for me, Tuesday or Thursday.   We have  
14                  a Board conference call on --

15                  MR. KATZ:   Yes, on Wednesday.   So  
16                  is the 16th or the 18th okay with you, David?

17                  MEMBER RICHARDSON:   The 18th works.

18                  MR. KATZ:   Okay, 18th.   And Wanda?

19                  MEMBER MUNN:   Okay.

20                  MR. KATZ:   Okay.   And, Brad, 18th?

21                  MEMBER CLAWSON:   Yes.

22                  MR. KATZ:   September?

**NEAL R. GROSS**

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

1 MEMBER CLAWSON: Yes.

2 MR. KATZ: Okay. So let's go for  
3 the 18th. And then I'll make a note to {John}  
4 Poston and to Mark.

5 CHAIRMAN KOTELCHUCK: Okay.

6 MR. KATZ: September 18th.

7 CHAIRMAN KOTELCHUCK: Okay, 10:30?

8 MR. KATZ: Yes, same thing.

9 CHAIRMAN KOTELCHUCK: Okay.

10 MR. KATZ: Okay. The one other  
11 thing to check with you guys about is selecting  
12 Set 21.

13 Oh, first of all, just to remind  
14 those of you that have not sent me your picks  
15 for the blind cases, I need those. So please  
16 send them in to me. I just need you to identify  
17 the cases by the case numbers. That's all I  
18 need, in an email or what have you.

19 CHAIRMAN KOTELCHUCK: Right. And  
20 I will get you that last one, sorry.

21 MR. KATZ: Right, right. And then  
22 I just need them from the other Board Members

**NEAL R. GROSS**

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

1 that I don't have them from. Some have already  
2 responded.

3 So selecting Set 21, I'm just  
4 assuming we're okay with sticking with our  
5 selection criteria that we used for the first  
6 30 cases that we selected for this year for SC&A  
7 to review. We'll use those same --

8 CHAIRMAN KOTELCHUCK: Right.

9 MR. KATZ: -- criteria for the  
10 second set of 30.

11 MEMBER MUNN: Let's please do.

12 CHAIRMAN KOTELCHUCK: Okay, very  
13 good. So as soon as the blind cases, as soon  
14 as I have those selected, then I'll go forward  
15 with asking NIOSH to pull candidate cases for  
16 the second set of 30. But I've got to get the  
17 blind cases in first.

18 CHAIRMAN KOTELCHUCK: Yes.

19 MEMBER MUNN: Good.

20 MR. KATZ: So I just wanted to make  
21 sure that's okay with you. And that's it.  
22 Then we can, you know, that's it. That's all

**NEAL R. GROSS**

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

1 I needed to cover before we can carry on with  
2 cases or whatever for the last 15 minutes.

3 CHAIRMAN KOTELCHUCK: Okay. Is  
4 there anything we can do or should do about the  
5 Board report? Or are there any preliminary  
6 activities that should be carried on or could  
7 be carried on?

8 MR. KATZ: And I think, I thought we  
9 would be further along. But since we still have  
10 a significant chunk to finish, I don't think we  
11 can really get SC&A drafting up. Because what  
12 they would do, there're like data tables and so  
13 on to summarize --

14 CHAIRMAN KOTELCHUCK: Got it.

15 MR. KATZ: -- things. And we can't  
16 really get them doing that.

17 CHAIRMAN KOTELCHUCK: Okay. Could  
18 somebody resolve, I mean, the last full report  
19 I have from John Stiver was that there are a  
20 total, on April 29th you said there were a total  
21 of 82 that needed doing.

22 And we probably went over ten of them

**NEAL R. GROSS**

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

1 today. By looking at the files that I've been  
2 presented with by Doug, it doesn't seem to me  
3 that we have anywhere near that number. And  
4 what's missing?

5 MR. STIVER: Those were 82  
6 findings. I don't know.

7 CHAIRMAN KOTELCHUCK: Oh --

8 MR. STIVER: Not cases.

9 CHAIRMAN KOTELCHUCK: Oh, okay,  
10 okay, 82 findings. Alright. Because like  
11 today we had one finding with ten, one case with  
12 ten findings. Fine. Because I do believe we  
13 can finish up if we push hard --

14 MR. KATZ: At the next meeting.

15 CHAIRMAN KOTELCHUCK: -- at the  
16 next meeting.

17 MR. KATZ: Yes.

18 CHAIRMAN KOTELCHUCK: And I hope we  
19 can put a focus on getting that done.

20 MR. STIVER: I'd like to see them  
21 all done. I'm sure there has to be work to --

22 CHAIRMAN KOTELCHUCK: Right. And

**NEAL R. GROSS**

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

1 I hope we can force ourselves to focus tight on  
2 those.

3 MR. STIVER: Yes.

4 CHAIRMAN KOTELCHUCK: Okay.

5 MR. FARVER: Dave, this is Doug.  
6 I'm going to go through each one of those and  
7 check it off to verify that number.

8 CHAIRMAN KOTELCHUCK: Yes.

9 MR. FARVER: You know, in the past  
10 when we did these sets by complete set, all the  
11 findings were in one matrix.

12 CHAIRMAN KOTELCHUCK: Right.

13 MR. FARVER: But now, since we are  
14 jumping around by site, the bookkeeping's a  
15 little trickier. So I want to go through and  
16 just, you know, make sure I account for every  
17 finding. And then I can give you whether that  
18 number's good or not.

19 CHAIRMAN KOTELCHUCK: I appreciate  
20 that. I will admit that that has been a little  
21 crazy. And, in fact, if I were a little bit on  
22 top of it, I probably should have started with

**NEAL R. GROSS**

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

1 Oak Ridge today which we don't have too many  
2 findings on.

3 Two of the three files had not too  
4 many findings. And the one we covered today had  
5 lots of findings. So I'd appreciate if you were  
6 to do that and send it out.

7 MR. KATZ: Okay. And then the  
8 other, just to keep things rolling with the rest  
9 too, I think NIOSH folks had gotten a start on  
10 Sets 14 through 18 with answers. But we want  
11 to just keep that process going.

12 CHAIRMAN KOTELCHUCK: Right.

13 MR. FARVER: Even though the  
14 Subcommittee hasn't gotten to resolving any of  
15 them, if NIOSH will keep chewing away at  
16 answering the findings for those sets, that'd  
17 be great.

18 MR. SIEBERT: That is correct.  
19 That's exactly what we're doing.

20 MR. FARVER: Yes, thank you.

21 CHAIRMAN KOTELCHUCK: Very good.  
22 Appreciate it.

**NEAL R. GROSS**

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

1 MR. FARVER: Good, that's great.

2 CHAIRMAN KOTELCHUCK: Okay. So,  
3 is there anything more to say on blind reviews?

4 MR. KATZ: No. We just don't have  
5 time to mess with that.

6 CHAIRMAN KOTELCHUCK: Right.  
7 Okay. Sounds good. Folks, thank you all very  
8 much. Have a very good rest of the summer,  
9 although we will be meeting before the end of  
10 the summer anyway. So I'll see or speak to many  
11 of you later.

12 MEMBER MUNN: Very good.

13 CHAIRMAN KOTELCHUCK: Thank you,  
14 everybody.

15 (Whereupon, the above-entitled  
16 matter went off the record 4:40 p.m.)

17

18

19

20

21

22

1  
2  
3  
4  
5  
6  
7  
8  
9