

UNITED STATES OF AMERICA
CENTERS FOR DISEASE CONTROL

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NATIONAL INSTITUTE FOR OCCUPATIONAL
SAFETY AND HEALTH

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ADVISORY BOARD ON RADIATION AND
WORKER HEALTH

+ + + + +

108th MEETING

+ + + + +

WEDNESDAY
NOVEMBER 18, 2015

+ + + + +

The meeting convened at 8:15 a.m., Pacific Time, in the Waterfront Hotel, 10 Washington Street, Oakland, CA, James M. Melius, Chairman, presiding.

PRESENT:

JAMES M. MELIUS, Chairman
HENRY A. ANDERSON, Member
JOSIE BEACH, Member
BRADLEY P. CLAWSON, Member
R. WILLIAM FIELD, Member*
DAVID KOTELCHUCK, Member
WANDA I. MUNN, Member
GENEVIEVE S. ROESSLER, Member
PHILLIP SCHOFIELD, Member
LORETTA R. VALERIO, Member*
PAUL L. ZIEMER, Member*
TED KATZ, Designated Federal Official
REGISTERED AND/OR PUBLIC COMMENT PARTICIPANTS

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

2 (8:19 a.m.)

3 CHAIRMAN MELIUS: If everyone could
4 get seated, we'll get started. And welcome to the
5 108th meeting of the Advisory Board on Radiation
6 and Worker Health. And to start us off, Ted.

7 MR. KATZ: Thank you, Jim. Welcome,
8 everyone. Let me just say a few precursory things.
9 Welcome to the Advisory Board.

10 For everyone who's listening in from
11 elsewhere, the materials for this Board meeting,
12 the agenda and all the materials that will be
13 discussed, are posted on the NIOSH website under
14 the Board Section under Meeting Dates, today's
15 date, so you can follow along there with the
16 presentations. Pull up any of those presentations
17 there.

18 As well, the agenda has on it a Live
19 Meeting connection, so for those of you for whom
20 Live Meeting works, you can join by Live Meeting
21 and see the slides of the presentations. As
22 they're projected here, they'll show there as well.

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1 Another thing for folks on the phone,
2 please keep your phones on mute except when you're
3 addressing the group and mostly that will be the
4 Board Members except during the public comment
5 section and the SEC sessions. And if you don't
6 have a mute button, press *6 to mute your phone and
7 press *6 again to take your phone off of mute.

8 And, please, nobody put their call on
9 hold but hang up and dial back in if you need to
10 leave the call for some time.

11 So there's also I'll note, although
12 I'll note it again later because probably people
13 who would be paying attention aren't right now on
14 the line, but we have a public comment session today
15 and I believe it begins at, yes, at 5 o'clock, 5
16 p.m. So if you plan to give public comment, you
17 should plan to be on the line at 5:00 when we start
18 that session.

19 Let me start with the Board roll call
20 and the way I'll do this, we have today, for today's
21 roll call, we have, let's see, only one site that
22 relates to conflict of interest so I'll just

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1 address that and then we can run through roll call
2 without the Board Members individually addressing
3 conflicts.

4 So let's begin roll call with the Chair.

5 (Roll call)

6 MR. KATZ: And with respect to
7 conflicts, we are dealing with today later in the
8 afternoon Idaho National Laboratory, and for that,
9 Mr. Clawson has a conflict and he will recuse
10 himself when that session comes up.

11 And with that, it's your meeting, Dr.
12 Melius.

13 CHAIRMAN MELIUS: Okay. Thank you and
14 we'll start with an update from NIOSH, Stu
15 Hinnefeld.

16 MR. HINNEFELD: Good morning,
17 everyone. Is my mic on?

18 MR. KATZ: Sounds like it. Folks on
19 the line, can you hear Dr. --

20 MR. HINNEFELD: Mr.

21 MR. KATZ: -- Mr. Hinnefeld?

22 (Multiple yes)

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1 MR. HINNEFELD: Okay, great. Well,
2 I'm here to give my normal update presentation.
3 Yes, I'll start with some -- what I normally do is
4 program news items and I always like to cover our
5 outreach activity.

6 Since our last Board meeting, we've
7 attended outreach activities in association with
8 some other members of the Joint Outreach Task Group
9 which are DOE, DOL, and then the Ombudsman for DOL
10 and our own Ombudsman participate in that group.

11 One of those activities was a trip to
12 West Valley, New York, for the -- well, the
13 reprocessing site up there, West Valley site.

14 And then also a stop in Ashtabula or in
15 the vicinity of Ashtabula, Ohio, for the extrusion
16 plant in Ashtabula, couple covered sites.

17 In conjunction with our outreach
18 contractor, ATL International, we held a dose
19 reconstruction and SEC workshop in Cincinnati in
20 September where we invited representatives from
21 around the country, a number of local union
22 officials and some program advocates, and

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1 representatives of others, interested parties in
2 the program, for a two-day workshop where we
3 covered dose reconstruction and SEC process in a
4 little bit of detail.

5 There's also, in case anyone is
6 interested, the Department of Labor is in the
7 process of selecting the membership for their
8 Advisory Board on Toxic Substances and Health.
9 That is essentially what we call the Part E Board,
10 which was established by the most recent, or about
11 a year ago now by legislation about a year ago and
12 --

13 (Off the record comments)

14 MR. HINNEFELD: They can't hear me?
15 Am I too far from the mic?

16 MR. KATZ: Are people on the phone
17 having a hard time hearing Mr. Hinnefeld? Hello?

18 (Off the record comments)

19 MR. HINNEFELD: Okay, I'll pick up
20 where I was on outreach activities and we have
21 covered West Valley, New York; Ashtabula, Ohio; and
22 then we've done a workshop, dose reconstruction SEC

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1 workshop in Cincinnati in conjunction with our ATL
2 International outreach contractor.

3 Also last night, since we were in the
4 vicinity, we went out to Livermore to have an
5 outreach that was sort of briefly arranged. It was
6 just us. LaVon and I went and two of our
7 contractors from ATL International.

8 I think there were about 15 people there
9 and we gave them a presentation about the program,
10 you know, the law and our role in the law. Pretty
11 well received. Interested crowd, asked some
12 interesting questions.

13 So those are essentially our outreach
14 activities since the last when I was talking about
15 the membership on what we call the Part E Board,
16 which is the Advisory Board on Toxic Substances and
17 Health.

18 And then also, in trying to improve our
19 communication skills, we invited an instructor to
20 come and provide a day's training in plain language
21 communication of technical information or of
22 scientific information, and this was not just for

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1 our staff. This was a NIOSH, several NIOSH staff
2 went to this.

3 I think it's a fact that we'll continue
4 to write documents that are scientific in nature
5 and, therefore, written for the audience they're
6 written for.

7 There are still some things you can do
8 in terms of good sentence construction and good
9 language choice to improve that communication even
10 though you're writing scientifically.

11 And there may be a path, an avenue, if
12 we want to write for claimant community, advocate
13 community, sort of a non-scientific reader because
14 many of our -- well, many of our claimants are
15 scientific but many are not. We would perhaps
16 write a summary for a general reader as opposed to
17 a scientific.

18 We wouldn't do that on all our products
19 but maybe certain selected ones where we suspect
20 there would be interest. We haven't really
21 embarked on that yet. I'm toying with the idea of
22 taking a shot myself if I ever find time to do that.

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1 We also, in association with Joint
2 Outreach Task Group and along the lines of plain
3 writing, we are participating in a subgroup of that
4 organization to revise letters, brochures, and
5 tri-folds, some of the information that they've
6 developed, to make that a little more reasonable
7 for the public.

8 Some of it is pretty good and some of
9 it I don't think is very good. There are some
10 things even I can recognize can be redesigned on
11 some of those.

12 During this time period, we had the
13 opportunity to go capture some data that was
14 collected by Dr. Thomas Mancuso from the University
15 of Pittsburgh.

16 Dr. Mancuso died a number of years ago
17 and many of his records were being retained by a
18 law firm in Pittsburgh, and one of the lawyers had
19 sort of grown up with Dr. Mancuso, built much of
20 his career with Dr. Mancuso, and he has kind of been
21 watching over this information that Dr. Mancuso had
22 stored there with the thought that maybe it would

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1 be useful someday.

2 Well, there were some logistics issues
3 with the law firm. They weren't going to have room
4 to store all this information anymore and so he was
5 looking for a home for the information.

6 And he called David Michaels actually.
7 David Michaels knew about us and our program.
8 David Michaels is the director of OSHA now. He
9 worked for the Department of Energy while this
10 program was being established.

11 And Dr. Michaels called Dr. Howard who
12 called me and, as a result, things kept moving
13 downhill and Dr. Neton went on the data capture with
14 our contractors to Pittsburgh to look through
15 information there.

16 We're not 100 percent sure -- we've
17 actually captured quite a lot of documents that
18 we'll scan and include in our available records.
19 We're not exactly sure if they're, you know, of
20 utility right now, but we didn't want to let the
21 opportunity go by. We had a, I think it was an end
22 of October deadline and the facility was going to

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1 be closed and the records were going to be gone.

2 So I'll make a very brief mention of
3 budget items because I don't really have a whole
4 lot of news there.

5 You probably all heard the news stories
6 back at the end of, whenever it was, that Congress
7 has agreed to a two-year spending -- they called
8 it a two-year budget but what it really was was a
9 two-year spending plan, you know, a plan for a
10 budget.

11 In other words, it was not an
12 appropriations bill so we don't really have an
13 appropriations bill yet. I mean, the government
14 is still only funded through December 11. They
15 need to pass appropriations bill to have money
16 beyond that. Most of government does.

17 Our particular money doesn't expire.
18 Unlike much of the government, our money doesn't
19 expire at the end of the fiscal year and we will
20 have some money left over that we can continue to
21 work if worst comes to worst and Congress can't
22 decide how to pass an appropriations bill, but

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1 that's where we are now.

2 In terms of amount, that two-year
3 budget deal, a news stories account that said there
4 was some relief from sequester in this two-year
5 deal but none of that really comes to us, so we will
6 continue at our sequestered level for Fiscal 16,
7 assuming everything goes as planned.

8 I had one other news item that I didn't
9 include on my slide because I didn't know about it
10 when I prepared my slide. I wasn't sure about it.

11 One of our staff members, Sam Glover,
12 has accepted another position in NIOSH and is going
13 to be a branch chief in one of the other divisions
14 in NIOSH. So in about three and a half weeks, he'll
15 be transferring over to another division.

16 He'll still be in our building. We can
17 still track him down if we need to and we're going
18 to work on turnover between now and then to turn
19 over the sites he's been the lead on for some of
20 our other staff and we'll keep people informed as
21 that goes in terms of how we're going to apportion
22 that out.

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1 And then the last item that I wanted to
2 speak briefly about, and I think we may have another
3 person on the phone who can assist in some of this,
4 is the administrative review of Electrochemical
5 Corporation, Hooker Electrochemical SEC.

6 As you recall, you know, we recommended
7 at Hooker that a SEC was not warranted. You, the
8 Board, concurred and made that recommendation to
9 the Secretary denying the SEC.

10 The petitioner asked for
11 administrative review, which went to the Secretary
12 and then, well, what happens, the Secretary
13 impanels a panel to hear that.

14 This particular review panel felt like
15 there had been an error made in that determination
16 and recommended to the Secretary that a Class be
17 granted after all.

18 And so the Secretary did acquiesce with
19 the review panel and so that Class now has been
20 empowered, is effective now. The Class has become
21 effective.

22 I believe Dr. Wanda Jones, who is the

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1 Principal Deputy Assistant Secretary for Health in
2 the Office of the Assistant Secretary for Health
3 at HHS, might be on the phone and may have a little
4 bit to say about that. Dr. Jones, are you there?

5 DR. JONES: Yes I am, Stuart.

6 MR. HINNEFELD: Do you have some
7 comments to provide to the Board about the process
8 or about what transpired?

9 DR. JONES: Sure, and thank you for the
10 opportunity to be here to present to the Committee
11 today. I really want to acknowledge the
12 Committee's work and I'm grateful that we have an
13 opportunity because this has been an interesting
14 case.

15 As Mr. Hinnefeld just indicated, the
16 Secretary did recently issue a new designation for
17 the Hooker Electrochemical Special Exposure
18 Cohort.

19 My office, the Office of the Assistant
20 Secretary for Health, is providing this very brief
21 update to the Advisory Board regarding the EEOICPA,
22 the Act of 2000, and the SEC administrative review

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1 process specifically.

2 We have put a very comprehensive FAQ
3 document explaining the details of the
4 administrative review process on the NIOSH DCAS
5 website, and I won't be reiterating that material
6 today but it's there for your reference, for the
7 public's reference as well.

8 But what we'll update here is
9 information about the process in general and then
10 a few details specifically related to the Hooker
11 Electrochemical Corporation review so, Mr.
12 Hinnefeld, is that going to meet your needs?

13 MR. HINNEFELD: That's fine for me.
14 We'll see what the Advisory Board -- if they have
15 comments or questions about it.

16 DR. JONES: Okay. Well, let me
17 proceed through what I have and we had some high
18 points we want to be sure that we made and then we'll
19 take the questions.

20 The ability for petitioners to obtain
21 an administrative review of a final decision is
22 governed by regulations at 42 CFR, Section 83.18.

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1 Petitioners may challenge the
2 Secretary's final decision to deny adding a Class
3 to the SEC or a Secretarial decision making a health
4 endangerment determination by requesting an
5 administrative review of the decision and
6 submitting a written request to the Secretary of
7 Health and Human Services within 30 calendar days
8 of receiving the notification letter from NIOSH.

9 The administrative review request
10 should describe the substantial factual errors or
11 substantial errors in the implementation of the
12 procedures that are set out in the EEOICPA SEC
13 regulations at 42 CFR, Part 83.

14 The regulation provides that no new
15 information or documentation may be included in the
16 request. The administrative review is limited to
17 the existing record for each petition.

18 So with respect to the management of the
19 administrative review process, OASH oversees the
20 administrative reviews at the request of the
21 Secretary and I specifically am charged with
22 organizing the process.

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1 So in order to ensure that the panel's
2 deliberations are independent, however, OASH is
3 not involved in any way in their scheduling, their
4 record review, or their deliberations.

5 OASH assists before the panels begin
6 their work by interviewing and identifying
7 potential scientists with the appropriate
8 expertise for the panel and by collecting the
9 administrative record from NIOSH.

10 OASH then schedules an initial
11 orientation session with the selected panel
12 members to introduce them to each other, to educate
13 them about the EEOICPA statute and regulations,
14 provide the administrative record, select a chair,
15 and charge the panel with the task of the
16 administrative review.

17 After that point, OASH is not engaged
18 in the process again until the panel has issued its
19 final report and recommendations.

20 I'm getting a lot of feedback. Are you
21 all getting --

22 MR. KATZ: I'm sorry. I'm sorry, Dr.

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1 Jones. We do. We have people on the line who have
2 not muted their phones who may have joined after
3 we discussed this.

4 So everyone on the line, please mute
5 your phone except for Dr. Jones. Press *6 to mute
6 your phone. If you have a star, press * and 6 to
7 mute your phone, folks.

8 There's someone talking on the line
9 right now. So, Zaida, can you get them cut off?
10 I'm sorry, Dr. Jones. If you'll just hold a
11 moment, we'll cut that line.

12 DR. JONES: Of course. Hey, we've all
13 faced this.

14 MR. KATZ: Thank you.

15 DR. JONES: Did they cut the rest of us
16 off?

17 MR. KATZ: No. No, you're still
18 there. You're still there.

19 DR. JONES: Because I've had that
20 happen too.

21 MR. KATZ: And it's quiet right now.
22 You might want to just try proceeding while we're

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1 doing that.

2 DR. JONES: Okay.

3 MR. KATZ: Thanks.

4 DR. JONES: Okay, excellent. So a
5 panel of three HHS personnel is responsible for
6 reviewing the merits of the petitioner's
7 challenge.

8 And recall, because we've had a
9 moment's interruption here, that those personnel
10 are all scientists. They are responsible for
11 reviewing the merits of the petitioner's challenge
12 and the resolution of the issues contested by the
13 challenge.

14 The panel is appointed by OASH on behalf
15 of the Secretary. The regulations limit the panel
16 to HHS employees independent of NIOSH, and in order
17 to ensure that the process is entirely independent
18 by practice, we have excluded CDC employees, not
19 just NIOSH employees, and that extends as well to
20 the other component that resides with CDC, the
21 Agency for Toxic Substances and Disease Registry.
22 Those employees also are excluded from

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1 participation as members of review panels.

2 So despite our department's scientific
3 mission that spans basic, applied, and clinical
4 research, public health functions and all hazard
5 preparedness, at any given time, the number of
6 qualified scientists for these reviews is very
7 limited. Because of workloads, international
8 assignments, and for other work-related reasons,
9 only a few scientists are available for EEOICPA
10 administrative reviews at any given time.

11 And, in addition, the few HHS employees
12 that are qualified and available to conduct the
13 review process must add this work to their ongoing
14 duties so they just have to fit it in.

15 The process for constituting a review
16 panel is to assemble and charge the panel to review
17 the cases in the order in which the case appeal is
18 received.

19 The review panels are required to
20 consider the views and information submitted by the
21 petitioners in the challenge, the NIOSH Evaluation
22 Report or Reports, the report containing the

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1 recommendations of the Advisory Board, and the
2 recommendations of the director of NIOSH to the
3 Secretary.

4 The review panel may also consider
5 information presented or submitted to the Advisory
6 Board and the deliberations of the Advisory Board
7 prior to the issuance of its recommendation.

8 This may include relevant Board and
9 Work Group or Subcommittee meeting transcripts and
10 other information that comprises the
11 administrative record for the SEC determination.

12 Now, during its deliberations, the
13 review panel considers whether HHS substantially
14 complied with the procedures set out in the
15 regulations at 42 CFR, Part 83, the factual
16 accuracy of the information supporting the final
17 decision, and the principal findings and
18 recommendations of NIOSH and the Advisory Board.

19 No timeline governs the review panel's
20 conduct of the review. Each request and review is
21 considered and conducted on a case-by-case basis.

22 Once the review panel completes its

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1 review, a report of the panel's findings and
2 recommendations is sent to the Secretary. The
3 Secretary will then decide whether or not to revise
4 the final decision contested by the petitioners
5 after considering information and recommendations
6 provided to the Secretary by the director of NIOSH,
7 the Advisory Board, and from the HHS administrative
8 review panel. HHS then transmits a report of the
9 Secretary's decision to the petitioner.

10 If the Secretary decides, based on
11 information and recommendations provided by the
12 administrative review panel, by NIOSH, and the
13 Advisory Board, to change the designation of a
14 Class or previous determination, the Secretary
15 will transmit to Congress a report providing such
16 change to the designation or determination. HHS
17 will also publish a notice summarizing the decision
18 in the Federal Register.

19 A new designation of the Secretary will
20 take effect 30 calendar days after the date in which
21 the report of the Secretary is submitted to
22 Congress unless Congress takes an action that

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1 reverses or expedites the designation.

2 Such new designations and related
3 congressional actions will be further reported by
4 the Secretary to the Department of Labor and the
5 petitioner and published on the NIOSH DCAS website
6 and in the Federal Register.

7 So with respect to the Hooker
8 Electrochemical Corporation petition
9 specifically, the Secretary's letter to the
10 petitioner, the review panel's final report, and
11 the response to the report from the director of
12 NIOSH are all included in your briefing materials
13 and they're also all posted on the DCAS web page
14 that's dedicated to Hooker.

15 While I cannot speak to the panel's
16 deliberations or recommendations in this case
17 because, as you recall, I and OASH are not part of
18 that process, I can tell you that the Hooker review
19 panel's recommendation was unprecedented in that
20 it was the first time that a panel has recommended
21 a partial revision. It was not a full revision.
22 It was a partial revision of a prior secretarial

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1 decision.

2 After considering information and
3 recommendations provided to the Secretary by the
4 director of NIOSH, the Board in its previous
5 submissions, and from the review panel, the
6 Secretary decided to partially revise the prior
7 determination and to issue a new designation for
8 the Class of Hooker employees.

9 So that gives you an overview of the
10 process that we follow here in OASH in conducting
11 the administrative reviews and a bit of information
12 from a OASH perspective on the decision by the
13 Secretary to partially revise the prior
14 determination. So I'm happy to take your
15 questions at this time.

16 CHAIRMAN MELIUS: Dr. Jones, thank you
17 very much for, that was an excellent overview of
18 a complicated and long process. Any Board Members
19 have questions, comments? Yes, Dr. Munn.

20 MEMBER MUNN: Ms.

21 CHAIRMAN MELIUS: Ms. Munn, excuse me.

22 MEMBER MUNN: Is it possible for you to

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1 give us a very short summary of what the actual
2 changes were? What portion was reversed in that
3 decision?

4 CHAIRMAN MELIUS: Maybe Stu can do
5 that.

6 MR. HINNEFELD: I can do that, Wanda.
7 This is Stu. This is Stu Hinnefeld. I can cover
8 that.

9 DR. JONES: Yes, that's good. Thanks,
10 Stu, because I don't have the decision right in
11 front of me. I know it's in the record in the
12 booklets for the Committee.

13 MEMBER MUNN: Fine. I haven't had an
14 opportunity to --

15 DR. JONES: Of course.

16 MEMBER MUNN: I didn't know where it
17 was on the web. I think you just told me where and
18 we'll review it further here. Thank you, Dr.
19 Jones.

20 MR. HINNEFELD: This is Stu Hinnefeld.
21 I can speak to that question briefly. The review
22 panel recommended that a Class be included for the

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1 operational period when there were radiological
2 materials being handled at Hooker, but they
3 confirmed the decision not to include a Class for
4 the residual contamination period.

5 So the partial reversal was the
6 determination that a Class was not warranted. You
7 know, they recommended the Class was warranted
8 during the operational period when radioactive
9 materials were there because the operational
10 period, as defined on the DOL website, actually
11 starts before the radiological materials arrived.
12 That's because the contract with the Department of
13 Energy was to produce a non-radiological chemical.

14 And so the contract started earlier
15 than the radiological material arrived and then,
16 so the covered period on the DOE website starts
17 before the radiological material arrived. The
18 radiological material was just to use a byproduct
19 of the chemical production.

20 So it's from the time the radiological
21 material arrived on site through the end of the
22 covered period is the Class that was added.

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1 CHAIRMAN MELIUS: Any other Board
2 Members have questions of Dr. Jones? Board
3 Members on the line, telephone? If not, thank you
4 very much, Dr. Jones. I know you've got a busy
5 schedule. I don't want to hold you up but we really
6 appreciate you taking the time and making the
7 effort to present this and talk to us about this.
8 Thanks.

9 DR. JONES: Dr. Melius, thank you very
10 much for the opportunity and best wishes to the
11 Committee for a joyous Thanksgiving.

12 CHAIRMAN MELIUS: Okay, you also.
13 Thanks. Very good, thank you. I would just add
14 to it. I think it's, you know, fair to say this
15 is not a, this kind of review does not set a
16 precedent for the Committee. These are
17 independent reviews that are done.

18 I think what it does underscore is what
19 we repeatedly say and I try to repeatedly remind
20 everyone, it's very important that we establish a
21 full factual record of the basis for our decision
22 and I think we've been doing this for so long we

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1 tend to sometimes not do that.

2 I'm not saying that's what happened in
3 this particular instance but I think in the future,
4 you know, whether we're agreeing with NIOSH or
5 disagreeing with a recommendation or changing
6 something, I think it's important that we make sure
7 that the record through our deliberations is, you
8 know, complete and does, you know, sort of
9 carefully consider each, you know, part of the
10 basis for our decision rather than trying to take
11 a shortcut and saying, you know, well, we just
12 disagree or we agree.

13 I think we have to, you know, really
14 make sure that we get on the record the reasons why
15 the Board agrees or disagrees, you know, much as
16 we expect NIOSH to, you know, make a full
17 presentation of their recommendations and their
18 findings on a particular site or procedure,
19 whatever, so we need to be able to do the same in
20 our deliberations with that, so --

21 MEMBER ZIEMER: Dr. Melius?

22 CHAIRMAN MELIUS: Yes.

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1 MEMBER ZIEMER: This is Ziemer. I
2 think in this case the record was pretty clear both
3 on our side of the ledger and for the review panel.
4 It's focused on the temporal use of data and one
5 of the surrogate data criteria.

6 And it seems to me that the crux of it
7 is our understanding of the validity of that data
8 set in terms of a temporal issue and both NIOSH and
9 SC&A and the Work Group -- and I'm not on the Work
10 Group but I did review the document that we got as
11 noted -- simply don't agree on the interpretation
12 or use of that data in terms of their temporal
13 criteria as opposed to the appeal group.

14 In that line, I think there's
15 disagreement among scientists as to the validity
16 of those assumptions and that's the way it stands
17 and we can live with that. But I think the record
18 itself is pretty clear.

19 CHAIRMAN MELIUS: Yes, I don't
20 disagree, Dr. Ziemer. As I said it was, in general
21 we need to make sure how we're evaluating something
22 and the facts behind that are on the record.

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1 And I don't think, you know, again, we
2 can't, I don't think it pays to sort of second guess
3 what a review panel did or didn't consider or their
4 judgment versus our judgment.

5 There's a process and I think it went
6 through and it was, you know, presented fairly and
7 I think we have at least a good understanding of
8 why the panel, in what particular instances the
9 panel took to disagree with our recommendations as
10 well as NIOSH's recommendation, but thank you.

11 Yes, Dave. You have a comment?

12 MEMBER KOTELCHUCK: I don't have a
13 comment on that. I was just, if we're finished
14 with this, before Stu goes on, I would like to ask
15 a question about one of the news reports that he
16 gave.

17 CHAIRMAN MELIUS: Sure. Go ahead.

18 MEMBER KOTELCHUCK: On the Mancuso
19 data that you mentioned, the Mancuso data capture,
20 I'm delighted that we have the data but you also
21 said that it was going to be destroyed or thrown
22 away at some later date. Could you clarify a

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1 little bit its status now?

2 MR. HINNEFELD: The law firm that was
3 holding this material was moving to smaller
4 quarters and was not going to maintain the storage
5 facility where they were storing it.

6 And so the firm told, the one lawyer who
7 was essentially Mancuso, had worked with Mancuso
8 all those years ago and he was representing the
9 interests of Dr. Mancuso's family, his heirs, told
10 the attorney that, listen, we're going to have to,
11 you have to do something with this or we're going
12 to throw them away and so we went and captured
13 anything we thought might be useful that we could
14 interpret in order for that not to happen to that.

15 So what we've captured, the things that
16 we thought might be useful, you know, we have and
17 we will probably image those so they're generally
18 available like the rest of our records.

19 That imaging, you know, process isn't
20 going on. It's not the highest priority imaging
21 we're doing but we're working it in, but anything
22 we did not capture is probably destroyed by now

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1 because that deadline passed.

2 MEMBER KOTELCHUCK: Well, I'm glad
3 you, we have it. You have it, we have it, and I
4 trust it'll be of use in the future, so good. Very
5 glad to hear that.

6 MEMBER ANDERSON: And what was not,
7 what was destroyed? Do you know what that is?

8 MR. HINNEFELD: Well, some of the
9 things destroyed were, see, I may have to get Dr.
10 Neton here to help me out. He was on that. Jim,
11 you want to talk about it a little bit?

12 DR. NETON: Yes. There were roughly
13 300 boxes -- it was banker boxes of records that
14 were stored at this law firm. We ended up
15 capturing, I think, something around 70/75 of those
16 boxes, quite a bit.

17 The majority of what we didn't collect
18 was research related to non-radiological work that
19 Dr. Mancuso did, specifically beryllium, and he
20 worked a lot with the chemical rubber industry I
21 believe. There was a lot of kind of those records.
22 We didn't find them useful.

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1 There were an entire wall almost of IBM
2 keypunch cards. We just didn't feel any way that
3 those were going to be useful to reconstruct
4 things. We didn't know what the format was, that
5 sort of thing.

6 And a lot of computer printouts. When
7 you do epidemiological studies, you generate tons
8 of printouts. There's no way to interpret those,
9 you know, without encoded things, so we didn't
10 collect a lot of those but we did get about 75 out
11 of 300 boxes.

12 MEMBER KOTELCHUCK: Yes, thank you.
13 Yes, Dr. Mancuso certainly did a large number of,
14 many different types of epidemiological studies.
15 His radiological studies were quite important and,
16 I gather, you've got those so it's --

17 DR. NETON: Yes, we have the Hanford
18 study and some work at Idaho and those sorts of
19 things.

20 I do recall now that the children of Dr.
21 Mancuso, who really possessed these records, did
22 not want us to capture anything that was not of

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1 immediate use to our program.

2 They didn't want us to capture them and
3 make them available for someone else, for future
4 research projects to second-guess or whatever that
5 was, but so we were under pretty tight guidelines
6 as to what we could and could not capture.

7 CHAIRMAN MELIUS: Any other questions
8 for Stu? If not, we'll hear from Department of
9 Labor. Thank you, Stu.

10 MEMBER KOTELCHUCK: Okay, we have one
11 data --

12 CHAIRMAN MELIUS: Well, why don't you
13 get them later?

14 MEMBER KOTELCHUCK: Yes, I will.

15 MR. CRAWFORD: Good morning. My name
16 is Frank Crawford. I'm with the Department of
17 Labor and I'm here to make the presentation that
18 often Jeff Kotsch would make.

19 We have a different slide appearance
20 and some animation so hope this comes through
21 clearly with me operating this.

22 The changes are, of course, small since

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1 our last meeting but the key here is that we've now
2 expended \$9.4 billion in combined compensation for
3 Parts B and E. I'm wondering --

4 MEMBER MUNN: Every small part of that
5 adds up.

6 MR. CRAWFORD: Yes. We know what
7 Senator Dirksen said about that.

8 MEMBER MUNN: Yes, we do.

9 MR. CRAWFORD: Well, hopefully that's
10 not the slide. Gee, this worked fine at home,
11 folks, but --

12 CHAIRMAN MELIUS: It's a CDC computer.

13 MR. CRAWFORD: But this is telling us,
14 you won't be able to interpret this, but this is
15 telling us that of the total compensation of \$11.9
16 billion, which is based on 182,650 cases filed,
17 \$9.4 billion were in direct payments to claimants
18 and \$2-1/2 billion were in medical bill payments,
19 \$2-1/2 billion were in medical bill payments.

20 Let's hope we get a little lucky on the
21 next slide. Yes, there it started. Yes. Well,
22 this slide worked. So we have 9500 approximately

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1 accepted DR cases, which have accounted for \$1.4
2 billion in compensation, but accepted SEC cases are
3 about 2-1/2 times as much at 23,075 with \$3.4
4 billion in compensation paid.

5 There's a small subgroup of cases
6 accepted based on both SEC status and a PoC greater
7 than 50 percent. That's for medical benefits
8 determination primarily.

9 We have 834 cases in that category, and
10 all of those categories combined come to about
11 \$4.98 billion in compensation, which differs
12 slightly from the previous slide but it's pretty
13 close.

14 These numbers will differ slightly from
15 NIOSH. I took a look. There's 600 or 700 cases
16 difference and those might represent the
17 administrative closures that were on Stu's slide.

18 At any rate, we have about 45,000 cases
19 that were referred to NIOSH. Almost 43,000 of
20 those cases were returned to DOL, 37,000 with dose
21 reconstruction, 6,000 without, and there are
22 approximately 2,000 cases at NIOSH of which there

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1 are about 1500 initials and 600 reworks.

2 We see here the Part B cases with dose
3 reconstructions and a final decision. We have
4 29,500 of those cases. 10,400 were approved and
5 19,100 were denied.

6 Okay, 9 percent of the Part B cases were
7 RECA claims, 12 percent were SEC cases that were
8 referred to NIOSH, 15 percent were SEC cases never
9 referred to NIOSH, and then other, a big category
10 of 30 percent, beryllium sensitivity, chronic
11 beryllium disease, and chronic silicosis. And
12 NIOSH, 34 percent, had 34 percent of all cases filed
13 for Part B.

14 Now 90,000 cases have been issued a
15 final decision, of which, and this would include
16 SEC cases, of course, of which 52 percent were
17 approved and 48 percent were denied.

18 These are our old favorites. The
19 larger sites generate most claims, so that probably
20 will continue into the future too.

21 So we see that the AWE cases have been
22 holding pretty steady around 12 percent with some

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1 variations. I'm still expecting that to fade
2 because most of the AWE sites, of course, closed
3 long ago.

4 Now, for this meeting's discussions, we
5 have a summary here of the number of claims
6 involved, the cases returned by NIOSH, final
7 decisions, Part B approvals, Part E approvals, and
8 the total comp. and medical bills paid. I won't
9 go through all these numbers. They're all on the
10 website.

11 We can see that Battelle is a rather
12 small site where Rocky Flats and Kansas City are
13 large.

14 And the same thing for Idaho National
15 Laboratory, Lawrence Livermore, and Blockson
16 Chemical. Again, the National Laboratories are
17 quite large and the Blockson Chemical site fairly
18 small in terms of number of cases.

19 My impression is that Part E approvals
20 are rising. I'd have to go back to look at the old
21 statistics to see, but they seem to be overtaking
22 Part B slowly.

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1 MEMBER MUNN: Won't be long.

2 MR. CRAWFORD: Yes. And then we have
3 Dow Chemical Madison, a relatively small site, and
4 General Steel Industries in Granite City,
5 Illinois, also a relatively modest size site.

6 In terms of DEEOIC outreach events,
7 we'll see here, there's a number of slides on these.
8 This is all routine, the members and so forth.

9 Here are the outreach events for Fiscal
10 Year 2015. That would be through the end of
11 September, of course.

12 A lot of the sites had quite good
13 attendance and there seemed to be a lot of
14 RECA-oriented sites this time compared to some of
15 the other presentations we've had. They have
16 small attendance but you have to expect that.

17 And we're going to be having a Traveling
18 Resource Center meeting next week just before
19 Thanksgiving and then three times in December at
20 Los Alamos. This is now Fiscal Year 2016, of
21 course.

22 And we're having a meeting this week in

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1 Albuquerque and then another two meetings in
2 December, also in Albuquerque. This is for the
3 Traveling Resource Center again. And one in
4 Niagara Falls. This is timely for Hooker I
5 suppose. And in Farmington, New Mexico. Someone
6 had asked that a meeting or two ago. Grants and
7 Farmington, they're both coming up. And here's
8 Grants.

9 And then I won't go through the handout
10 slides which are just background information on the
11 program. Thank you. Any questions?

12 CHAIRMAN MELIUS: Questions for
13 Department of Labor?

14 PARTICIPANT: Is that for the floor in
15 general for questions?

16 CHAIRMAN MELIUS: Only for Board
17 Members.

18 CHAIRMAN MELIUS: Okay. Thank you.
19 Tell Jeff we said hi.

20 MR. LEWIS: All right, thanks, Stu.
21 Good morning, everyone. I'm Greg Lewis with the
22 Department of Energy and I'm going to give our

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1 program update.

2 First, I'll just go through our core
3 mandate which is to work on behalf of program
4 claimants to ensure that all available worker and
5 facility records are provided to DOL, NIOSH, and
6 the Advisory Board.

7 And then our responsibilities, of
8 course. We respond to individual claims, you
9 know, for requests for records and information.
10 We respond to the large-scale facility research
11 like the Special Exposure Cohort or DOL Site
12 Exposure Matrix, and then also we work with DOL and
13 NIOSH to do research and to cover facility changes.

14 As always, I want to talk about our site
15 POCs. Those are the folks out in the field that
16 both coordinate the individual records requests
17 and responses to DOL and NIOSH, but they also work
18 very hard to facilitate the large-scale records
19 work, like for the Special Exposure Cohorts.

20 So, you know, for example, out in
21 Livermore, I have a slide about it later on, but
22 they've been doing quite a bit of work facilitating

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1 site visits and data captures, worker interviews.
2 Things like that are on the ground.

3 Local POCs, or points of contact, are
4 the ones that help the NIOSH Advisory Board
5 researchers to find the right people, to find the
6 right data, information, and then ultimately to
7 review those documents if necessary and provide it
8 to the requester.

9 For individual records, we do about
10 16,000 records requests per year. We've recently,
11 just recently finished a major effort to revamp our
12 metrics and the different tools that we use to track
13 and hold our sites accountable for responding.

14 We think it's been a very successful
15 effort, it gives us a number of new data points that
16 we're able to use to work with sites to make sure
17 that we're providing things, both the quality of
18 response and an on-time response.

19 I think we ended the Fiscal Year '15
20 with somewhere around, I think it was 18 requests
21 overdue out of the hundreds and hundreds that are
22 active at any given time. So that's a very good

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1 number.

2 We're working to get that even lower,
3 but at this point we've, in the last year we've had
4 a very good performance we feel in terms of on-time
5 responses, better than before. And we're
6 continuing to work to refine that, to become more
7 efficient and more effective in terms of a timely
8 response because ultimately, as we all know, the
9 claims rely on that.

10 DOL and NIOSH are waiting for our
11 responses before they can move forward, so we work
12 very hard to get them out in a timely manner.

13 So the large-scale records research
14 projects, again, the Special Exposure Cohort work,
15 again, we were working on a number of sites for
16 NIOSH this year and those are just a few.

17 A lot of the, there's smaller, you know,
18 enhancements to the Site Profile TBDs so I was
19 getting kind of smaller requests for, you know,
20 specific sites, but these were kind of the sites
21 that we were working on, the Special Exposure
22 Cohort or the larger records research.

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1 I'll talk a little bit about Livermore.
2 We hosted eight visits in 2015. I think there's,
3 I think one additional visit in November and one
4 December, although it might be three total, not two
5 but, anyways, there is another couple in 2015.

6 We're also setting up an area where
7 NIOSH, the Advisory Board, or SC&A can use a
8 classified work space to generate their report.
9 It makes it a little bit easier instead of clearing
10 the documents ahead of time, sending them back to
11 NIOSH or SC&A, the request, or having them write
12 a report and then send it back to the site just to
13 make sure that it's clear.

14 If the report can be written on site,
15 it saves a step, saves some time, and also allows
16 the user to use documents before they're cleared,
17 so ultimately one that may result in less documents
18 having to go through the clearance process, which
19 is both, you know, it's timely and costly.

20 But also it's quicker because instead
21 of going through the clearance process which can
22 take, I'd say, weeks to months depending on how many

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1 documents have been requested, they can be used in
2 real time while the report is being written and then
3 ultimately only those documents that are cited in
4 the report or directly used for the report can be
5 reviewed.

6 So it's a tremendous time saver, both
7 for NIOSH and SC&A as well as us. It works for
8 everyone I think. So we're working to set that up.
9 In fact, that may already be set up but I know as
10 of a couple weeks ago we were putting it in place.

11 And then also there was a large document
12 request that had taken some time to review. I have
13 a slide later on about the timeliness for document
14 reviews.

15 And, you know, for all final reports
16 that go to the Board or NIOSH reports or
17 particularly sensitive documents or ones that get
18 into areas that are a little bit tricky
19 classification-wise on the DOE end, they all go to
20 headquarters.

21 And at headquarters we have a very good
22 relationship with our office classification.

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1 They put our stuff, you know, top of the list in
2 terms of priority and are typically very quick
3 getting them out.

4 Out in the field it can be a little bit
5 different because we're talking source documents
6 so, you know, I don't know the exact count of
7 documents but it was, you know, hundreds and
8 hundreds of pages. Maybe even thousands of pages
9 were requested in total.

10 Based on the staff at Livermore, it was
11 very difficult for them to accommodate. Again,
12 they can't really bring in, because of the
13 expertise required to be a classification
14 reviewer, you can't really bring in temporary or,
15 you know, you can't find people that are qualified
16 to do this elsewhere so it falls on the staff that
17 are already onsite and, you know, can sometimes
18 come into conflict with their existing workload.

19 So we worked with site management and
20 as well as NIOSH to come up with a timeframe that
21 both was acceptable to NIOSH and possible for our
22 site given their staffing limitations and that

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1 document request was finished I think just in the
2 last month.

3 And, again, this is what I was talking
4 about. You know, the typical turnaround for a
5 NIOSH report or a draft document is eight working
6 days, but that's for a report.

7 Again, the source documents that are
8 requested from the site, you know, sometimes it
9 could be hundreds of documents and they can be
10 hundreds to even thousands of pages long each so
11 that is a much more difficult process for DOE.

12 And then our third overall
13 responsibility is to help DOL and NIOSH with the
14 facility research. You know, we host the Covered
15 Facility Database. I think there's somewhere in
16 the range of 350 facilities on there.

17 Outreach, both Stu and Chris mentioned
18 outreach and talked specifically about some of the
19 events so I'll fast forward past that.

20 And then just wanted to mention the
21 National Day of Remembrance as well. This is the
22 Senate resolution. It designated October 30th,

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1 2015, as the National Day of Remembrance for
2 Nuclear Weapons Workers. This is the 7th year that
3 that date has been recognized by Congress as a day
4 of remembrance.

5 There were a number of events around the
6 country again this year. Our office helped
7 sponsor and attended an event at the Atomic Testing
8 Museum out in Las Vegas.

9 There were also a number of events
10 hosted by the Cold War Patriots in and around other
11 DOE site locations. You know, again, it was a
12 well-attended event.

13 It was a nice opportunity to celebrate
14 the contributions of these workers and focus on,
15 you know, their hard work, their dedication, the
16 successes and not as much the, you know, the fact
17 that many of them have been made ill. Sometimes
18 it's nice to focus on that positive aspect and take
19 a day to recognize them.

20 And this is just a copy of the pin that's
21 been given out in past years. I think I saw at
22 least one around here, Brad has his on. I forgot

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1 mine, but something that was given out to a lot of
2 the workers as a memento.

3 And I'll just mention our Former Worker
4 Medical Screening Program as well. The program
5 serves all former DOE workers, federal contractor
6 and subcontractor, at all DOE sites. Of course,
7 that's not AWE sites. Those are the DOE sites.

8 You can find more information on our
9 website. We also have an annual report that has
10 a summary of the different screenings we offer,
11 some of the different programs as well as some of
12 the statistics.

13 The Former Worker Programs that cover
14 Lawrence Berkeley and Lawrence Livermore and the
15 Sandia National Labs are listed there. The Worker
16 Health Protection Program run through Queens
17 College covers the production workers, and then the
18 National Supplemental Screening Program covers
19 workers from these facilities who have since moved
20 out of the area.

21 And I think with that, I'll take
22 questions.

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1 CHAIRMAN MELIUS: Questions for Greg?
2 Brad, you don't have any? Sitting there smiling.
3 I figured --

4 MEMBER CLAWSON: Yes, I appreciate all
5 the work that you do do and we still have some and
6 I'm still wondering about Savannah River. That's
7 kind of a difficult one but we've got to come to
8 an end on that.

9 MR. LEWIS: Well and, I mean, if
10 there's a -- it's my understanding, and I know,
11 I've, you know, spoken with NIOSH and I think
12 there's been some back and forth. I mean, my
13 understanding is that we've been fairly responsive
14 there.

15 I know there's been a, there was a delay
16 with a large records request but I thought we had
17 worked out a solution where those documents could
18 be reviewed on site.

19 But if there's a, if there's any
20 specific issues as far as our timeliness, our
21 responsiveness, believe me, we'll do everything we
22 can to resolve that.

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1 DR. TAULBEE: This is Tim Taulbee.
2 Got a little bit of an update, Brad. I just haven't
3 had a chance to talk to you yet about that.

4 But we did get EDWS access
5 reestablished back at the end of September,
6 beginning of October and we were able to go on site
7 the last week of October to capture some of the
8 records that were not available in EDWS.

9 So it has broken free and we are
10 beginning to see documents move again. I'm sorry,
11 I just haven't had a chance to update you on this.

12 MEMBER CLAWSON: Okay, well, has SC&A
13 got access too or --

14 MR. FITZGERALD: Yes, this is Joe
15 Fitzgerald. That's news to me, too. I hadn't
16 heard that logjam had broken. Although I want to
17 add that DOE did make available classified disks
18 that I can actually review in Germantown. This
19 happened over, I think in the spring.

20 So that was very helpful and I think
21 with the addition of the access that Tim was
22 referring to, that's going to be, certainly that's

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1 going to push us forward.

2 But there's been a delay. I mean, to
3 be frank, it's been a while since we've been able
4 to freely access, you know, Savannah River records
5 so there's been certainly an interval where we have
6 not been able to do as much.

7 MEMBER CLAWSON: Okay, I appreciate
8 that. I'm sorry, I didn't know that these things
9 had changed and stuff, so thanks.

10 MR. LEWIS: Yes, it's hard for me to
11 keep on top of all the things flying around as well
12 but I know, you know, if there are ever any issues,
13 you know, we do what we can to break those logjams
14 and work with the sites to try to facilitate access.
15 It can be difficult.

16 I know at Savannah River particularly
17 there was a lot of documents in play. It's a big,
18 big site with a lot of complicated operations, so
19 I know. It was honestly not easy for us to make
20 all of those records available and we're doing the
21 best we can.

22 MEMBER CLAWSON: Thank you.

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1 CHAIRMAN MELIUS: Any other comments
2 or questions? I would just add that I think Idaho
3 is the other site that there's potential backups
4 at. I think mainly that's sort of site-related
5 issues right now but Tim's got an awful lot of work
6 planned and it seems that we're --

7 MR. LEWIS: Well yes, and, like I said,
8 I know it may be good to probably sit down at some
9 point and work with Tim and whoever is involved on
10 the Work Group, just make sure we at DOE know what
11 the long-term plans are and we make sure that we
12 have the, to the extent possible, have the funding
13 and manpower put in place so we can facilitate that
14 pretty smoothly without delays.

15 You know, we'll definitely do the best
16 we can to make sure the documents and information
17 are, you know, we get that to you in a reasonable
18 timeframe.

19 CHAIRMAN MELIUS: No, and I think if we
20 can plan ahead, it helps. Anything else? Okay,
21 thank you very much.

22 MR. KATZ: While Dr. Melius is getting

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1 ready for the next session --

2 CHAIRMAN MELIUS: Next person does not
3 need a lengthy introduction.

4 MR. KATZ: No. But while he's getting
5 ready for that, Dr. Melius is getting ready for the
6 next session, can I just check on the line and see
7 if, perhaps, Dr. Poston has joined us? John?

8 (No response)

9 MR. KATZ: Okay, very well. Thanks.

10 CHAIRMAN MELIUS: Thank you. Okay,
11 going to give you a brief update on where we are
12 with the Dose Reconstruction Review Methods Work
13 Group which had a conference call a couple weeks
14 ago, I believe it was, got updated. We're still
15 in progress and we're still not at a point where
16 we have any, you know, firm recommendations for the
17 Board.

18 I think what we're trying to do with
19 this presentation, sort of give you an overview of
20 where, what some of the questions are that we have
21 and thoughts and get your input, and if not your
22 input at least getting you to start to think about

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1 this and what we should be doing in terms of dose
2 reconstruction reviews and how we go about them at
3 this point in time.

4 I would add that, you know, sort of
5 parallel to this, the Dose Reconstruction Review
6 Subcommittee is preparing a letter to the Secretary
7 and I think has at least an initial draft of that
8 and a series of updated tables on what they've
9 accomplished over the last few years in terms of
10 doing individual dose reconstructions, so do that.
11 And I'll talk a little bit more about the further
12 documentation and so forth in a second.

13 So, sort of, in thinking about this,
14 sort of thinking in sort of three, sort of
15 categories of review. One is our, sort of our
16 current reviews which is a, you know, sort of the
17 standard thing we've been doing for, you know, a
18 long time, basically since the beginning.

19 It's gone through I think a number of
20 modifications in terms of how sites are selected
21 and individual cases are selected and how the
22 review process has gone down, continues to be

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1 tweaked and so forth. But it really, the basic
2 plan hasn't changed since we initially started.

3 And, you know, again, and I think it by
4 itself fulfills a -- you know, a major mandate,
5 again, for our Advisory Board is to advise the
6 Secretary on how well dose reconstructions are
7 being done. Are they being done appropriately,
8 correctly, and accurately?

9 And so doing that is an important
10 function and, you know, sort of the underlying
11 methodology for that is reviewing individual dose
12 reconstructions as we've being doing and this
13 process involves all of the Board Members and I
14 think has worked reasonably well over time.

15 I think the questions we have are what
16 number of reviews do we do, what percentage? We
17 set a generous and probably very optimistic goal
18 at the beginning. We're clearly not meeting that
19 goal in terms of percentage.

20 I'm not sure there's a percentage that,
21 you know, is the model or the ideal but I think we
22 need to think of how much we're doing, and really

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1 it's sort of, given the resources, both NIOSH,
2 SC&A, and Board time that's involved in this and
3 what's a reasonable number that we do over a period
4 of time?

5 We've constantly and continually
6 modified how we select cases, trying to make sure
7 that all sites are represented, trying to look at
8 AWE sites, DOE sites. Trying to look at by
9 Probability of Causation, a whole number of other
10 criteria. Do we need to modify that or set some
11 goals for doing that?

12 Probably most importantly is do we need
13 to modify the resolution process? How do we
14 resolve, once the SC&A has done a individual case
15 review, how do we then resolve that with NIOSH and
16 sort of, and with the Subcommittee?

17 And how do we come at that, because that
18 is sort of the rate-limiting step right now. It
19 just takes time, given availability of people and
20 the Subcommittee and NIOSH and SC&A resources to
21 do that. It takes long.

22 We've had a proposal from -- a

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1 suggestion from SC&A that we, if there's agreement
2 between NIOSH, that we sort of set up a system where
3 there's a -- if there's agreement between NIOSH and
4 SC&A on a particular finding that the Subcommittee
5 should not spend any time reviewing that.

6 Some of us have concerns about that
7 because it sort of limits the Board's involvement
8 and the Board's responsibility in terms of doing
9 individual case reviews.

10 But there probably are ways along those
11 lines that we can make the resolution process more
12 efficient, maybe by allowing the Chair of the
13 Subcommittee to gag people if they, you know, want
14 to spend, try to spend too much time on a trivial
15 matter or whatever, but some discipline that -- you
16 know, carrot or stick. I would think we can
17 decide, do that. We'll have Wanda bring her
18 cookies or something and try that, but it's, we do
19 need to make that more efficient if possible.

20 And I think there's also, another is do
21 we try to collect more or different information on
22 when we're doing the individual case reviews?

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1 Sort of the methodology has basically stayed the
2 same. I think it's been modified from time to
3 time.

4 But, you know, another way of maybe
5 avoiding some of the unnecessary time spent or less
6 productive time maybe to, you know, not pay much
7 attention to, if you don't record something, people
8 don't have, you know, you don't have to resolve it
9 then, come to a resolution.

10 So it may be that for certain kinds of
11 reviews or findings we shouldn't bother to even do
12 the review because we never have a problem with them
13 and all we do is take up time and effort doing that.

14 Or maybe we do a mix of approaches on
15 that subset that would have a more comprehensive
16 list of parameters that are reviewed and then
17 another set that's a little bit more focused.

18 And let me go through all these because
19 everything is sort of intertwined here. We'll do
20 that.

21 Line reviews we've sort of put off doing
22 for quite a while. We're now doing, I believe six

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1 a year is the goal. I think I've reviewed a number
2 of them, if not all, and the reports, I think they
3 are helpful. They obviously take up a lot more
4 effort both to do and in terms of trying to resolve
5 and I think we're still fairly early in the
6 resolution process, so to speak, on the blind
7 reviews and do that.

8 But I don't think the rest of the Board
9 has really had an opportunity to see what the
10 findings are and understand those, so I think one
11 of the first things we want to do, and talked about
12 this with the Work Group a couple weeks ago, is
13 Dave's going to do a presentation on that,
14 hopefully at our next Work Group call. I think we
15 can do it there. If not, at the next Board meeting,
16 excuse me, next Board call in January. If not,
17 we'll do it at the next Board meeting in March as
18 a way of just bringing everybody up to date on that
19 process.

20 That means you're all going to get a lot
21 -- all the Board Members are going to get a lot more
22 paper to look at, if you don't have it already.

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1 Some of these reviews are fairly long. But, as I
2 said, I've reviewed a number of them. I think
3 they're interesting and helpful in terms of
4 findings.

5 And then I think after we've done that,
6 I think we need to look at, you know, how many of
7 these do we try to do each year? How do we select
8 the cases?

9 We've not done that many so we haven't
10 hit a lot of the sites and some of these sites are
11 big and obviously complicated so, you know, like
12 doing one blind review on, say, Savannah River
13 really may not cover very much of that site at all
14 under that, and are there changes in methodology
15 there that we need to look at?

16 And I think before we can make decisions
17 on that, we really, as a Board, need to take a look
18 at what's been done so far and, you know, what those
19 findings are and see if we can reach agreement on
20 what makes sense in terms of going forward.

21 The final area I'll call "targeted
22 reviews" and that's: is there some part of this

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1 process where we can focus on certain issues that
2 we haven't covered or certain types of dose
3 reconstruction processes or methods that we think
4 may be more likely to be problematic?

5 And one area we talk about in the Work
6 Group is sort of the consistency of the dose
7 reconstruction process. If a person, a claimant,
8 or two claimants that worked in the same area or
9 same time period, are they going to get the same
10 kinds of dose reconstructions done? Is the
11 methodology and the decisions that are made as part
12 of doing the dose reconstructions going to be
13 consistent?

14 And obviously their exposures may be
15 different depending on the tasks and how long they
16 worked and things like that, but a fair amount of
17 the dose reconstruction process does require a fair
18 amount of judgment on the part of the dose
19 reconstructor to do. There are a number of methods
20 that are used that are not part of a TBD or procedure
21 that the Board or even NIOSH has reviewed.

22 And I don't think we can expect to

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1 review every detailed methodology. Dose
2 reconstruction does require some, you know,
3 professional judgment. And I think we see some of
4 that when we do the individual reviews but we don't
5 necessarily see whether that's being consistently
6 applied.

7 ORAU does have a quality assurance,
8 QA/QC process, I think, and certainly much better
9 than it was when the program started. And the Dose
10 Reconstruction Review Subcommittee has reviewed
11 that a few years ago. But I think even given how
12 good that process may be, the Board still has, you
13 know, some responsibility for making sure that it's
14 addressing concerns in terms of consistency and so
15 forth in terms of this.

16 And so I think we need to pay more
17 attention to this area. And so at this point we're
18 trying to just come up with what are ways of doing
19 that, what are ways of targeting that would be
20 useful to the process, and how do we select those
21 cases and implement something like that going
22 forward? So, again, that part of it is going to

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1 require some more work on the part of the Work
2 Group.

3 Just in terms of documentation for you,
4 the Board Members, to have -- I believe this has
5 been shared with the entire Board, I'm not sure --
6 which is the DR review results for the upcoming
7 letter to the Secretary. Did that go out to
8 everybody or just the Subcommittee?

9 MR. KATZ: I believe that's just to the
10 Subcommittee, and maybe the Methods Work Group
11 people as well at this point, because those
12 statistics really aren't completely up to date yet
13 in terms of dealing with certain corrections that
14 need to be made and so on.

15 CHAIRMAN MELIUS: Okay. So we need to
16 get that, I think, to the full Board, maybe when
17 those corrections are done, if that's relatively
18 soon. And that's going to come out as we do the
19 letter to the Secretary anyway.

20 Our Work Group also had the SC&A report
21 done. I think it was basically two sets of case
22 reviews, sort of looking at where in those case

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1 reviews, whether any of these individual cases,
2 while they were in process, had become parts of an
3 SEC. And a little more level of detail, whether
4 the basis for the SEC finding essentially would
5 have impacted the dose reconstruction. You
6 couldn't reconstruct internal dose from, you know,
7 thorium at a particular site, well, but here,
8 before that SEC finding, NIOSH was reconstructing
9 thorium exposures at that site. So, sort of an
10 inconsistency there and I think we need to
11 understand that.

12 And the other way there's a potential
13 problem is we will have Site Profile and other
14 documents, Technical Basis Documents, that may
15 change, because they're constantly changing, that
16 may have impacted the individual dose
17 reconstructions.

18 Now, NIOSH has a process for addressing
19 that, but I think it's helpful to know how that
20 would have impacted or could have impacted our
21 conclusions on, you know, doing the individual case
22 reviews.

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1 So that report has recently been sent
2 to us by SC&A and I think that we can circulate to
3 the entire Board. It's long, but I think it's
4 helpful, if only as a benchmark of where we are now
5 and some of the limitations of our current dose
6 reconstruction review process.

7 And then finally we're working with
8 NIOSH to get a -- I'm calling it a mapping of the
9 dose reconstruction process, but to go through, for
10 some selected sites, to look at what -- let's say
11 Savannah River, for a hypothetical example -- a
12 site and look at what, actually, for Savannah
13 River, what methodologies are actually used? What
14 documentation does the ORAU dose reconstructors
15 actually utilize when doing dose reconstructions
16 at Savannah River, for example.

17 And so those are, you know, Site Profile
18 documents, TBD, you know, various kinds of
19 worksheets and training instructions. I mean,
20 there's a whole variety of things that we sort of
21 -- I won't say uncover, because they're not sort
22 of deliberately hidden from us, but I think we're

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1 finding out more about them and I think they're --
2 I think we need to have a better understanding of
3 those sites.

4 And Stu and I have talked about this,
5 and I think it's something that probably important
6 for the program to have also, because if go back
7 ten years from now, how did you reconstruct doses
8 for individuals at a particular site? And if you
9 don't have sort of the documentation on the
10 methodologies used at any given point in time, how
11 are you going to know, when you get new information
12 or whatever, that something needs to be, you know,
13 redone or relooked at and so forth?

14 And, again, I think it's important.
15 This is not saying that, you know, there's a whole
16 series of serious problems with the dose
17 reconstruction reviews that are currently -- or
18 dose reconstructions that are being done, because
19 I actually think they're being done well, and I
20 think that process has improved as you would expect
21 it to improve over time. But, again, it's our
22 mandate to review and provide assurances that it

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1 is being done well.

2 So, that's our plan and I welcome
3 anybody's comments or input from Board Members at
4 this point in time, if you have questions. The
5 Work Group that we have, if I remember everybody:
6 Dave, Paul Ziemer, Josie, if I'm right. Dave
7 Richardson also, I believe, on that.

8 And I don't know if any of the Work Group
9 Members want to add anything or not. Just open up
10 for Board Member questions or comments.

11 MEMBER ZIEMER: I have nothing to add.
12 This is Ziemer. The Chair put it very well.

13 CHAIRMAN MELIUS: Thank you.

14 MEMBER KOTELCHUCK: Dave Kotelchuck.
15 I, as chair of the Subcommittee, the Dose
16 Reconstruction Review Subcommittee, we're holding
17 a meeting. I hope it will be in January. And it
18 seems to me a large part of that meeting will be
19 to address the questions that have been raised by
20 the Methods Work Group, and with particular focus
21 on the blind reviews, and with recommendations for
22 the next Board meeting.

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1 And I think fairly soon, as a Member of
2 both the Methods Committee and the Subcommittee,
3 I think we should think about a full meeting of the
4 Subcommittee and the Methods Review Group where we
5 get together for, if you will, a day, for a special
6 meeting for developing strategy.

7 In part, I mean, I feel that we have so
8 many people on the Subcommittee who have years and
9 years of experience. I feel inadequate speaking,
10 if you will, for them and the Methods Committee.
11 That is, I represent my best thinking about what
12 people are thinking on the Subcommittee, but the
13 Subcommittee really needs to, well, make
14 decisions.

15 And if we are going to change methods,
16 they are, I think, some of the best people to be
17 engaged in the discussion about changing the
18 methods so that we can really make the best judgment
19 possible on how we should be changing.

20 So what I'm suggesting is the
21 Subcommittee will talk about these issues at its
22 next meeting and put a large part of the meeting

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1 around those strategic questions or methodological
2 questions.

3 And then I do think that it might be a
4 good idea to have a joint meeting of the
5 Subcommittee and the Methods Work Group, and even
6 face-to-face in the sense that a lot of things will
7 be discussed and intensively and fairly quickly
8 either dealt with or just various alternatives
9 proposed in short order. And I think that suggests
10 a face-to-face meeting and I'm suggesting it and
11 we'll see what both groups think about that. But
12 I think it might be helpful.

13 CHAIRMAN MELIUS: I'm going to
14 disagree with you, Dave. I think this is a Board
15 responsibility. It's not a Subcommittee
16 responsibility. It's not a Work Group
17 responsibility. And I don't think we can expect
18 or should expect the Board just to rubber stamp a
19 set of recommendations. I think the Board needs
20 to be involved in determining what we do going
21 forward.

22 It's actually how we started this whole

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1 process. I think we spent a fair amount of time
2 in our early meetings, once we got the regulations
3 approved and so forth. Those of you that were
4 around then, which there are many of us, remember
5 that.

6 And I really think that, at least the
7 general parameters for how we do dose
8 reconstruction reviews and how we make decisions
9 and how we go about doing that, ought to be
10 something that the Board as a whole decides and
11 engages in.

12 And I think if we put the two groups
13 together, we're getting close to a quorum of the
14 Board anyway, so I'm not sure we can meet. And I
15 think there are others on the Board, I think, that
16 would like to be involved. I'm not forcing
17 anybody. But so I'd almost rather do it as a
18 meeting of the Board.

19 It does not mean that the Dose
20 Reconstruction Review Subcommittee should not
21 meet, discuss, and, you know, be involved, you
22 know, maybe at a more detailed level.

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1 But I think it is something that the
2 Board -- because, again, we haven't really changed
3 our methods. We sort of delegated to the
4 Subcommittee over the years, and I think we need
5 to bring it back and discuss it as a whole.

6 MEMBER KOTELCHUCK: Just in response,
7 I buy that. I mean, the Methods plus the
8 Subcommittee, you're right, is most of the Board
9 anyway, so let's have the Board.

10 So, really, the Subcommittee will
11 discuss these issues at its next meeting and then
12 we'll hold a Board meeting, a full Board meeting,
13 to discuss the changes that we'd like to make.
14 Yeah.

15 CHAIRMAN MELIUS: Phil, you've been
16 patient.

17 MEMBER SCHOFIELD: Yes, Phil
18 Schofield. I would like to see more of a feedback
19 when you're going through a case and you're looking
20 at it. Sometimes you look at what the personnel
21 who did the dose reconstruction, you look at what
22 they've done and it raises questions. Sometimes,

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1 I mean, serious questions. You want to know, well,
2 how did they arrive at their numbers? And it would
3 be nice if we actually had feedback when we do have
4 questions on these cases. And right now I don't
5 feel the feedback has been very good.

6 CHAIRMAN MELIUS: Feedback from where,
7 specifically?

8 MEMBER SCHOFIELD: When we've had
9 questions on some of these doses. I've been on a
10 few cases where, really, we were left scratching
11 our heads like, well, how did you arrive at these
12 numbers?

13 MEMBER BEACH: From NIOSH?

14 MEMBER SCHOFIELD: Yeah. Yes, from
15 NIOSH.

16 MR. KATZ: This is Ted. I mean, you do
17 have the DR -- the Dose Reconstruction Review
18 Subcommittee does go over each of these.

19 And I think if you look at -- if you want
20 to see the discussion of whatever the issues are,
21 the findings, I mean, that's where you'll find it,
22 Phil. And, I mean, I'm happy to send you the

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1 transcripts as we complete those if you want to look
2 at those, but that's the record.

3 MEMBER SCHOFIELD: Could we submit a
4 question to them on a particular case?

5 MR. KATZ: There's absolutely no
6 reason why you can't do that.

7 MEMBER SCHOFIELD: Okay, well, in the
8 future I will remember that.

9 MR. KATZ: Yes, absolutely,
10 absolutely.

11 CHAIRMAN MELIUS: Sure. I mean, I'll
12 agree with Phil. I think there is sort of a --
13 there is a disconnect there. And those
14 transcripts are long and complicated to try to find
15 out what's going on and there's a time delay and
16 so forth.

17 But it's also one of my concerns about
18 the resolution process. Like, you know, well, if
19 the Subcommittee isn't going to deal with certain
20 findings, they said, well, we'll rely on, you know,
21 the Board, at least two Board Members involved in
22 looking at each individual case review that SC&A

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1 had done and interacting with them.

2 But I don't know what the Subcommittee
3 then does with those findings, or our
4 recommendations from that. I mean, in fact, I get
5 feedback sometimes from SC&A saying, well, you
6 know, the Subcommittee says we shouldn't report it
7 that way. They don't consider that a finding or
8 something.

9 It's my own fault for not, you know,
10 quite following up and, you know, yelling at Dave
11 and saying what's wrong with you, how come you're
12 not listening to me or whatever.

13 But there is that disconnect and I think
14 -- and I know there's not an easy way. It's not
15 like -- if we had, you know, Dave report on each
16 finding or what happened at every Board meeting,
17 you know, we can add a day, I guess, because it is
18 a long and detailed process.

19 And I would ask, you know, as we go
20 through this process, thinking about how we make
21 sure that all the Board Members stay involved,
22 maybe we need to rotate people on and off that

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1 Subcommittee more. We've tended to, you know,
2 keep the same people on for a period of time, for
3 a long period of time. But, again, it is something
4 that's time consuming, and having the same people
5 on, at least for periods of time, is important in
6 terms of consistency of the review process. So I
7 do think we need to sort of think how we can address
8 that.

9 MEMBER BEACH: Well, in the reports
10 that come out, the set reports, they're long, but
11 those will give you some of those answers as well.
12 I know there's one pending right now that just came
13 out from SC&A, from the last -- it's set, what, 9
14 through 21? So, anyway, they're out there.

15 CHAIRMAN MELIUS: Yeah. But do they
16 need to be one at a time? You know, some ways of
17 communicating better. I don't know. Wanda, you
18 look puzzled or --

19 MEMBER MUNN: I was just going to
20 comment that, as a Member of the Subcommittee, I've
21 never experienced any lack of detailed information
22 response from anyone when we questioned either the

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1 agency or the contractor with respect to how they
2 had achieved any of the figures that we saw when
3 we were in review.

4 My personal experience has been extreme
5 effort on the part of all of the dose
6 reconstructors, regardless of their background, to
7 try to make sure that all of our questions were
8 answered.

9 And it's certainly not uncommon in the
10 Subcommittee meeting to have specific questions
11 posed. "How did you reach that number? What's
12 the difference in these two? Why does one of you
13 have this figure and one has another that's four
14 figures away?" And when I was asking those
15 questions, I have always had very good response,
16 at the meeting usually.

17 Whether or not that's reflected in
18 anything other than just the transcript is hard to
19 address, I suppose. That must be the kind of thing
20 that --

21 CHAIRMAN MELIUS: Yeah, I think if
22 you're not on the Subcommittee, if you raise a issue

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1 about a calculation or whatever, something about
2 the process, after you raise it, the report goes,
3 then, you know, NIOSH gets involved. The
4 Subcommittee gets involved. It gets resolved, but
5 that resolution doesn't get back to the individual
6 Board Member that raised the question to begin
7 with.

8 MEMBER CLAWSON: Jim, this is Brad.
9 That's exactly right. The thing that I see, all
10 of us get to review these and we have little things
11 we couldn't figure out in it. But when it gets to
12 the Work Group, then it gets down to the brass
13 tacks, and maybe what we're not doing is
14 disseminating the information back out of it
15 because it's stuff that we may have worked on for
16 a month or a month and a half to get resolved and
17 we finally get resolution and we forget to tell
18 everybody else this is what we found out.

19 CHAIRMAN MELIUS: It's also the
20 timeliness of the process. That resolution may
21 not take place for a couple years or more after
22 you've done that. And I, as a Board Member who was

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1 involved in the review, has forgotten and so forth.

2 MR. KATZ: Jim, if I can suggest
3 something. I mean, SC&A does often discuss, when
4 they're doing the case review, that a Board Member
5 raised this issue. That doesn't address the
6 feedback issue but we could very simply sort of
7 track that when we have issues that have been raised
8 by the Board Members, the two Board Members that
9 are on the case.

10 SC&A could flag that and then we could
11 -- I mean, it would be very easy to follow up and
12 actually give them that feedback. So if that's
13 something the Board would like to have happen in
14 the future, we certainly can make that happen.

15 MEMBER SCHOFIELD: I would definitely
16 like that.

17 MEMBER MUNN: That shouldn't be an
18 overwhelming clerical burden.

19 MR. KATZ: No, no. I think that would
20 be very easy to do.

21 MEMBER BEACH: Well, and it's kind of
22 what we did on the templates. SC&A sent a memo out

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1 and that way we could track that that was an issue
2 that we thought we should bring up to the Board.
3 So, out of our session, Henry's and I's.

4 CHAIRMAN MELIUS: Board Members on the
5 phone, do you have comments? Don't want to ignore
6 you.

7 MEMBER ZIEMER: Yes, this is Ziemer.
8 I have no comments. I think all of these issues
9 that have been raised, a lot of it goes back to those
10 initial reviews. We see a lot of these at review
11 time and maybe it doesn't get transmitted forward.

12 CHAIRMAN MELIUS: Thank you. Dave,
13 you have --

14 MEMBER KOTELCHUCK: Yeah, I think that
15 I'm open to thinking about -- and we can talk about
16 this in the Subcommittee -- of what to and how to
17 give reports to the Board on a regular basis about
18 what we're doing. Obviously, I have to control my
19 predilection to 50-minute talks, but I think I can
20 try to compress it to the Board. But I think we
21 can try to give Board reports, brief Board reports.

22 CHAIRMAN MELIUS: Fifty-minute talks

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1 followed by a quiz.

2 MEMBER KOTELCHUCK: Right, which
3 someone else grades.

4 (Laughter.)

5 CHAIRMAN MELIUS: Any other questions
6 or comments?

7 (No response)

8 CHAIRMAN MELIUS: Okay, if not, we'll
9 move ahead. And if we can move ahead with a break
10 and we're breaking until 10:30.

11 (Whereupon, the above-entitled matter
12 went off the record at 9:57 a.m. and resumed at
13 10:33 a.m.)

14 CHAIRMAN MELIUS: Okay, we have a
15 quorum. We'll get started. And the next point of
16 business is an SEC petition on Battelle
17 Laboratories. And Tim Taulbee is going to be
18 presenting.

19 DR. TAULBEE: Thank you, Dr. Melius,
20 Members of the Board. This presentation's going
21 to be on the Battelle Memorial Institute King
22 Avenue SEC Petition Evaluation Report. Before I

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1 get started, I want to recognize the ORAU
2 evaluation team led by Mike Kubiak and Chris Miles.
3 Vince King and Jason Davis also participated on
4 this. They did the lion's share of the work, I just
5 get the opportunity to present it to you.

6 So, a little bit of an overview about
7 this petition is NIOSH has determined it's not
8 feasible to complete a dose reconstruction for an
9 existing Battelle Memorial Institute King Avenue
10 claim. On October 19th, just last month, the
11 claimant was notified and provided a copy of the
12 Special Exposure Cohort Petition Form A. On
13 October 27th, they filed a petition.

14 This is an 83.14 petition. It was
15 submitted to NIOSH. And on November 2nd we
16 completed our Evaluation Report and issued the
17 report, and I believe last week was sent to the
18 Board Members.

19 Just to remind everyone, the previous,
20 at Battelle King Avenue, the previous SEC Class was
21 from April 16th, 1943 until June 30th, 1956. And
22 the reason was for internal exposures to uranium

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1 and thorium, and external exposures prior to
2 February 1951 where we had no external monitoring
3 whatsoever.

4 And so this was the time period. June
5 of 1956 is when they started some bioassay. There
6 was no bioassay monitoring prior to that. We
7 couldn't find any air sample data.

8 So, since that time -- this has been a
9 couple years since I presented this to the Board
10 -- we've been doing a lot of research, as you'll
11 see, which is why these dates seem to be producing
12 a report in about two weeks. That's not quite the
13 case. The case is that we've been working on this
14 for the past couple of years, and so what you're
15 seeing is kind of the final result here.

16 The Class that we're proposing is that
17 all Atomic Weapons Employees who worked at the
18 facility owned by the Battelle Laboratories at the
19 King Avenue site in Columbus, Ohio during the
20 period from July 1st, 1956 through December 31st,
21 1970 for a number of workdays aggregating at least
22 250 workdays, occurring either solely under this

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1 employment or in combination with workdays within
2 the parameters established for one or more other
3 Classes of employees in the Special Exposure
4 Cohort.

5 So, how did we come to this particular
6 conclusion? Again, some background on the
7 Battelle site. It's an EEOICPA covered facility
8 from 1943 and 1986. It's only 58.3 acres. It
9 accommodates 13 buildings. So this is a very small
10 site compared to most of the other sites we look
11 at.

12 They performed atomic energy research
13 and development work, R&D, for AEC, the Department
14 of Energy, the NRC, DoD and commercial entities.
15 So it's a big conglomeration, not just of DOE work.
16 It's owned and operated by Battelle Memorial
17 Institute.

18 The main radiological buildings are
19 listed here. Building A is corporate offices, but
20 they also have small laboratories. Building 1 is
21 a foundry; 2 is metal working; materials building;
22 radio chemistry in Building 4; and a machine shop

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1 in Building 5.

2 Buildings 1, 2, 3, 4, and 5 comprise the
3 bulk of the radiological work there at Battelle
4 Memorial Institute. And this is a picture of it.
5 You can see the particular buildings are centered
6 right there in the center of the facility. You've
7 got 1, 2, 3, 4, and 5.

8 So our data capture efforts, as I
9 alluded to from the last time that we presented the
10 Battelle SEC to you, was we've conducted some
11 on-site data captures in August 2014; also at the
12 National Archives in College Park, Maryland in
13 March of 2014; down in OSTI in February 2013 and
14 August 2014. And we even found some documents out
15 at Idaho National Laboratory this past January.

16 So what I want to focus on here, as
17 you'll see from the report that we provided, is that
18 the reasoning that we're recommending an SEC here
19 is due to the thorium operations. And so what we
20 did is we started looking at their thorium
21 operations after that 1956 date to see what was the
22 magnitude, what were they involved with.

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1 And we found that they were doing work
2 with uranium and thorium alloys from 1955 to 1959,
3 did some corrosion testing in 1961, did some
4 experimental coating of small thorium oxide
5 spheres in '62. And then we really had no
6 information from '62 to '66 of any thorium
7 operations that were going on.

8 And then in '66 some preparation of
9 thorium and uranium irradiation calibration
10 samples. And then '68 to '69, some experimental
11 work with thorium ceramics.

12 Nothing in here is really indicating a
13 severe exposure, at least other than that top
14 bullet, '55 to '59. Corrosion resistance
15 testings, experimental coatings, none of these
16 seem to really raise extreme concern about
17 potential exposures.

18 That was until we started looking at the
19 radiological survey reports that we captured. And
20 these caused us some pause as to what was going on
21 and our level of understanding of what was
22 happening there at the site. And so I want to go

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1 through some of these here as part of the
2 presentation to point out some examples as to why
3 we came to an 83.14 decision.

4 One example is July 1957, a survey of
5 multiple buildings indicated widespread uranium
6 and thorium contamination. This is an excerpt
7 from that survey report in 1957. The surveyor
8 indicated about every lab surveyed contained
9 uranium or thorium samples in some form.

10 These samples are stored in desks where
11 food is eaten. Little care is taken to prevent
12 ingestion. No care is taken to prevent material
13 from entering the sewers. And this was written in
14 1957 by the rad techs.

15 Another example is March of 1960. This
16 was a spill resulting in personal contamination
17 occurred when a pressure built up in a flask
18 containing thorium nitrate. The incident report
19 that we've got identified the individual who was
20 involved in this and who was contaminated. We
21 followed up, we went back to the site and requested
22 that person's records, radiological records.

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1 So if we were doing a dose
2 reconstruction, would we see this incident and
3 could we estimate this person's exposure? What we
4 found is there's no discussion of this incident and
5 no bioassay records were taken for this individual.
6 So if we were doing a dose reconstruction, this
7 exposure would be missed.

8 1961, again from the radiological
9 survey reports, we have air samples taken in the
10 machine shop grinding room. They actually took an
11 air sample for thorium at this time and it was two
12 times ten to the minus tenth microcuries per cc.
13 The survey indicated the worker wore a half-face
14 respirator. There's a note at the bottom of the
15 survey that the worker should leave a bioassay
16 sample. Again, we went back to the site and said,
17 please provide us these records for this
18 individual, and there's no bioassay records in this
19 individual's file.

20 So, again, we have a case where Health
21 Physics is saying this person should be monitored
22 via bioassay, and we have no record that the

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1 bioassay was conducted.

2 1963, survey report following a cleanup
3 of a spill in Building 5 involving thorium. And
4 again, if you recall that list I went through in
5 the beginning, there's no discussion of any work
6 from '63 to '66, of any thorium work. And they
7 indicated the spill had been cleaned up with a
8 sponge, which was a shelf. And it had just been
9 painted prior to them taking the smears in order
10 to fix the contamination in place.

11 In this particular case, we don't know
12 what the original spill was, what the levels were,
13 what people were exposed to; all we have is the
14 aftermath of the cleanup and the monitoring after
15 the fact. And I guess the fixed contamination was
16 high enough they felt they needed to paint over it
17 to keep it from spreading.

18 And this is probably the most
19 concerning, from my standpoint, in reviewing all
20 of this material. It's June 1963, first aid
21 alerted the safety office, which was the RadCon
22 organization, of a melt operation going in Building

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1 using magnesium, lithium, and thorium metals.

2 Building 1 was the foundry. And Health
3 Physics then went and investigated. And these
4 excerpts here is what's directly from their survey
5 report. Melting operations started the day before
6 with no Health and Safety oversight and no
7 respiratory protection. The melting furnace was
8 hooded, but the pouring operation wasn't. The
9 last line really caused us some significant pause
10 here. "The men involved said that they would
11 report all future use of radioactive material."

12 So, from my standpoint, we're not sure
13 that operations was reporting all uses of
14 radioactive material prior to this date, and we
15 really don't have a great deal of confidence after
16 this date that they were reporting all of their
17 operations.

18 Health and Safety got involved and
19 looked at the operation after they were notified.
20 But how many other thorium operations were going
21 on prior to this time period that they didn't tell
22 Health and Safety about and somebody didn't catch

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1 them doing?

2 1964-1965 surveys for thorium in
3 Building 3, which was the materials building; this
4 is an October 1964 memo. And it states the
5 re-smears taken of all locations showing
6 above-permissible alpha and beta gamma activity on
7 the routine monthly smear survey for September
8 showed no alpha/beta/gamma contamination present,
9 with the exceptions of a floor smear at location
10 number 25 in the first floor bay area and a hood
11 smear in number 4 in Room 3203.

12 So these were monthly smears that the
13 site was now doing, and they captured that there
14 was some contamination. They obviously had the
15 operations folks clean up their areas. They went
16 back and they re-smearred here in order to evaluate
17 how well the cleanup went, and there was still a
18 couple of locations.

19 The next line though becomes important
20 here. "I suggest that the floor smear location
21 number 25 be smeared weekly in order to keep closer
22 control of the possible spread of contamination

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1 from this area."

2 So, prior to this '64 timeframe, again,
3 monthly smears, were they catching contamination
4 that was happening in that area? The hood in Room
5 3203 is higher in alpha activity than should be
6 tolerated for a room in which eating areas are
7 involved. So these would be areas of the
8 laboratory where they've got hoods, where they've
9 got thorium going on, uranium work, and they're
10 eating in these areas. He suggested the hood
11 should be cleaned and re-smears taken until it's
12 below, effectively, that's 20 dpm per 100 square
13 centimeters.

14 So, between 1966 and 1970, we see some
15 infrequent surveys and air samples for thorium.
16 They really begin to drop off, from what we saw
17 within the rad surveys. Again, we don't know the
18 source term -- we're not certain of the source term,
19 I should say. We do know earlier inventory is
20 incomplete. The interesting contrary evidence
21 here is that the air samples are quite low.
22 They're down in the ten to the minus thirteen, ten

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1 to the minus fifteen microcurie range, which is
2 below permissible limits from today's standpoint.

3 April 1970 is the last thorium
4 operation that we've been able to identify from
5 review of these surveys, and this was the cleanup
6 of a grinder.

7 To date, we have no indication of
8 thorium work from 1971 through 1982. 1982, there
9 is some indication of thorium work and the
10 individuals involved actually have thorium
11 bioassay. But between '71 and '82, neither of the
12 surveys, neither the inventories, the operations
13 reports, nothing is indicating any thorium work
14 during that time period.

15 So, as a result, we're recommending to
16 add a Class up through December 31st of 1970, due
17 to the available internal monitoring records,
18 process descriptions, and source term data are
19 inadequate to complete dose reconstructions for
20 thorium exposures with sufficient accuracy for the
21 evaluated Class of employees during the period from
22 July 1st, 1956 through December 31st, 1970.

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1 Uranium bioassay data is available starting in July
2 of 1956 for workers in Buildings A, 1, 2, 3, 4, 5,
3 and 6, which are the prime radiological buildings.

4 For health endangerment, the evidence
5 reviewed in this evaluation indicates that some
6 workers in the Class may have accumulated chronic
7 radiation exposures through intakes of
8 radionuclides and direct exposure to radioactive
9 materials.

10 Consequently, NIOSH is specifying that
11 health may have been endangered for those workers
12 covered by this evaluation who are employed for a
13 number of workdays aggregating at least 250
14 workdays within the parameters established for
15 this Class, or in combination with workdays within
16 the parameters established for one or more other
17 Classes of employees in the SEC.

18 So again, our proposed Class here is for
19 all workers, Atomic Weapons Employees, who worked
20 at the facility owned by the Battelle Laboratories
21 at the King Avenue Site in Columbus, Ohio, during
22 the period of July 1st, 1956, through December

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1 31st, 1970, for a number of workdays aggregating
2 at least 250 workdays, occurring either solely
3 under this employment or in combination with
4 workdays within the parameters established for one
5 or more other Classes of employees in the Special
6 Exposure Cohort.

7 So, why are we including all workers
8 here at the site when it's really those central
9 buildings? And it involves our inability to place
10 workers within specific buildings and job title by
11 some other identifier. There's an apparent free
12 flow of worker movement within the facility.
13 Again, this is a small facility. The only noted
14 exceptions are high radiation areas where they had
15 several radiation sources.

16 As I mentioned, this is a small site.
17 It's approximately half the size of the Idaho
18 Chemical Processing Plant, 59 acres versus 160
19 acres, and about one-fifth the size of the H Area
20 at Savannah River.

21 So, again, this is a very small site.
22 You've got workers that could move between

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1 buildings. They could have been going around
2 delivering mail or taking out trash, janitorial
3 services within these laboratories.

4 Obviously, with the eating, being able
5 to eat in the laboratories, there was minimal rad
6 control from that standpoint, and Health Physics
7 identified that as an issue within their
8 radiological surveys.

9 So, with that, I'll be happy to answer
10 any questions that you may have.

11 CHAIRMAN MELIUS: Thank you, Tim.
12 Josie?

13 MEMBER BEACH: Okay, so my question
14 goes back to your cut-off day of 1970.

15 DR. TAULBEE: Yes.

16 MEMBER BEACH: In your report, it talks
17 about -- and it doesn't say how many, number was
18 redacted, individuals. They looked for some
19 bioassay data for thorium in 1981. And I know you
20 kind of briefly touched on it. Could you go into
21 a little more detail, how many and why do you think
22 that happened?

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1 DR. TAULBEE: It was a small operation
2 involving thorium. And so those workers were
3 monitored via bioassay. And the ones that we could
4 identify, we see the bioassay in their files.

5 So, this would be, like, one of these
6 small operations that I was talking about going on
7 through the 1960s, ceramics or something along
8 those lines. And then Health and Safety did follow
9 up with those workers, and we have seen those
10 bioassay results for that 1982, '81-'82 timeframe.

11 MEMBER BEACH: Okay. So between '70
12 and '82 you don't think there was anything
13 happening?

14 DR. TAULBEE: I don't -- well, honestly
15 I don't know, is what the issue is. We don't have
16 evidence one way or the other. We have no evidence
17 that any exposures occurred; we don't have any
18 evidence that it didn't occur.

19 And so my standpoint is that if evidence
20 comes to light that exposures did occur, then we
21 can revisit 83.14 and whether or not we can estimate
22 those exposures between that '70 and '82 time

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1 period.

2 MEMBER BEACH: Okay. This is just a
3 curiosity question. I noticed that Ohio State
4 University was right close to the plant. Did any
5 students work in the plant that you know of? I know
6 they wouldn't be covered, but just more of a
7 curiosity.

8 DR. TAULBEE: There were some students
9 that did do some research over there at the King
10 Avenue. There was some, but not a huge amount.
11 This is primarily professional chemists, and with
12 the foundry work that you described, these would
13 be machinists. Students generally didn't get
14 involved in that type of work.

15 CHAIRMAN MELIUS: Other Board Member
16 questions? Wanda?

17 MEMBER MUNN: Just one. The bioassays
18 that you do have, are there any red flags regarding
19 thorium?

20 DR. TAULBEE: No.

21 MEMBER MUNN: Okay.

22 CHAIRMAN MELIUS: Wanda, into the

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1 microphone.

2 MEMBER MUNN: My question was, of the
3 bioassays you do have, were there any red flags
4 regarding thorium. And the answer was no.

5 MR. KATZ: Thanks.

6 CHAIRMAN MELIUS: Any other Board
7 Members? Board Members on the phone, do you have
8 any questions?

9 MEMBER ZIEMER: This is Ziemer, Jim. I
10 have a couple of questions for Dr. Taulbee.

11 CHAIRMAN MELIUS: Okay, go ahead.

12 MEMBER ZIEMER: Mainly for
13 clarification. Dr. Taulbee, as I read through the
14 ER itself, I noticed that there were entry
15 restrictions in a couple of cases. It looked like
16 Building A had entry restrictions, and I think
17 Building 4 people could only get in if they got
18 permission from the lab supervisor or something
19 like that.

20 Is the issue that we just don't know who
21 those people were that could get in and the
22 restrictions? In other words, there appears to be

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1 some restrictions that are not necessarily high
2 radiation levels. But there must have been
3 personnel restrictions but we just don't know who
4 they were?

5 DR. TAULBEE: That is correct. We've
6 not been able to find any rosters that indicate who
7 was on an access list at a given time. The only
8 thing that we have found is basically what we put
9 in the Evaluation Report, is that there is some note
10 of there were some areas that did have restricted
11 access.

12 Although, getting the laboratory
13 supervisor to add you to the access list is pretty
14 open, in a sense, especially if you don't have what
15 that roster is. Does that help some?

16 MEMBER ZIEMER: Right. I guess we're
17 left to assume, again, that virtually anyone
18 on-site might have potentially been on the list.
19 So we have to assume that that's the case, correct?

20 DR. TAULBEE: That's correct.

21 MEMBER ZIEMER: Thank you.

22 MEMBER BEACH: I still have one more.

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1 So, it looked like the way they dealt with the lab,
2 it was pretty -- I don't know the right word --
3 pretty lackadaisical. On your report, it talks
4 about the labs contained thorium and uranium. And
5 it was in this desk area where people ate their
6 lunch.

7 So I guess I'm concerned about the
8 cut-off of 1970, because you don't have anything
9 that says they were doing anything, but you don't
10 have anything that says you really weren't. So I
11 guess --

12 DR. TAULBEE: What we saw was a
13 decrease in kind of the thorium operations, if you
14 will, through the late 1960s. And then we only had
15 the one instance of April of 1970 of some thorium
16 work. And then absolutely nothing.

17 Now, we've looked through other
18 records. We've looked for any operations. And it
19 doesn't have to be just the rad survey records.
20 These would be any reports coming out of Battelle
21 about thorium that they would produce, because
22 Battelle was a research institute. And they liked

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1 to report on what their findings were and what they
2 had and what they dealt with. So the actual
3 reporting coming out, as long as it wasn't
4 proprietary, would be reported upon. And we just
5 see no evidence of any thorium work during that time
6 period.

7 It doesn't mean it's not going to come
8 to light, you know, as we do more work or we do other
9 data captures at other sites. If something does
10 come to light, then we can look at this again from
11 that time period. But right now I just have no
12 evidence of exposure.

13 MEMBER BEACH: Okay, and then just
14 quick follow-up. What about the cleanup? You did
15 talk about hoods that had to be cleaned out. Was
16 there a concentrated effort that you could find
17 that they actually did a good clean-out of all
18 areas?

19 DR. TAULBEE: That 1966 memo is what I
20 think it was that you're referring to, of the
21 cleanup of the hood. It was just that. They
22 recommend the operations folks clean up that hood

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1 until surveyed below that 0.2 dpm, and that's all
2 that there was as far as a discussion of it. That's
3 really all that we have with regards to that.

4 CHAIRMAN MELIUS: Phil?

5 MEMBER SCHOFIELD: I have questions on
6 the residual. When you're doing grinding and
7 stuff, you generate a lot of waste, you generate
8 a lot of particles. My concern is -- and like when
9 they did the hood, how effective was that hood, was
10 it ever verified, did it have a HEPA filter on it
11 so that anything being discharged was not putting
12 workers or people outside of the building at risk?
13 I mean, did they survey the walls, the roof in these
14 buildings? What kind of records do you have on
15 doing cleanup?

16 DR. TAULBEE: With regards to the
17 cleanup, I'm actually not sure off the top of my
18 head. I'd have to go back to look at that. But keep
19 in mind that these would be small -- or, you know,
20 all these thorium operations appear to be small,
21 but with significant thorium concerns from an
22 exposure standpoint during that work.

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1 The last one that we have -- and I've
2 pulled back the slide to April 1970 -- the last
3 thorium operation that we've identified to-date is
4 surveys where they were cleaning up one of these
5 grinders. So this would be a cleanup survey of
6 this particular grinder. We have no information
7 as to whether the grinder was ever used again for
8 thorium or anything else.

9 With regards to clean-out of buildings
10 and ducts and fume hoods, I just don't have any
11 information from that standpoint. There's only a
12 few areas -- I shouldn't say few, because it's in
13 multiple buildings and labs from those earlier
14 discussions there -- where thorium was worked with.
15 But finding actual surveys associated with this has
16 been rather difficult.

17 The surveys in this latter time period
18 that we have found for alpha do not necessarily
19 specify thorium, and they're all very -- they're
20 cold, they're cleaned up from that standpoint. We
21 don't see alpha activity above permissible limits,
22 above 20 dpm per 100 square centimeters.

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1 CHAIRMAN MELIUS: Okay, Henry and then
2 Brad.

3 MEMBER ANDERSON: Just a question
4 again about the 1970 period. Were you able to
5 identify workers who were there during the period
6 to see if any of them who were working in the area
7 recall this? Because these would be kind of, I
8 would think, specialized projects that they may be
9 aware went on.

10 DR. TAULBEE: Actually, that's been
11 one of the most difficult portions of this entire
12 SEC, is actually finding some claims that fit the
13 parameters here and identifying an 83.14 case.
14 This report we actually had most part completed
15 back at the beginning of September. But finding
16 a claim that would fit during this time period, that
17 had an SEC cancer, that would meet this Class, has
18 been exceedingly difficult from that standpoint.
19 And it wasn't until September that we actually
20 identified someone.

21 CHAIRMAN MELIUS: I thought Henry was
22 sort of asking have people who worked in the post

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1 '70 period been interviewed. So there may be
2 claimants that fit the Class, but also worked after
3 that, and did they have any information on
4 continued operations? Or I'm not sure you can
5 answer that right now.

6 DR. TAULBEE: I cannot. We have not --
7 we interviewed a couple of people that did mention
8 some of these '60s thorium work that we were able
9 to find and see the evidence of. They did not
10 mention anything in the '70s, until you get to the
11 '82 time period.

12 But I mean, if more interviews were --
13 we could conduct them or try to identify people in
14 that area to see if there is other thorium work in
15 there that we don't know about. We have not done
16 that.

17 CHAIRMAN MELIUS: I think it's unusual
18 to have something, whether it's a gap of 12 years
19 -- I mean, it's not like you know the thing stopped
20 in '70. What we know is that you don't have any
21 records of things from '70. Then '82 there appears
22 to be some activity going on now.

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1 DR. TAULBEE: Yes and no. I agree with
2 you, to a certain degree -- or I agree with you.
3 The difficulty here is that I also see in the late
4 1960s the number of mentions of thorium within the
5 rad surveys begins to really tail off to where it
6 does seem like they weren't doing much work with
7 it. So, that's what we have.

8 CHAIRMAN MELIUS: I guess my argument
9 would be that, well, you have a time period where
10 there's activity and then SEC is warranted based
11 on recordkeeping and all the reasons you laid out.
12 But you've got this other period where it seems to
13 me that further evaluation ought to be ongoing in
14 terms of looking at that.

15 DR. TAULBEE: I don't disagree with
16 that. I think this is a time period that we should
17 look at closer, and as new information arises,
18 revisit from that standpoint.

19 CHAIRMAN MELIUS: Brad, then Wanda.

20 MEMBER CLAWSON: I was just wondering,
21 Tim, you know, a lot of these, have we looked into
22 the AEC or DOE inventory records to see exactly what

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1 we had and where?

2 DR. TAULBEE: Yes.

3 MEMBER CLAWSON: What did we see?

4 DR. TAULBEE: And what we saw was very
5 small quantities of thorium at Battelle through the
6 1960s. And then according to their inventory
7 records, nothing in the 1970s. So we did look at
8 the inventories. However -- however -- the
9 inventories that we looked at didn't indicate that
10 they had any quantities during these time periods
11 of these radiological surveys showing thorium
12 contamination and showing thorium problems.

13 So, was this thorium part of Legacy or,
14 you know, part of operations from the 1950s and
15 people had it in their labs and were continuing to
16 work with it? I don't know, but it does not show
17 up on those inventories. There's not good
18 agreement between those.

19 CHAIRMAN MELIUS: Wanda?

20 MEMBER MUNN: Most of the major sites
21 with which we deal are production sites. And they
22 operate on an entirely different basis than

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1 research laboratories do. Not only do the
2 research laboratories have much -- generally
3 speaking, would be expected to have much lower
4 inventories at any time than a production facility.
5 The type of work that goes on there are handled by
6 entirely different sets of personnel.

7 And the way they're funded is quite
8 different also, as I think has been referred to
9 here. In a research laboratory, if there are not
10 funds for a specific, discrete activity, then it
11 will not take place because the laboratory will not
12 pay workers for anything other than something that
13 can be charged out to a given contract.

14 And at the end of that contract, there
15 will be a report of some kind. So, the fact that
16 they may not have been doing work at some particular
17 time doesn't seem unusual for a research
18 laboratory.

19 In this case, I know the recordkeeping
20 is seldom as stringent as it is in other kinds of
21 activities. But by the same token, it's really not
22 the same kind of activity. So, the information

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1 that we've been given so far seems valid and not
2 at all unusual to folks, I think, who are really
3 familiar with how labs work.

4 CHAIRMAN MELIUS: Any other questions?
5 Bill?

6 MEMBER SCHOFIELD: When you're talking
7 about the inventories, are these official AEC
8 records?

9 DR. TAULBEE: Yes.

10 MEMBER SCHOFIELD: Did they keep track
11 of them, you know, like you would any special
12 nuclear materials so that they know how much went
13 into a lab, they know how much was returned from
14 the lab, how much went into a particular project?

15 DR. TAULBEE: The inventories that we
16 have are the official AEC records. However, it's
17 not by lab, it's by site and the amount of thorium
18 coming into the site that is there in that
19 inventory. But the thing that we're most
20 concerned about was the work that they did back at
21 the early 1950s and the late 1950s of Legacy
22 material that was just stored, say, in the

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1 foundries or in the other areas.

2 That, you know, we have the numbers, but
3 we don't know what the disposition or where it went,
4 which is what I think ended up happening in some
5 of the surveys indicating thorium in multiple labs.
6 People who would get a sample here or a sample there
7 and they're doing some sort of NDT type analysis
8 or something on it and that's where it came from.

9 So it wasn't a lab-by-lab type of
10 inventory that you see for special nuclear
11 materials. It was more of a site type of
12 inventory.

13 MEMBER SCHOFIELD: Okay, thank you.

14 CHAIRMAN MELIUS: Board Members on the
15 phone, do you have any questions?

16 MEMBER FIELD: Yes, this is Bill.

17 CHAIRMAN MELIUS: Go ahead.

18 MEMBER FIELD: I have one question. It
19 looks like there's less than 100 claims submitted.
20 Do you know the total number of the workforce at
21 the site during those years? Just curious.

22 DR. TAULBEE: I do not. My impression

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1 is that it's relatively small, but I do not know
2 the actual number of people on a per-year basis at
3 Battelle King Avenue.

4 MEMBER ZIEMER: One other question.
5 This is Ziemer again. Jim, are there any shipping
6 records that you've been able to uncover on
7 disposition of some of these materials, such as rad
8 waste records or other shipments out that would
9 impact on the inventory information?

10 DR. TAULBEE: I don't believe so, but
11 I can't say that for certain. My memory is failing
12 me here. Until they did the D&D activities, which
13 I believe is in the late 1980s type of timeframe,
14 until they did that, I'm not sure.

15 CHAIRMAN MELIUS: Any other Board
16 Members on the phone with questions? Okay, I
17 believe that we may have a petitioner on the line,
18 but my understanding is the petitioner does not
19 wish to comment. But if they do, they're welcome
20 to. Not required to.

21 Okay. Do we have a recommendation or
22 further comments or thoughts from the Board? Just

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1 questions?

2 MEMBER KOTELCHUCK: I'll move that we
3 accept the SEC.

4 CHAIRMAN MELIUS: Recommendation?

5 MEMBER KOTELCHUCK: Recommendation,
6 yes.

7 MEMBER ANDERSON: I'll second.

8 CHAIRMAN MELIUS: Okay. We have a
9 second from Henry. Any further comments or --

10 MR. KATZ: Okay, so I will take the vote
11 alphabetically, and I'll include even some people
12 who may not be on the line. Dr. Anderson?

13 MEMBER ANDERSON: Yes.

14 MR. KATZ: Ms. Beach?

15 MEMBER BEACH: Yes.

16 MR. KATZ: Mr. Clawson?

17 MEMBER CLAWSON: Yes.

18 MR. KATZ: Dr. Field?

19 MEMBER FIELD: Yes.

20 MR. KATZ: Dr. Kotelchuck?

21 MEMBER KOTELCHUCK: Yes.

22 MR. KATZ: Dr. Lemen is absent. Dr.

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1 Lockey is absent. Dr. Melius?

2 CHAIRMAN MELIUS: Yes.

3 MR. KATZ: Ms. Munn?

4 MEMBER MUNN: Yes.

5 MR. KATZ: Dr. Poston, are you on the
6 line? Okay, absent. Dr. Richardson is absent.
7 Dr. Roessler is traveling, so you shouldn't be on
8 the line, but are you? Okay, absent. Mr.
9 Schofield?

10 MEMBER SCHOFIELD: Yes.

11 MR. KATZ: Ms. Valerio?

12 MEMBER VALERIO: Yes.

13 MR. KATZ: And Dr. Ziemer?

14 MEMBER ZIEMER: Yes.

15 MR. KATZ: Okay. We have sufficient
16 votes for the motion to pass, despite the absent
17 Members. And we'll collect the absent Members'
18 votes after this meeting.

19 CHAIRMAN MELIUS: Okay. Thank you.
20 I guess I would just add, I think it's a sense from
21 the Board is that this site not be forgotten. That
22 there be, you know, some sort of sense of follow-up

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1 and so forth.

2 We agree with the report, and I think
3 as Tim presented it, it was an incremental
4 evaluation and SEC. But given the nature of the
5 recordkeeping and what's been found so far, that
6 there are some potentially issues there and, you
7 know, continued evaluation and vigilance, I guess,
8 is called for. Yes, Henry?

9 MEMBER ANDERSON: I'm just wondering
10 if there's some way, since all these records and
11 reviews are electronic now, if there's a way to put
12 a flag that if new claims, as they come in for this
13 site, there could be a flag for the period of time
14 that, you know, we've been concerned here so that
15 it would be potential people, families to follow
16 up with, so that we wouldn't lose sight but there
17 would be a way to alert NIOSH that there's possibly
18 more information that would be useful, rather than
19 think in terms of going back regularly to try to
20 sort through it.

21 CHAIRMAN MELIUS: Yeah. One
22 complication is that once you have an SEC in place,

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1 NIOSH doesn't see the claims, unless they're
2 non-SEC cancers.

3 MEMBER ANDERSON: Ah, never mind.

4 CHAIRMAN MELIUS: Well, no, I mean, the
5 non-SEC cancers it would apply to.

6 MEMBER ANDERSON: Yeah, yeah.

7 MR. HINNEFELD: If we're interested in
8 the post-'70 period, '70 to '82 period, a person
9 who is not employed for a year before 1970 would
10 not be in the SEC.

11 CHAIRMAN MELIUS: Right.

12 MR. HINNEFELD: So I think we can
13 probably do that. I think we can probably have
14 some method for checking our claimant population
15 for potential interviewees, for instance.

16 CHAIRMAN MELIUS: It's a long time
17 period, and there's memory issues also.

18 And we'll welcome Dr. Roessler.

19 (Pause.)

20 CHAIRMAN MELIUS: If I can find on my
21 computer, do you have the letter?

22 MR. KATZ: The letter, we seemed to

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1 have problems printing it. But what I did was, for
2 folks on the phone, Board Members, I distributed
3 the draft letter by email. And also for people in
4 the room who are hooked up to the internet, I sent
5 the letter to your email address, the draft letter.

6 (Pause)

7 CHAIRMAN MELIUS: Okay. Some of this
8 will sound familiar. The Advisory Board on
9 Radiation Worker Health, the Board, has evaluated
10 a Special Exposure Cohort, SEC, Petition 00229
11 concerning workers to Battelle Laboratories King
12 Avenue in Columbus, Ohio, and the statutory
13 requirements established by the Energy Employees'
14 Occupational Illness Compensation Program Act of
15 2000 incorporated into 42 CFR Section 8313.

16 The Board respectfully recommends that
17 SEC status be accorded to all Atomic Weapons
18 Employees who worked at the facility owned by the
19 Battelle Laboratories at the King Avenue site,
20 Columbus, Ohio, during the period from July 1st,
21 1956, through December 31st, 1970, for a number of
22 workdays aggregating at least 250 workdays,

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1 occurring either solely under this employment or
2 in combination with workdays within the parameters
3 established for one or more other Classes of
4 employees included in the Special Exposure Cohort.

5 This recommendation is based on the
6 following factors: individuals employed at this
7 facility in Columbus, Ohio during the time periods
8 in question worked on operations related to nuclear
9 weapons production and may have been exposed to
10 thorium and uranium.

11 The National Institute for
12 Occupational Safety and Health, NIOSH, review of
13 available monitoring data as well as available
14 process and source term information for this
15 facility found that NIOSH lacked the sufficient
16 information necessary to complete individual dose
17 reconstructions with sufficient accuracy for
18 internal exposures to thorium, to which these
19 workers may have been subjected during the time
20 periods in question. The Board concurs with this
21 determination.

22 NIOSH determined that health may have

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1 been endangered for employees at this facility
2 during the time periods in question. The Board
3 concurs with this determination.

4 Based on these considerations and
5 discussions in November 18th, 2015, Board Meeting
6 held in Oakland, California, the Board recommends
7 that this Class be added to the SEC. Enclosed is
8 the documentation from the Board meetings where
9 this SEC Class was discussed. The documentation
10 includes copies of the petition NIOSH reviewed
11 thereof and related materials. If any of these
12 items aren't available at this time, they will
13 follow shortly.

14 Assistance from Counsel's office on
15 commas, petition numbers, minor things like that.
16 But it's fine. Okay.

17 We have a little bit of time, unless
18 people want a two hour lunch break, but that seems
19 a little bit excessive. So we will move on.

20 And we do have to get prepared for
21 LaVon. We know people will be back at 1:30 sharp.
22 No one will be late. The popcorn truck will be out

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1 front, we'll be all set. But we will try to get
2 some of our Board work session done, part of getting
3 prepared. If you hurry, LaVon, you can catch the
4 train.

5 MR. RUTHERFORD: Right, exactly.

6 (Laughter.)

7 CHAIRMAN MELIUS: Okay. Let's do the
8 meeting scheduling, at least start talking about
9 it. We have a number of Board Members that aren't
10 here. Ted's going to have to do a little follow
11 up on this, I think. But how about location for
12 the March meeting?

13 MR. KATZ: And I have just one, I did
14 consult with DCAS folks too, and company, on that.
15 And so one possibility, which I think we discussed
16 preliminarily at the July or September Board
17 meeting, I'm not sure which, was possibly doing it
18 in Florida, because the Pinellas Site Profile work
19 should be finished. The Work Group should have had
20 a chance to meet and resolve those issues around
21 that time. So that was one possibility that was
22 mentioned. That's the Tampa, Florida area.

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1 MEMBER BEACH: So, that one sounds
2 good. I was also thinking that Blockson might be,
3 I know were talking about it here but it may be that
4 we have to look at it further. Just an idea.

5 MEMBER KOTELCHUCK: What are our
6 tentative dates for that March meeting?

7 MR. KATZ: They're not tentative, I
8 think they're --

9 MEMBER MUNN: 23rd and 24th is what we
10 said last time.

11 MEMBER KOTELCHUCK: Okay, fine.
12 Retract tentative. I couldn't find it on my
13 calendar.

14 MR. KATZ: Yeah, 23rd through 24th, and
15 possibly the 25th if we needed it.

16 CHAIRMAN MELIUS: So, DCAS is on
17 schedule? For Pinellas.

18 DR. NETON: I'm sorry, you caught me
19 multitasking here. We're talking about Pinellas
20 and --

21 MR. KATZ: For the March, we have a
22 March 23rd, 24th meeting.

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1 DR. NETON: Yes. We've completed our
2 evaluation of the Pinellas remaining issue, which
3 had to do with the tritide exposures. And we're
4 just about ready to release that to the Work Group
5 for their review. So, yeah, I think, if the
6 workgroup can come to some conclusion between now
7 and the March Board meeting, it makes some sense
8 to maybe go to Pinellas.

9 CHAIRMAN MELIUS: Who's the Work
10 Group? I know Phil, you're the Chair.

11 MEMBER SCHOFIELD: I think we can cover
12 that with a conference call.

13 MR. KATZ: Yeah, and it will be a
14 priority for SC&A to review your --

15 DR. NETON: Yeah, one remaining issue.
16 I believe the report is very short, maybe eight,
17 nine pages.

18 MEMBER SCHOFIELD: One just quick
19 question on that. I know you guys were looking at
20 the washing of the filters.

21 DR. NETON: Yes.

22 MEMBER SCHOFIELD: Has that been

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1 totally resolved?

2 DR. NETON: To our satisfaction, yes.

3 (Laughter)

4 MR. KATZ: So, Pinellas is filled with
5 Dr. Poston and Mr. Clawson.

6 CHAIRMAN MELIUS: The only other site
7 I was thinking of was Oak Ridge where we had lots
8 of claims and we haven't been back. But I'm not
9 sure that if we have a Site Profile group, Gen, that
10 aren't you --

11 MEMBER ROESSLER: Do we have one?

12 CHAIRMAN MELIUS: I don't know if we
13 have the information.

14 MEMBER ROESSLER: I don't have any
15 information.

16 CHAIRMAN MELIUS: Okay.

17 MEMBER ROESSLER: That might be a July.

18 DR. TAULBEE: We won't be ready for
19 anything with Oak Ridge by the March Board meeting
20 from that standpoint.

21 CHAIRMAN MELIUS: Okay.

22 DR. TAULBEE: Gen, I do know I owe you

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1 an update on where we're at with those things, and
2 I hope to get that to you shortly. I know I owe
3 you an update on the status for Oak Ridge.

4 MEMBER ROESSLER: Yeah, and I don't
5 have one.

6 DR. TAULBEE: That's correct. I'm
7 getting that to you very shortly.

8 (Laughter.)

9 MEMBER ROESSLER: Okay.

10 CHAIRMAN MELIUS: Okay.

11 PARTICIPANT: Can I ask a question just
12 real quick? I lost my connection. Did someone
13 bring something up but about the Pinellas Plant?

14 MR. KATZ: No, we're just discussing
15 future meetings.

16 PARTICIPANT: Oh, I'm sorry. I got
17 disconnected. I had problems with my phone.

18 MR. KATZ: No, it's quite okay.

19 PARTICIPANT: Thank you.

20 CHAIRMAN MELIUS: Okay.

21 MEMBER MUNN: So, location?

22 CHAIRMAN MELIUS: We have a location.

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1 MEMBER MUNN: Pinellas?

2 CHAIRMAN MELIUS: Pinellas.

3 MEMBER MUNN: Thank you.

4 PARTICIPANT: And when will that be?

5 MR. KATZ: So that's probably the 23rd
6 and 24th of March.

7 PARTICIPANT: 23rd and 24th of March.

8 MR. KATZ: Right.

9 PARTICIPANT: Okay, thank you. I'm
10 sorry to interrupt.

11 MR. KATZ: You're welcome.

12 PARTICIPANT: I lost the call.

13 CHAIRMAN MELIUS: Now we're going out
14 to October.

15 MR. KATZ: The following year.

16 CHAIRMAN MELIUS: Yes, 2016.

17 MR. KATZ: Right. So the next telecon
18 meeting to schedule would be -- again, this is next
19 year, of course, the week of October 3rd or 10th
20 or 17th. That's the right ballpark. And we
21 typically do it on the Wednesday of the week, but
22 that's not necessary.

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1 MEMBER ANDERSON: Earlier October is
2 better for me.

3 CHAIRMAN MELIUS: Earlier is fine, but
4 I can't do Wednesday.

5 MR. KATZ: Right. We don't have to
6 stick with --

7 CHAIRMAN MELIUS: Tuesday or
8 Thursday's fine.

9 MR. KATZ: So, how is March 4th for all
10 the Board Members we have, 2016?

11 MEMBER BEACH: March or October?

12 MR. KATZ: I'm sorry, October 4th.

13 MEMBER BEACH: That's fine.

14 MEMBER ANDERSON: Which day is that?

15 MR. KATZ: October 4th?

16 MEMBER ANDERSON: 4th, yes.

17

18 MR. KATZ: It's a teleconference so
19 it's just, we're talking about a couple hours.

20 MEMBER ANDERSON: Yes, that's good.

21 MR. KATZ: Is that good for Paul and
22 Bill and others on the phone?

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1 MEMBER FIELD: It works for me. It's
2 Bill.

3 MEMBER VALERIO: Works for me.
4 Loretta.

5 MR. KATZ: Loretta. And Paul? Paul,
6 is that good for you, October 4th, 2016?

7 MEMBER ZIEMER: Yeah, I'm trying to get
8 off of mute here. Yes, I'm good. Thanks.

9 MR. KATZ: Okay. So let's go with
10 that, unless it's trouble for all the absent Board
11 Members. I don't know, if you want an alternate
12 date because we don't have those Members, so the
13 5th is no good. How about October 6th, does that
14 work for everyone, too? Anyone on the line, as an
15 alternate date?

16 MEMBER VALERIO: Yes, yes.

17 MR. KATZ: Okay.

18 MEMBER ZIEMER: Yes.

19 MR. KATZ: Very good. So 10/6 will be
20 the alternate date.

21 CHAIRMAN MELIUS: Okay. And then we
22 have a full meeting. And Ted's proposed the week

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1 of --

2 MR. KATZ: Of December 5th or December
3 12th. That's about the right ballpark again. I
4 heard Gen say something about awful.

5 MEMBER ROESSLER: December's awful.

6 CHAIRMAN MELIUS: December's awful.

7 MEMBER ROESSLER: The earlier the
8 better, though.

9 CHAIRMAN MELIUS: I'm not available
10 the week of the 4th. And the following week makes
11 --

12 MR. KATZ: That's the last week you
13 could do it.

14 CHAIRMAN MELIUS: That's always
15 terrible.

16 MEMBER BEACH: What about the very last
17 week of November?

18 MR. KATZ: Oh, we can. That could be
19 trouble for people, too.

20 MEMBER BEACH: Because it's the week
21 after Thanksgiving.

22

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1 MEMBER KOTELCHUCK: So, the week of
2 December 5th, is that the best solution?

3 MEMBER BEACH: No.

4 CHAIRMAN MELIUS: I have another
5 meeting.

6 MEMBER KOTELCHUCK: Oh, oh, okay.

7 MEMBER MUNN: It's not feasible. But
8 --

9 MR. KATZ: So look at the previous week
10 in November.

11 MEMBER MUNN: November, the 29th or
12 30th? Or the 30th and 1st of December?

13 MEMBER ANDERSON: Right now that looks
14 fine.

15 CHAIRMAN MELIUS: So 11/30 and
16 December 1st?

17 MR. KATZ: How about on the line?
18 11/30, December 1?

19 MEMBER FIELD: Yes, works for me.
20 Bill.

21 MEMBER ZIEMER: I'm good. Ziemer.

22 MR. KATZ: 11/30, December 1. Okay,

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1 so let's --

2 CHAIRMAN MELIUS: Brad can call in from
3 the woods.

4 MR. KATZ: Fish in hand, right. Okay,
5 so tentatively 11/30 and December 1 for that Board
6 Meeting, face-to-face. Very good.

7 CHAIRMAN MELIUS: You know, Brad, many
8 fish species are endangered. Don't you think we
9 should come to the meeting and --

10 MEMBER CLAWSON: No.

11 MEMBER ANDERSON: Of course we could do
12 a subcommittee to go with you.

13 CHAIRMAN MELIUS: Call it the Fishing
14 Work Group. Why do we have to have one location
15 for a meeting? Isn't that, you know, multiple
16 locations.

17 (Pause)

18 CHAIRMAN MELIUS: Why don't we go ahead
19 and do the public comments, which everyone should
20 have a spreadsheet that lists them. And then the
21 transcripts, I believe, that came out after the --

22 MR. KATZ: Right, they came out

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1 afterwards. And much thanks, Josh, for that
2 follow-up.

3 CHAIRMAN MELIUS: So I will go through
4 these relatively quickly because I think they've
5 all been responded to.

6 The first piece, again, from our July
7 meeting, the first two are from related to
8 Carborundum site. And we have questions that came
9 out about dose reconstruction methods being used
10 there, and I think those have been referred to NIOSH
11 and essentially responded to.

12 We had some additional questions about
13 the whole series of questions on INL, numbers three
14 through at least twenty, that came in, most of which
15 were referred to Tim Taulbee for response and
16 follow up. A number of them were just comments and
17 didn't really require a response.

18 One of them was question about the naval
19 reactor program, which is really not covered by
20 this program. Some issues, difficulties, with
21 sort of dose reconstructions there I think have
22 been followed up on, people have been talked to

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1 fairly detailed.

2 There are a number of comments related
3 to Rocky Flats, from a person who's familiar with
4 that, that have been followed up by Jim Neton and
5 LaVon Rutherford. I think also, as I understand,
6 with the Work Group also. That's comments number
7 22 through 30 here.

8 Again, I know there's some further
9 comments related to the FBI investigation there.
10 And again, Jim and LaVon have followed up on those.
11 And I believe the Work Group has done further work
12 on that.

13 That takes us up through number 40
14 basically, the whole series of questions. But I
15 think they're all essentially comments that have
16 been noted or being followed up on. So I think
17 that's appropriate.

18 Anybody have questions on the comments
19 or wish -- flagged any of them, wished to look back
20 at the transcripts, since you just got the
21 transcripts a couple days ago? But they're all
22 pretty straightforward in the processes.

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1 Yeah, Dave?

2 MEMBER KOTELCHUCK: On the Rocky
3 Flats, I mean, the Working Group has all of these
4 and will be dealing with them, but hasn't dealt with
5 several of them yet. But they're coming. Our
6 consideration of them is coming.

7 CHAIRMAN MELIUS: I was trying to use
8 present tense. We're considering.

9 MEMBER KOTELCHUCK: Yeah.

10 CHAIRMAN MELIUS: Why don't we do --
11 since it's easy to categorize these, our two
12 Subcommittee Chairs, can they give us updates? And
13 we'll wrap up this session.

14 MEMBER MUNN: I would suggest that the
15 Procedure Subcommittee go first, simply because we
16 have not met and do not plan on meeting for at least
17 another month, or probably a little more. We're
18 waiting for material to be ready for us to deal
19 with. And when we have an appropriate agenda,
20 we'll move forward. We haven't met for several
21 months, but it's simply because material's not
22 ready for us.

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1 CHAIRMAN MELIUS: Dave?

2 MEMBER KOTELCHUCK: The Subcommittee
3 met on the 24th. And we are going to meet again
4 on the 1st, December 1st. And we will focus, as
5 I said before, on discussion of some of the issues
6 raised in the Methods Subcommittee.

7 And there was a discussion about a
8 meeting in January. I think that, talking with
9 people here and thinking about the dates, I would
10 hold off on any meeting for the Subcommittee on
11 January, and let's await consideration after this
12 meeting as to our next meeting after December 1st.

13 But we're working. And we will, in the
14 December 1st meeting, also discuss the blind
15 reviews and our procedures for selecting them and
16 the numbers of them.

17 CHAIRMAN MELIUS: I've got two
18 questions. Do you have a little bit more
19 information on the draft letter to the Secretary,
20 where that stands?

21 MEMBER KOTELCHUCK: I've written a
22 draft of the Subcommittee activities aspect of the

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1 report to the Secretary. We have not discussed
2 that in committee. And I'm going to make one or
3 two revisions that, corrections, that will be
4 coming up at the meeting. And I'll make sure that
5 those are sent to everybody on the Subcommittee and
6 to the Chair.

7 So that, I think, takes care of that.
8 I'm curious, the letter to the -- the report to the
9 Secretary involves, I assume, a number of different
10 operations, one of which, an important one of
11 which, is the activities of the Subcommittee. But
12 what about, I ask the Chair, what about the other,
13 our other activities decisions on SEC, procedures,
14 are those also coming along?

15 CHAIRMAN MELIUS: I think that those
16 can be added. What I would suggest we do is get
17 the -- got another chance to leave, LaVon, another
18 train. But you're meeting in early December.

19 MEMBER KOTELCHUCK: We're meeting
20 December 1st.

21 CHAIRMAN MELIUS: I think get comments
22 from the Subcommittee. Make any, you know,

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1 drafting changes. And I think let's circulate it
2 to the entire Board, the current draft, and then
3 let's, at our Board call, which I believe is
4 January, that we have some discussion of that. Not
5 commas and, you know, grammatical but substantive.
6 Are there changes and then let's talk about what
7 needs to be added.

8 MEMBER KOTELCHUCK: And then with that
9 report, we'll send out the graphs done by SC&A,
10 which play an important role in that write-up.

11 CHAIRMAN MELIUS: Yes. Board Members
12 need to see the data.

13 MEMBER KOTELCHUCK: Yes, they do.

14 CHAIRMAN MELIUS: That affects this.

15 MEMBER KOTELCHUCK: And that was, I
16 should say, on behalf of the value of those graphs
17 that they were very helpful to me as Chair, and I'm
18 sure to other people, to sort of look back and see.

19 For example, we've been able to look in
20 the last years at 0.86 percent of the cases that
21 we've selected and gone over. And it is important
22 and useful to find out how well the different plants

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1 are covered and whether AWEs, which tend to have
2 fewer cases, considered whether we've covered
3 them.

4 And my general impression is that the
5 coverage has been better than I might have
6 expected, which also means that prior to my
7 chairing the Board, we did a number that were
8 preserved. So, we've overall preserved the
9 balance.

10 CHAIRMAN MELIUS: And my second
11 question is, can you update us on where you are with
12 resolving the -- resolution process for the cases
13 that have been reviewed already? We were behind,
14 and the point of this question is we basically have
15 stopped the process of reviewing new cases. No
16 longer referring cases to review to SC&A. And the
17 idea of that was until we got caught up with the
18 backlog, so to speak, and secondly to look at what
19 our methodology is. And so I'm trying to ascertain
20 where we are in terms of the backlog.

21 MEMBER KOTELCHUCK: Okay, good. I
22 think that we were working actively, if not

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1 furiously, on trying to get Sets 10 through 13 done.
2 I mean, I came in as Chair in the middle of 10
3 through 13, and felt an imperative to get that done
4 so we can move on.

5 Then, after we finished that, we spent
6 one meeting and possibly a second discussing parts
7 of Set 14, a couple of cases, and then pretty much
8 refocused on the blind reviews. Now, the blind
9 reviews have been coming in much more rapidly now.
10 I mean, not only were we able to go over some of
11 the blind reviews from before 13 and before, but
12 we've now gotten blind reviews from SC&A to match
13 NIOSH reviews for Set 20.

14 And so, you know, we have 14 blind
15 reviews done now. The corollary of that is that
16 we had stopped for the last couple of meetings --
17 two meetings, I believe -- moving further on 14
18 through 20 and 21. And, as Chair, I'm aware of that
19 and we will try to get back to resuming that.

20 But I will say that our priority, I
21 think, has to be the consideration of strategy and
22 changes in our methodology for the Secretary's

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1 report. So I would say that -- and I see that that
2 will take up most of the time in the next
3 Subcommittee meeting.

4 So, yes, we are aware and we will try
5 get through it.

6 CHAIRMAN MELIUS: It's not meant as a
7 criticism or even a prod, it was just informational
8 so we know what's going on. And I don't think
9 anybody, at least the Board doesn't disagree with
10 the priorities that have been done and the blind
11 reviews we needed to get caught up with.

12 MEMBER KOTELCHUCK: I didn't take that
13 as a prod. But internally, I feel guilty.

14 CHAIRMAN MELIUS: I didn't want to
15 increase your stress. It wasn't meant that way.

16 MEMBER KOTELCHUCK: Right.

17 CHAIRMAN MELIUS: Yes?

18 MEMBER ANDERSON: Just how long are we
19 expecting this report to be?

20 CHAIRMAN MELIUS: I don't know.

21 MEMBER ANDERSON: I'm just thinking in
22 terms of reviewing it over the holiday to be ready

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1 for the January --

2 MEMBER KOTELCHUCK: Well, the previous
3 report was 13 pages.

4 CHAIRMAN MELIUS: I think, you know,
5 it's not long and I think it's, again, big picture
6 stuff, not --

7 (Simultaneous speaking)

8 CHAIRMAN MELIUS: -- what else would
9 you like in the report kind of thing. I mean, what
10 do we need to add that would be more work and take
11 time to do. I mean, my recollection of the initial
12 report to the Secretary is we beat that poor letter
13 to death, Board meetings.

14 And I can't even remember what we --
15 what took us so long to resolve, but it took quite
16 a while to work that out and so forth and trying
17 to make sure we identify at least, again, bigger
18 issues and things that require more data or
19 something before we get too far along in the process
20 so that we can hopefully be a little bit more
21 efficient this time.

22 MEMBER MUNN: Less semantics, more

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1 policy.

2 MEMBER KOTELCHUCK: Well, certainly
3 the draft I've written is primarily on what has
4 happened. The hard part, it seems to me, is what
5 we're going to do in the future, which is the topics
6 that we're going through now.

7 MEMBER ZIEMER: Could I make a couple
8 comments, too? Ziemer here.

9 CHAIRMAN MELIUS: Sure, Paul. Go
10 ahead.

11 MEMBER ZIEMER: Just a reminder.
12 There are some specific requirements on this as to
13 what we're to report on. Those are found in the
14 legislation itself, Section 3623(b) of the EEOICPA
15 Act. And it's spelled out in 3624(b). And those
16 specifically say what we're to advise on on this,
17 I mean, dose reconstructions. There's some
18 specific language there, and I think we need to tie
19 our report to that language.

20 MEMBER KOTELCHUCK: Yes. I primarily
21 used the first report to the Secretary as a model,
22 and then covered a number of the items there.

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1 CHAIRMAN MELIUS: Thank you, Paul.
2 And I would just add that the first letter, the
3 first report, took a while to resolve because it
4 was the first report and the case review process
5 was sort of a work in progress at that time.

6 There were lots of changes that took
7 place early on in terms of how we went about doing
8 that, how we selected cases and so forth. So I
9 think it was, in some ways, a more difficult report
10 to write.

11 But this one, we just procrastinated on
12 starting. So, for whatever reasons, and I'm
13 hoping it won't be as complicated and prolonged as
14 the first one.

15 MEMBER KOTELCHUCK: As with raising
16 children, the first one is the hardest.

17 CHAIRMAN MELIUS: I'm not sure where we
18 want to go with that analogy.

19 (Simultaneous speaking.)

20 CHAIRMAN MELIUS: So we will take a
21 break and return at 1:30 sharp. And presenting at
22 1:30, LaVon Rutherford, if he's still in town.

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1 (Whereupon, the above-entitled matter
2 went off the record at 11:45 a.m. and resumed at
3 1:36 p.m.)

4

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

2 (1:36 p.m.)

3 MR. KATZ: Welcome, everyone, back
4 from lunch. We're about to get started again.
5 Let me, in doing that, let me check on the line for
6 our Board Members. See which Board Members we have
7 on the line.

8 (Roll call)

9 MR. KATZ: Let me remind people who
10 might be listening in that we have a public session
11 this afternoon. That begins at 5:00 p.m. And
12 we'd love to hear from some people. Both in person
13 and on the phone.

14 And with that, Dr. Melius.

15 CHAIRMAN MELIUS: Welcome, Nancy.
16 We're glad you made it through the door. Good
17 introduction to our next speaker.

18 Anyway, we'll next have our SEC
19 Petition Status Update from LaVon Rutherford.

20 MR. RUTHERFORD: Thank you, Dr.
21 Melius.

22 CHAIRMAN MELIUS: You know, if you do

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1 a good job we'll give you longer time next time.

2 MR. RUTHERFORD: Okay.

3 CHAIRMAN MELIUS: You're down to 15
4 minutes. That's Stu's doing, don't blame us.
5 But, you know, we'll lobby for you. But you do have
6 more time later I noticed.

7 MR. RUTHERFORD: Yeah, yeah. I'm
8 going to give the Special Exposure Cohort petition
9 update. You'll get an SEC summary first to
10 summarize the number of petitions we got and so on.
11 We'll go through the petitions and qualification.
12 Petitions under evaluation at NIOSH. We'll talk
13 about petitions currently under Board review. And
14 then potential SEC petitions 83.14s that we may
15 find. Or have found.

16 So, our summary today, where we're at,
17 to-date we're at 229 petitions. We have two
18 petitions in the qualification process. We have
19 two petitions in the evaluation process. And we
20 have 11 petitions that are in some phase with the
21 Board, Advisory Board.

22 The two petitions that are in the

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1 qualification phase. We have a petition, Rocky
2 Flats petition, for all employees from 1984 to
3 2005. Those of you that will probably remember,
4 we already have an existing open SEC petition
5 evaluation. And the issues that have been
6 identified by this SEC 227 are issues that were
7 currently working under the existing evaluation.
8 Therefore, it's likely this petition will not
9 qualify. In fact, we have issued a proposed
10 finding that it does not qualify.

11 SEC 228, Y-12. This petitions' been in
12 qualification for a little while. We've run into
13 a little snag. The petitioner has requested a
14 classified interview to go over some things. And
15 so we're working on setting that up right now.

16 So, petitions under evaluation.
17 Lawrence Livermore National Lab. We've had this
18 petition for a while. I will be doing an update
19 later on in the day. I'll talk a little bit more
20 about that.

21 Argonne National Lab West, SEC 224.
22 Dr. Taulbee's been working on that one. And we

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1 expect that to be completed in February for the
2 March meeting.

3 So, currently under Board review. We
4 have Kansas City Plant. That petition is going to
5 be discussed at this Board meeting.

6 Idaho National Lab. I know there will
7 be an update on that one, as well, at this Board
8 meeting.

9 SEC 223, Carborundum. We presented at
10 either the last Board meeting or the Board meeting
11 before. I can't remember for sure. I know that
12 this one has been sent to a Work Group.

13 SEC 225, Blockson Chemical residual
14 period. That will be discussed at this Board
15 meeting.

16 And SEC 229, Battelle King Avenue.
17 That was discussed earlier this morning.

18 These are all petition evaluations that
19 are with the Board for their initial Board action.

20 Now, this is actually not three. This
21 is actually six different petition evaluations
22 that still have some phase that we'll continue to

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1 work on, a phase of petition evaluation.

2 Fernald, 1984 to 1989. I think they're
3 getting real close on that one.

4 Los Alamos National Lab. I went out
5 for a data capture at Los Alamos National Lab just
6 a few weeks ago, and I think we got a lot of good
7 information. And I think we'll be able to tie this
8 one up relatively quickly.

9 Rocky Flats Plant. We have some more
10 issues. And I know we'll be discussing this one
11 a little more in detail tomorrow morning.

12 Sandia National Lab Albuquerque.
13 Again, this is one of the evaluations that is in
14 the 10 CFR 835 era. So we are taking a similar
15 approach that we've taken with the Los Alamos
16 National Lab in reviewing that one. And it's
17 currently being worked.

18 Santa Susana. Again, we have 1965,
19 this one year we still haven't taken action on.
20 We're still under some coworker issues that we're
21 working through right now on that one.

22 And then Savannah River Site.

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1 So, potential 83.14. Sandia National
2 Lab Albuquerque, 1945 to '48. These haven't
3 changed since the last few years. We've had these
4 on our plate as potential 83.14s. This is the old
5 Z Division for LANL. But currently it's already
6 being included in the SEC, so that we haven't gotten
7 any litmus claims to move it forward.

8 And then the Dayton Project Monsanto.
9 We had a change in designation. Change to a DOE
10 facility. And there was an added nine-month
11 period when operations were being shifted from the
12 Dayton Project to Mound. We have no claims at all
13 for this one as well. As soon as we get a claim
14 for that one, we'll move an 83.14 forward.

15 And that's it.

16 CHAIRMAN MELIUS: Yeah, Dave?

17 MEMBER KOTELCHUCK: On the Rocky
18 Flats. It originally was asked for up through '89.
19 But when we accepted it, went for evaluation, the
20 Board extended that to 2005. Just for the record.

21 MR. RUTHERFORD: Okay.

22 CHAIRMAN MELIUS: Other questions?

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1 Comments? Any Board Members on the phone have
2 questions for LaVon?

3 MEMBER ZIEMER: No questions here.

4 CHAIRMAN MELIUS: Okay. Okay. I
5 guess we'll save the questions for the next
6 presentation.

7 Now we're going to switch to two Site
8 Profile review updates to do. So the first one I
9 think should be relatively quick. And Jim Neton
10 is going to give us an update on the Dow. What we
11 refer to as the Dow Madison. Dow Chemical Madison,
12 Illinois Site Profile.

13 We had a few Site Profile issues. We
14 already dealt with the SEC and other issues there.
15 There was a few that that were left over that the
16 SEC Review Work Group dealt with, actually several
17 months ago. And then there's a few follow-up
18 issues that Jim Neton took care of and followed up
19 with communications. And so I think we should be
20 able to close this out.

21 DR. NETON: Okay, thank you, Dr.
22 Melius. I'm going to talk about the Dow Madison

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1 Site Profile review. It was a focused review that
2 was done by SC&A.

3 The Work Group held a teleconference on
4 May 27th, 2015, to discuss the findings that SC&A
5 had on that Site Profile. There were only two
6 findings and five observations that were
7 identified during their review.

8 The first finding related to the
9 resuspension factor that was used in the residual
10 contamination period. And after some discussion,
11 after we had pointed -- they thought that it should
12 be one times ten to the minus five because it was
13 during operations, just after operations. Or, no,
14 it was actually during production, is what we used
15 it for. But there was some indication in the
16 documentation that the contract required cleanup
17 of the material every 28 hours. So material was
18 cleaned up.

19 And because of that, we felt that one
20 times ten to minus six resuspension factor was
21 adequate. SC&A eventually agreed with that, and
22 that issue was closed during that teleconference.

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1 The second finding was actually a
2 finding on TBD-6000. Which is, you know, the main
3 document driving Dow Madison Site Profile. The
4 Dow Madison Site Profile is Appendix C in the
5 TBD-6000. The finding was on TBD-6000. It was not
6 used at all in the Site Profile. Once we pointed
7 that out, SC&A agreed that that was not a finding
8 against TBD-6000 and that issue was closed.

9 We did subsequently transfer that
10 finding, though, to the TBD-6000 Work Group. It
11 is now in the Board Review System. And as
12 indicated there, that does need to be closed. It's
13 an issue that is a no-brainer, I think. The
14 calculation that was done there was never used in
15 any site. It was there as sort of an example. And
16 it actually ended up using the volume by 24 hours
17 per day twice in the calculation. And the number
18 is obviously wrong. But has never been used. We
19 just need to remove it from the TBD-6000.

20 So that finding is still open, but it's
21 actually now part of the TBD-6000 Work Group issues
22 to deal with.

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1 The observations were just that. They
2 were observations. They were mostly
3 administrative in nature and were closed after
4 discussion with the Work Group. Although SC&A did
5 bring up two concerns that were sort of related to
6 the observations but not really contained in the
7 observations.

8 CHAIRMAN MELIUS: To be specific, John
9 Mauro brought them up.

10 DR. NETON: John Mauro brought them up.
11 That's correct. And --

12 CHAIRMAN MELIUS: Let's give credit
13 where credit is due.

14 DR. NETON: During the call I committed
15 to reviewing them because I wasn't prepared to
16 discuss the issues that were raised.

17 I issued an email to the Work Group on
18 June 4th of 2014, or 2015, that summarized our
19 position on them. And sent them, distributed them
20 to the Work Group and SC&A. And received no
21 comments back, other than from Dr. Melius, that he
22 concurred with our discussion and description of

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1 those issues.

2 And that's where it remains. I believe
3 they're all closed now.

4 CHAIRMAN MELIUS: And I reminded the
5 Work Group, other Members of the Work Group, that
6 if they had comments or concerns about those
7 issues, to let Jim know, let me know so that we could
8 close these out.

9 So it's relatively straightforward to
10 deal with. And I don't know if any other Work Group
11 Members have comments or concerns? Okay. Do we
12 need to do a vote on this?

13 MR. KATZ: To close it out, we should.

14 CHAIRMAN MELIUS: Okay. So I think
15 the Work Group actually voted to close these out
16 pending Jim's clarifications, which we've
17 accepted. So we have a motion from the Work Group
18 already. So we'll do that.

19 And I don't think there's any further
20 questions or discussion. If not, we'll do a vote.

21 MR. KATZ: Right. And normally we do
22 these by voice, but since we're split, some Members

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1 on the phone.

2 (Off record comments)

3 CHAIRMAN MELIUS: So we have a motion.

4 And all in favor say aye?

5 (Chorus of ayes)

6 CHAIRMAN MELIUS: Opposed? Not

7 hearing opposition, so.

8 MEMBER SCHOFIELD: Are they on the

9 phone?

10 CHAIRMAN MELIUS: Well they were

11 there.

12 MR. KATZ: They're on the phone. We

13 have a quorum.

14 CHAIRMAN MELIUS: Yes. Well, they're

15 on the phone, they could have --

16 MR. KATZ: Right.

17 CHAIRMAN MELIUS: -- you know. But

18 okay. And, John, you'll inform Mr. Mauro that we

19 took care of his, you know, post hoc observations

20 after the, post-review observations. But that

21 wouldn't be John, if he didn't do those. So okay.

22 Our next Site Profile Review, a little

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1 bit more involved, is General Steel Industries in
2 Granite City, Illinois. And, Paul, I believe you
3 are going to present this also?

4 MEMBER ZIEMER: Yes. And I am
5 assuming that you can put the slides up from there
6 remotely, since I'm not onsite with you there.

7 CHAIRMAN MELIUS: Okay.

8 MEMBER ZIEMER: Maybe one of the Work
9 Group Members can advance slides for me as needed.
10 Josie or Wanda.

11 MR. KATZ: Stu is pulling them up.

12 MEMBER ZIEMER: Okay. I'll wait just
13 a moment till those slides come up. Okay, there
14 they are.

15 CHAIRMAN MELIUS: Our DCAS director,
16 audio, visual technician.

17 MEMBER ZIEMER: Right. Okay, so this
18 is actually the TBD-6000 Work Group.

19 (Laughter.)

20 MEMBER ZIEMER: Okay, let me know when
21 you're ready.

22 MR. KATZ: Okay. Okay, Paul, we're

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1 ready. Thanks.

2 MEMBER ZIEMER: Okay, so this is a
3 report of the TBD-6000 Work Group. And the focus
4 is on General Steel Industries, which is Appendix
5 BB. And we're dealing with the findings for Rev
6 1.

7 So next slide. Just to remind you, the
8 Work Group Members, Josie Beach, Wanda Munn, John
9 Poston and me comprise the Work Group.

10 I also should mention, I believe that
11 for SC&A, that Bob Anigstein is on the phone, I
12 hope. And also for --

13 DR. ANIGSTEIN: Yes, I am.

14 MEMBER ZIEMER: Thank you, Bob. And
15 for NIOSH, Dave Allen. Dave, are you on the phone?
16 I didn't hear earlier whether Dave was, but --

17 DR. NETON: Dr. Ziemer, I'll be
18 representing Dave Allen.

19 MEMBER ZIEMER: Jim Neton will
20 represent NIOSH then. So after I finish the
21 slides, and if there is any really difficult
22 technical questions, I'll feel free to refer them

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1 to either Jim or to Bob Anigstein.

2 So I'm going to start with some
3 background information. And I'm only going to go
4 back to the earlier part of this year. Well,
5 actually middle of last year. We'll go back that
6 far. Which was when Appendix BB Rev 1 was issued.

7 The date on the document is June 6th,
8 the release date was, I guess that it's actually
9 on the 23rd.

10 And I just enumerated documents or
11 responses that the Work Group had in hand to work
12 with as we met on Rev 1. These are in the order
13 that they were received.

14 First of all, from the co-petitioner
15 Dr. McKeel. Reviewing comments dated July 21st.

16 SC&A submitted their initial review on
17 October 29th. That was actually replaced by a
18 later version, which had some, I believe, some
19 corrections.

20 And on December 10th of 2015, the SC&A
21 review included ten findings. Then the Work Group
22 met by phone on February 5th to deal with the

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1 findings and concerns. And six of the SC&A
2 findings were resolved by the Work Group at that
3 meeting.

4 Also, as a matter of interest, NIOSH and
5 NIOSH DCAS notified the Work Group on February 20th
6 that they were going to proceed to issue a PER for
7 Appendix BB Rev 1, even though there were some open
8 findings.

9 Apparently, the reason for that is that
10 NIOSH believed that the resolution of the four
11 findings might take longer than they originally
12 anticipated. And so since the resolution of the
13 open findings might take a while, they went ahead
14 with the PER.

15 And we can advance to the next slide.
16 I just want to mention a couple things. So the
17 TBD-6000 Chair reported to the Board on March 25th
18 that the PER had been issued and that the Work Group
19 would continue to deal with the unresolved findings
20 as soon as NIOSH DCAS provided their response to
21 those findings.

22 And I just want to point out that I'm

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1 not going to speak at all to the PER at this meeting.
2 I guess if there are questions on that, the Board
3 Members can direct those to Dr. Neton.

4 So NIOSH issued their White Paper, a
5 discussion of the four open items, on July 10th of
6 this year. Following that we received the
7 following documents, which I have enumerated here.

8 First from co-petitioner McKeel. A
9 critique of the NIOSH document. And that was dated
10 July 19th.

11 Site expert John Ramspott also provided
12 a review of the document dated, his review dated
13 July 23rd. We had the SC&A review of the document
14 issued on September 15th. And then the Work Group
15 met by phone earlier this month, November 3rd, to
16 deal with the four open issues.

17 Next slide. So there's an issue matrix
18 that was provided for us by SC&A. And I believe
19 that also has now been distributed to the Members
20 of the Board. So you have copies of that to refer
21 to.

22 The matrix, the latest version, is

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1 dated November 13th. So it's just been out a few
2 days. And you have that available to look at
3 further details in terms of this report. That
4 includes all the SC&A replies and the previous
5 actions taken on the other matrix issues.

6 And the details on those issues, I'm not
7 going to give all the details here, but I just ask
8 that the Board Members refer to those for detailed
9 information if they need it.

10 First of all, I'll remind you that this
11 was reported to you in February. Issues one,
12 three, four, seven, eight and nine had been closed
13 by the Work Group. And that was reported at the
14 Board meeting in February, February 5th.

15 So issues two, five, six and ten, those
16 issues were closed by the Work Group at the November
17 3rd meeting just a couple weeks ago.

18 But the final resolution on those
19 actions, it's all detailed in the matrix. But
20 since those items require more extensive debate,
21 I'm going to summarize them here for you so you have
22 a feel for what they have covered and what they

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1 entailed.

2 So we'll go through each of those.
3 First of all, issue two, which is called beta dose
4 to the skin of the betatron operators.

5 In the -- I refer you to the matrix for
6 the details, but I'll just -- I'm just going to
7 summarize it in a few words here. The issue deals
8 with exposure scenarios related to beta doses from
9 irradiated uranium steel. Especially in terms of
10 activation products that are produced as a result
11 of short and long exposures of those two metals.

12 And there's two parts to that. First,
13 the skin doses from uranium and the skin doses from
14 irradiated steel.

15 For the uranium, NIOSH calculations
16 were based on assuming a continuous irradiation of
17 uranium. But as the document was critiqued, SC&A
18 used an analysis that was based on an intermittent
19 exposure model of the irradiated material. That
20 should say steel there.

21 They suggested a more realistic model
22 that uses the MCNPX calculational approach. And

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1 it simulates the photoactivation of the material
2 from the high-energy particles.

3 And the other issue on skin dose is from
4 irradiated steel. SC&A verified the NIOSH model.
5 And SC&A, their estimate was slightly lower.
6 Between zero and one percent lower due to some
7 slightly different calculations of the betatron
8 beam intensity.

9 But the bottom line here is, NIOSH
10 agreed to use the updated SC&A estimates, which is
11 the intermittent exposure for the uranium. And
12 the Work Group concurred with that suggestion.

13 Then on issue five, which is entitled
14 adding betatron operator dose to radium
15 radiography dose. Basically the issue here deals
16 with assumptions on the times allocated for subject
17 radiographic setups and exposure, both for
18 radiography done with radium and radiography done
19 with betatrons.

20 The NIOSH position originally was that
21 they assumed a setup time of 15 minutes between
22 shots or 15 minutes per shot times ten shots per

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1 shift, which gives 150 minutes of shot setup time
2 per shift. Or two and a half hours per shift of
3 setup time.

4 And they assumed that the radiographic
5 exposures were 2.4 hours per shift, as you see
6 there. And then that left maximum time left for
7 work in the betatron is delineated there. And it
8 comes out to 38.75 percent.

9 And the assumption is that the same
10 person performed all the uranium radiography. And
11 this is sort of what you might call bias.

12 Now, let's continue on the next slide
13 which is a continuation. So SC&A recommended,
14 sorry that you hear my clock chiming in the
15 background. It's chiming the hour, so I hope that
16 doesn't cause too much background noise.

17 SC&A recommended that the time assumed
18 for the betatron work be 60 percent, rather than
19 38.75 percent, a somewhat more conservative
20 estimate.

21 Now the Work Group, after discussion,
22 recommended that the value be 50 percent, which is

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1 a little bit below the SC&A recommendation and
2 higher than the NIOSH, leaning towards the SC&A
3 side.

4 This is an assumption. And it's
5 thought by the Work Group to be conservative but
6 plausible.

7 NIOSH proposed adding the full-time
8 beta operators' doses, prorated for the fraction
9 of the time spent in the betatron building with the
10 radium radiographer doses, and proposed that the
11 radiographer performed all of the uranium
12 radiography in a given year with the remaining time
13 in the betatron building.

14 So that was more conservative than the
15 NIOSH proposal. But after the discussion, the
16 Work Group accepted the NIOSH recommendations and
17 SC&A concurred with that final recommendation.

18 Okay, issue six. Layout man beta dose.
19 This deals with the assumption relating to the
20 times and distances. And their assumption to
21 times and distances involved to assess skin doses
22 from irradiated steel for workers setting up the

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1 casting.

2 So the NIOSH position was all castings
3 were irradiated intermittently, that the layout
4 man spent 15 minutes on freshly irradiated castings
5 or ten percent of his shift, and the same amount
6 of time on each casting, whether they're long or
7 short, ninety percent of time on short shots, ten
8 percent on long shots.

9 SC&A said that they accepted the NIOSH
10 model as bounding and claimant-favorable except
11 for the number of long and short shots. So there
12 was discussion on that.

13 They suggested that the model should
14 consider more long shots to mark up. They proposed
15 that 25 percent of the exposure time was the long
16 shots and the remainder to short.

17 And NIOSH agreed that that
18 more-conservative proposal was both plausible and
19 agreeable. And the Work Group approved that.

20 And then issue ten, called beta
21 operator gamma dose. The issue here was that NIOSH
22 assumed the hands and forearms were shielded by

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1 torso 50 percent of the time. SC&A recommend that
2 we assume 100 percent exposure to the hands and
3 forearms as a bounding value.

4 NIOSH, their response was that the beta
5 operator photon exposure was only used for doses
6 to the skin of the hands and forearms. And that
7 certainly was confirmed.

8 They thought it was a plausible
9 assumption that the hands and forearms were exposed
10 only half the time. The remainder of the time they
11 might be shielded by the body.

12 SC&A pointed out, and this is a
13 photograph that was available. I believe, I don't
14 recall if it was from the site expert or from the
15 co-petitioner, but a photograph from GSI showing
16 the betatron operator holding his left hand and
17 forearm above his shoulders and right arm at his
18 sides and so on. And SC&A suggested that NIOSH
19 should assume the hands and forearms were exposed
20 full time.

21 And they recommended that the skin dose
22 to the hands and forearms be shown there. 6.687

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1 rems per year, which is based on 10.225 rads and
2 the rem per rad conversion.

3 Final resolution was that the Work
4 Group voted to accept the SC&A assumption, which
5 is the 100 percent value. And NIOSH agreed to
6 that.

7 And so the final slide simply
8 summarizes the Work Group's recommendation that
9 the Advisory Board accept the resolution of issues
10 related to Appendix BB Rev 1, and that NIOSH proceed
11 to prepare Appendix BB Rev 2. And that represents
12 a motion from the Work Group.

13 And I think we're open for questions at
14 this point. Either technical questions or
15 procedural questions.

16 CHAIRMAN MELIUS: Okay, thank you.
17 Any other Work Group Members want to make comments?

18 MEMBER MUNN: It's a good summation.

19 CHAIRMAN MELIUS: It was an excellent
20 summation. A lot of information, a lot of review.
21 Yes. Any other Board Members have questions or
22 comments? Or Board Members on the phone?

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1 MEMBER FIELD: This is Bill. Even
2 over the phone it was a great summary. Thank you.

3 CHAIRMAN MELIUS: Yes. No, no, Paul,
4 you should really be commended for, one, an
5 excellent, preparing an excellent summary and then
6 being able to give it so well over the phone. It's
7 not --

8 MEMBER ZIEMER: Well, there's much
9 more detail in the matrix itself. So it's hard to
10 capture all the nuances here in this kind of a
11 summary.

12 But the Work Group spent a lot of time.
13 And we have excellent input from both the
14 co-petitioner and the site expert and other Work
15 Group Members.

16 Some of the issues still are very
17 difficult, I know, for everyone. But anyway,
18 that's where we're at.

19 CHAIRMAN MELIUS: Okay. If there are
20 no further questions or comments, I think we'll ask
21 for a vote on accepting the Work Group's
22 recommendation. Closing out these Site Profile

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1 issues and accepting the recommendation from the
2 Work Group that's on the screen now.

3 All in favor say aye?

4 (Chorus of ayes)

5 CHAIRMAN MELIUS: All opposed?
6 Abstain? Okay. I guess we have some abstentions
7 for this.

8 Very good. Thank you again, Paul.
9 That was a lot of hard work for you and the Work
10 Group and NIOSH and SC&A. We thank everybody
11 involved in that. Not that there isn't more work
12 to be done at this point.

13 Okay, we now have a Board work session.
14 And I'll start with our first Work Group, which is
15 staffed by low-bid Rutherford --

16 (Laughter)

17 -- who will be going to the Amchitka
18 Work Group.

19 LB Rutherford will be, I understand,
20 spending January, February, March and probably
21 into July in Amchitka doing some additional data
22 collection and so forth to prepare the Work Group.

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1 So, Mr. Hinnefeld and I worked that out.

2 MEMBER MUNN: It's peaceful there.

3 MEMBER SCHOFIELD: In the dark.

4 CHAIRMAN MELIUS: So going to the next
5 Work Group on the list, the Ames Laboratory.

6 MEMBER KOTELCHUCK: Right.

7 CHAIRMAN MELIUS: Yes.

8 MEMBER KOTELCHUCK: Dave. We were
9 supposed to -- basically we were to get several
10 reports from Tom Tomes from NIOSH. Do I pronounce
11 it right, Tomes? Thomas?

12 MEMBER MUNN: Tom Tomes.

13 MEMBER KOTELCHUCK: Tomes. Okay.
14 And we were supposed to get them in July. Things
15 have been delayed.

16 We recently received an email, which I
17 sent other Members of the Subcommittee within the
18 last week, saying that they, he did not get the data
19 that he had hoped for in his request. And so he's
20 going to spend some more time getting further
21 information, further data.

22 There is one report that he has given

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1 to us. And I'm trying to remember what that one
2 was. We have not reviewed it because it was one
3 of four to be -- thank you very much -- on the intake
4 of uranium. Thanks. And that was completed in
5 the summer.

6 So we're basically delayed. And he has
7 three more papers coming. The thorium intakes,
8 the internal and external doses at the synchrotron,
9 and the fission product intakes on the main campus.

10 We don't have a prospective delivery
11 time for those because he's basically waiting for
12 the data. So really not much progress. But Tom
13 is clearly working on it. They're just data
14 problems.

15 CHAIRMAN MELIUS: Okay. Has SC&A not
16 reviewed that initial report? The one --

17 MEMBER KOTELCHUCK: No, I'm sorry.
18 SC&A has reviewed that report, if I'm not mistaken.

19 MR. STIVER: Yes, we reviewed and
20 delivered it. I believe it was September 8th.

21 MEMBER KOTELCHUCK: Yes.

22 CHAIRMAN MELIUS: Okay.

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1 MEMBER KOTELCHUCK: Yes. So there we
2 are. So we haven't met in a long time.

3 CHAIRMAN MELIUS: Is it worth it? And
4 again, this is just a question and not a suggestion,
5 but is it worth it for the Work Group to meet, review
6 the -- to resolve? I don't know what issues were
7 found in the SC&A review. If it makes any sense
8 to --

9 MEMBER KOTELCHUCK: Well, if we have --
10 it can be done. My feeling was if we have four
11 reports, at least wait for a couple of reports. I
12 was hoping that we'd get something by September.
13 And now it's clearly been delayed significantly.

14 It is up to the Board. My sense was
15 that we should wait for at least one more report.
16 But we can certainly do, we can certainly do that.

17 CHAIRMAN MELIUS: Jim Neton, you
18 looked like you were about to say something and then
19 you --

20 DR. NETON: Well, I was just going to
21 say, this is a Site Profile Review and there's
22 already an SEC for this time period.

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1 CHAIRMAN MELIUS: Yes.

2 DR. NETON: And we're unlikely to
3 change a Site Profile until we resolve all the
4 issues. We don't normally, you know, modify the
5 Site Profile on a piecemeal basis while we're
6 under, you know, we're under discussion on these
7 issues.

8 CHAIRMAN MELIUS: I think my question
9 was more if there were significant issues found in
10 the --

11 DR. NETON: Well, that's --

12 CHAIRMAN MELIUS: -- SC&A review that
13 would require more data from the site than it --

14 DR. NETON: That's a good point.

15 CHAIRMAN MELIUS: -- would be --

16 MEMBER ANDERSON: Better sooner than
17 later.

18 CHAIRMAN MELIUS: Yes. Why put it
19 off?

20 DR. NETON: That's kind of part of the
21 issue. My recollection was that SC&A largely
22 agreed with us on our approach to reconstruction

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1 of the uranium and doses.

2 MEMBER KOTELCHUCK: Yes.

3 CHAIRMAN MELIUS: Okay. Then that's
4 different. That's all. I'm just trying to keep
5 these things moving if it's appropriate.

6 MEMBER KOTELCHUCK: Sure.

7 CHAIRMAN MELIUS: But again, I'm not
8 trying to bog everybody down with lots of meetings.

9 The next Work Group is Blockson
10 Chemical, which is alive. And, you know, maybe by
11 tomorrow may have a new task. Can't wait, can you,
12 Wanda?

13 MEMBER MUNN: I might.

14 CHAIRMAN MELIUS: Get back together
15 with Brad and I and Gen.

16 MEMBER MUNN: You bet.

17 CHAIRMAN MELIUS: We had some fine
18 meetings on Blockson. Yes. Felt like a reunion.

19 MEMBER MUNN: Yes.

20 CHAIRMAN MELIUS: Brookhaven.

21 MEMBER BEACH: It looks like the only
22 thing I have is the TBD revision was expected this

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1 year. Now it looks like it's pushed back to
2 February of next year. So no report other than
3 that.

4 CHAIRMAN MELIUS: Okay. Carborundum,
5 Gen?

6 MEMBER ROESSLER: I think the status is
7 that SC&A, it's in your hands?

8 MR. STIVER: Yes. This is John
9 Stiver. We're in the review process right now and
10 should have it delivered about the third week of
11 January, if not sooner.

12 CHAIRMAN MELIUS: Fernald?

13 MEMBER CLAWSON: We haven't done that
14 much on Fernald. We're still finishing up, as I
15 said earlier today, they've got some years that
16 they're looking at, I believe, for mass low bid.

17 Anyway, some SEC, be able take some look
18 at some years. But we're still finishing up some
19 of the Site Profile issues.

20 MR. HINNEFELD: Yes, this is Stu. I
21 just wanted to offer that we have some updates that
22 didn't make it onto our coordination, work

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1 coordination document this time.

2 We have revised the uranium coworker
3 approach to incorporate the time-weighted average,
4 one person-one statistic approach. And that
5 document is on our website. So that has been
6 revised.

7 And then the two remaining revisions
8 are for the environmental TBD chapter. Because a
9 portion of the issues we talked about were
10 environmental. And then the internal dosimetry
11 TBD issues, or TBD chapter, because the remaining
12 issues would fit into that.

13 We have right now an estimated
14 completion on the environmental TBD of January.
15 And an estimated completion of the internal TBD in
16 April.

17 And we have a number of documents that
18 sort of provide the supporting calculations for the
19 decisions that went into those that address the
20 issues that were remaining.

21 So when we have those documents ready
22 to review, we'll make sure we point to those

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1 supporting calculation documents, as well. So
2 they'll be available for SC&A and the Work Group
3 to review at that time.

4 MR. KATZ: Okay.

5 CHAIRMAN MELIUS: And if one of these
6 documents is now ready, do we want to task SC&A?

7 MEMBER CLAWSON: Yes, we do. As soon
8 as they get done, we need to task SC&A to be able
9 to review those.

10 MR. HINNEFELD: Okay.

11 CHAIRMAN MELIUS: But my
12 understanding, I thought Stu said one was done.

13 MR. HINNEFELD: Yes, but it's a TIB for
14 the coworker, uranium coworker model. That TIB is
15 done and it is posted on our website. So they could
16 take a look at that now.

17 And again, that was just to rewrite the
18 coworker approach into the time-weighted, one
19 person-one statistic approach. And that's only,
20 remember, that's only used up through 1983.
21 That's only used for the in-house staff, not for
22 contractors because they're already in a Class for

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1 that period, the contractors are.

2 CHAIRMAN MELIUS: Okay. So we can go
3 ahead and task them on that.

4 MEMBER CLAWSON: All right.

5 CHAIRMAN MELIUS: Okay. Bill Field,
6 Grand Junction.

7 MEMBER FIELD: Yes, I just talked to
8 Jim and Tom about this, this morning. We have not
9 meet as a Work Group yet. My understanding is
10 we're waiting for SC&A's review of the Evaluation
11 Report at this point.

12 CHAIRMAN MELIUS: John?

13 MR. STIVER: Yes, there's a little bit
14 of a misunderstanding evidently on that. We were
15 waiting, I guess NIOSH was waiting for us, we were
16 waiting for them.

17 But two of the PER-47 findings, which
18 related to the original SEC review, are still,
19 haven't been resolved. And so we thought that
20 until those SEC issues are resolved, which, you
21 know, are basically SEC --

22 CHAIRMAN MELIUS: Okay.

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1 MR. STIVER: -- the basis is the same
2 for the period that's already been granted as well
3 as for the proposed residual period, we felt that
4 it wasn't really appropriate to finish up or
5 deliver a review until those findings have been
6 resolved.

7 CHAIRMAN MELIUS: So, Jim or LaVon, can
8 you shed some light on this?

9 MR. RUTHERFORD: -- or John, those
10 issues, were they in the SEC period?

11 MR. STIVER: They're related to the
12 original SEC.

13 MR. RUTHERFORD: Yes, see those were
14 related to the original SEC, which has already
15 established an SEC period and was extended up to
16 1985. So we've got an SEC period from the
17 beginning of operations up through '85.

18 So those issues, in our opinion, are
19 not, have nothing to do with the post-1985 period.
20 So we can go back and look at them and make sure
21 that there's none that overlap into that period,
22 but our methodology and approach that we

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1 established in the Evaluation Report, the second
2 Evaluation Report, is how we feel moving forward
3 for that post-1985 period.

4 MR. STIVER: This is Stiver. Just one
5 more thing I'd like to say is that, you know, the
6 template is the only Technical Basis Document for
7 this site. So we felt that, you know, if there's
8 problems with that TBD or that template that
9 haven't been addressed, that are related to the SEC
10 review, you know, that was just our position on
11 those, as to whether it was really prudent to move
12 forward on it yet.

13 CHAIRMAN MELIUS: Maybe, Bill Field,
14 if maybe you want to get together on the phone with
15 NIOSH and SC&A, sort of work out, let's get an
16 agreement. These are sort of technical issues,
17 and we're not going to settle it here. And don't
18 think it's a big deal.

19 MEMBER FIELD: Thank you.

20 CHAIRMAN MELIUS: Well, thank you.

21 MR. KATZ: Bill, I'll set that up.

22 MEMBER FIELD: Okay, thank you.

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1 CHAIRMAN MELIUS: Hanford, I chair
2 that Work Group. Waiting on some further work
3 from, information from NIOSH on that.

4 But probably more importantly, since
5 Sam Glover is the lead from DCAS, I've actually
6 talked to Stu and we're going to need to work out
7 a transition first. And before he leaves, I
8 suggest that we do a call on, between, I think Arjun
9 involved, whoever else from SC&A.

10 And whoever new from NIOSH is going to
11 be involved in that. So a lot of history there and
12 a lot of stuff in progress. But the amount of, now
13 actually I think they're actually waiting for more
14 data from Hanford, if I understand correctly. So
15 we can get that moving forward and do that.

16 I think there is some, still some -- I
17 think still some issues regarding the SEC period,
18 or potential SEC period, for the construction
19 workers there that still needed, that was being
20 evaluated, do that.

21 Idaho, we're going to hear about a
22 little bit later. Lawrence Berkeley, I think

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1 we're, is that on today or is that, that's Livermore
2 today. So, Paul, do you have any update on --

3 MEMBER ZIEMER: On Lawrence Livermore,
4 there's nothing to report since the last time I
5 reported. They are still doing the data capture
6 there.

7 DR. NETON: I can provide it.

8 CHAIRMAN MELIUS: Yes.

9 DR. NETON: This is Jim Neton. I can
10 provide a little bit more of an update on Lawrence
11 Berkeley.

12 We are still in the process of coding
13 a very large cache of air monitoring data to fill
14 in some gaps with a variety of radionuclides that
15 were potentially exposure sources at Lawrence
16 Berkeley.

17 And the last project schedule that I
18 reviewed I think has the data coding not being
19 completed until the May time frame.

20 CHAIRMAN MELIUS: Kansas City Plant,
21 we're going to have an update tomorrow. LANL.
22 Los Alamos, Josie?

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1 MEMBER BEACH: Yes. So, I didn't
2 catch it. I was thinking of something else.
3 Okay, so LANL.

4 I was going to ask LaVon, LaVon went
5 back the first week of November. SC&A joined him.
6 And so the Work Group will be getting a document
7 from LaVon, and he can just tell us when and what
8 to expect.

9 MR. RUTHERFORD: Yes, I don't know if
10 I can give you a when for sure, because we will be
11 waiting on LANL to release the documents that we
12 identified.

13 But we did have a good meeting out at
14 Los Alamos. We retrieved a number of documents to
15 help support the post-1995 period.

16 We interviewed their internal
17 dosimetrist, their RadCon manager. Went through
18 and, Joe, Joe Fitzgerald and I, and actually got
19 an understanding of their whole program post-1995.

20 And I think we got a pretty good path
21 forward. As soon as we get those documents back,
22 we'll be able to finalize our report to the Work

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1 Group. And I'll get a better date soon.

2 MEMBER BEACH: Okay. And then beyond
3 that, once we receive the report and review it,
4 we'll plan a Work Group call. I'm sure we can cover
5 it in a call. And then report to the full Board.

6 CHAIRMAN MELIUS: Good. Josie,
7 you're still on. Mound?

8 MEMBER BEACH: Okay, so Mound, when I
9 looked through the work coordinating documents it
10 said our last TBD we were expecting occupational
11 external dose was due last month. But I don't
12 think we've seen that yet.

13 So all the TBDs have been updated as of
14 2013. SC&A has not reviewed any of them. And
15 we're waiting for that last one.

16 But can we task SC&A to start on some
17 of those reviews? I wasn't sure why, what the
18 hold-up was on that.

19 CHAIRMAN MELIUS: I don't see why not.

20 MEMBER BEACH: So I think there's five
21 altogether, and the last one. So the first four
22 they can, we can go ahead and task, you're saying?

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1 Is that --

2 CHAIRMAN MELIUS: Yes.

3 MEMBER BEACH: Okay. So then you're
4 tasked. And then of course maybe you can let us
5 know where that other one is that's --

6 MR. RUTHERFORD: I was asking the
7 person --

8 MEMBER BEACH: In charge?

9 MR. RUTHERFORD: Well the --

10 CHAIRMAN MELIUS: Talk about pass the
11 buck here.

12 MR. RUTHERFORD: Yes, the problem we
13 have right now is --

14 CHAIRMAN MELIUS: That's what happens
15 with low bid, you know. Is they pass the buck,
16 delay reports.

17 MR. RUTHERFORD: Yes, he's very low
18 bid. Now, the problem we have is Tim is spread
19 about a million miles. And Tim's working on that
20 issue. And so --

21 CHAIRMAN MELIUS: The spread or the --

22 MR. RUTHERFORD: Yes. So as soon as

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1 Tim can carve out some time between his SEC
2 evaluations at Argonne and INL, we'll get that one
3 knocked out. We'll give you a date, Josie --

4 MEMBER BEACH: Okay.

5 MR. RUTHERFORD: -- as soon as we can.

6 MEMBER BEACH: No problem.

7 CHAIRMAN MELIUS: NTS, Brad?

8 MEMBER CLAWSON: We've just got some
9 Site Profile issues. I think the last thing, some
10 of the last things that we had, SC&A gave me kind
11 of a punch list on them.

12 But I think we had a, one of them was
13 a neutron and I think we took care of that when did
14 that at Pantex, Stu. Is that correct, Stu? On
15 Nevada Test Site. There was neutron --

16 (Laughter)

17 CHAIRMAN MELIUS: Big site out near Las
18 Vegas, you know.

19 MR. HINNEFELD: I have a vague
20 recollection of spending about a month driving
21 around there one day.

22 I am a bit at a loss on NTS. It seems

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1 to me we had some -- there was Site Profile stuff
2 there, right?

3 MEMBER CLAWSON: It's all Site
4 Profile.

5 MR. HINNEFELD: It's all Site Profile
6 stuff and I can't remember, sitting here, what it
7 is. And I'll try to get some intel on that and
8 maybe tell the Board tomorrow. Because right now
9 I don't --

10 CHAIRMAN MELIUS: Okay.

11 MR. HINNEFELD: -- it's 5:30 at home.

12 CHAIRMAN MELIUS: I made a note to
13 remind you tomorrow, so. Oak Ridge X-10. Gen?

14 (Laughter)

15 DR. TAULBEE: I'll give an update here
16 because I failed to update Dr. Roessler about our
17 progress here.

18 What we're following up here was exotic
19 radionuclides under an 83.14 with Oak Ridge
20 National Laboratory. We have made some progress
21 this past several months.

22 Primarily we requested from the

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1 Department of Energy, their bioassay cards for
2 select years, 1960, '65 and '70, to look at them.
3 And we were initially comparing them with the
4 electronic database.

5 And we found significant problems with
6 their electronic database. To where now we're
7 looking to code these cards and use that from a
8 coworker standpoint.

9 Interestingly, one of the things that
10 we found was on some of these cards, the initial
11 code that went into the database was like a gross
12 beta analysis. When you look at the card itself,
13 it will actually identify the radionuclide, like
14 sulfur-35.

15 So it's identifying some of these
16 exotic radionuclides we were looking at. And we
17 had no way of actually categorizing that they were
18 doing monitoring for some of these exotics that we
19 didn't know about.

20 We have currently requested all the
21 bioassay cards from the Department of Energy, down
22 at Oak Ridge. And Greg is working with them about

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1 providing that to us or getting us an estimate of
2 what that's going to take.

3 The other avenue that we're currently
4 pursuing is iodine exposures there at ORNL
5 specifically, due to some of the releases that they
6 had there. And this time period is 1956 to 1961
7 when the whole body count picked up.

8 And within looking at some of the whole
9 body count records that we've gotten, that we've
10 received from the site as well, you do see some
11 iodine exposures there. So we're looking at this
12 time period where it transitioned from thyroid
13 counts into whole body counts. And whether we can
14 bound the doses in that time period. So that's
15 where we're at with ORNL right now.

16 CHAIRMAN MELIUS: Thank you, Tim. Jim
17 Lockey is not on the phone, Pacific Proving
18 Grounds. Henry or Bill, anybody have it? I don't
19 think --

20 MEMBER ANDERSON: No activity.

21 CHAIRMAN MELIUS: No activity?

22 MEMBER ANDERSON: No activity.

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1 CHAIRMAN MELIUS: Okay. Pantex?

2 MEMBER CLAWSON: Pantex. We're still
3 just working on Site Profile issues. They're
4 coming to an end.

5 And this one we had the neutron/photon
6 ratio. There was some problem with that. And I
7 think that we worked through that. They were going
8 to build one for each one of the sites instead of
9 one size fits all.

10 DR. NETON: Yes, the Pantex neutron,
11 it's not a neutron/photon ratio at Pantex actually,
12 it's a coworker model using the neutron doses that
13 were out there.

14 MEMBER ANDERSON: Okay.

15 DR. NETON: And that's been completed.

16 MEMBER ANDERSON: Okay.

17 DR. NETON: That's done.

18 MEMBER ANDERSON: Has SC&A reviewed
19 that?

20 MR. STIVER: We're in the process.
21 We've reviewed the OTIB-86 --

22 (Off microphone comment)

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1 MEMBER ANDERSON: Okay.

2 CHAIRMAN MELIUS: Pinellas, I think we
3 already heard about.

4 MEMBER SCHOFIELD: Yes, we did.

5 CHAIRMAN MELIUS: And we'll hear more
6 in March. But the Work Group will meet before the
7 March meeting.

8 MEMBER SCHOFIELD: Right.

9 CHAIRMAN MELIUS: Yes.

10 MEMBER SCHOFIELD: Once we get the
11 paper from DCAS.

12 CHAIRMAN MELIUS: And, Phil, while
13 you're up. Portsmouth, Paducah, K-25.

14 MEMBER SCHOFIELD: We're still looking
15 at the neutron issues for K-25 and Portsmouth. As
16 far as I know those have not been settled. The
17 neutron/photon ratios. Unless I'm unaware of
18 something. Okay, so once we get those settled, I
19 think we can close, pretty much close those out.

20 CHAIRMAN MELIUS: Rocky Flats we'll
21 hear about tomorrow. Sandia, I think LaVon, Dr.
22 Lemen isn't here, but I think LaVon basically

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1 updated us. Do you want to pursue this in terms
2 of, trying -- mainly thinking if there's any
3 tasking to be done or where we are.

4 MR. RUTHERFORD: No, I think -- I know
5 that SC&A has been involved with us when we've done
6 data captures and stuff.

7 CHAIRMAN MELIUS: Yes.

8 MR. RUTHERFORD: So right now we're
9 still in the process of getting documents to
10 support a final closeout.

11 CHAIRMAN MELIUS: Okay. Good. Santa
12 Susana?

13 MEMBER SCHOFIELD: Nothing new there
14 yet on Santa Susana recently. So.

15 CHAIRMAN MELIUS: LaVon, can you
16 remind us? Jim? Pass the buck.

17 DR. NETON: Yes, we are still working
18 on the co-worker models at Santa Susana. It's a
19 fairly complex site. There's a couple sites
20 involved.

21 It's difficult to determine which site
22 the bioassay data was collected from and that sort

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1 of thing. So we're still working that, that issue.

2 CHAIRMAN MELIUS: And we still have
3 that one-year issue on the --

4 DR. NETON: That's correct.

5 CHAIRMAN MELIUS: Okay. Is that tied
6 to the coworker models or is that -- okay.

7 (Off microphone comment)

8 CHAIRMAN MELIUS: Okay. Savannah
9 River?

10 MEMBER CLAWSON: Well, we've just got
11 access back to the data. And I just found out today
12 that they've gone back and they've --

13 Savannah River has been a difficult
14 one. We've processed through, but we somewhat
15 lost our access to get the data about a year to a
16 year and a half ago.

17 And so as Tim told us earlier today,
18 they've regained access and they're starting to
19 process our two year old requests. To get it
20 brought up. But it has been out there a long time.

21 CHAIRMAN MELIUS: Okay. We'll do
22 that. And we still have co-worker model issues

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1 there, which are the ones that concern me.

2 DR. TAULBEE: With regard to the
3 co-worker, that is what the team has primarily
4 focused on right now. We do have all of the data
5 that we need, or we believe we do, to give you the
6 first two examples, using Jim's new draft
7 implementation guidance.

8 And the team is currently targeting to
9 where we can present those first two by the March
10 4 meeting, is our current projections for them.

11 CHAIRMAN MELIUS: So when, maybe
12 you'll be a little bit more specific on the time.
13 Just think in terms of the Work Group meeting.

14 DR. TAULBEE: I'll have to get back to
15 you on that.

16 CHAIRMAN MELIUS: Okay.

17 DR. TAULBEE: I can't remember whether
18 it is late February, early March time frame that
19 that's projected to be completed. Those first two
20 models. To give you the examples.

21 My question is, which Work Group would
22 it go to? The Coworker Work Group or SRS or both?

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1 CHAIRMAN MELIUS: Well, that's what
2 I'm asking. I think, certainly the co-worker,
3 since they're examples. Whether we do -- Jim?

4 DR. NETON: We can do a joint meeting.

5 CHAIRMAN MELIUS: I was thinking a
6 joint meeting. That might be a way of more
7 efficiently using people's time and so forth.

8 DR. TAULBEE: Okay, I'll try to get you
9 a date as to when we are currently projecting for
10 that to be completely finished.

11 CHAIRMAN MELIUS: Okay. And then we
12 can set up --

13 DR. TAULBEE: First --

14 CHAIRMAN MELIUS: Yes. I just think
15 -- I keep hearing lots of talk about work group
16 models. And we sort of left off finalizing, you
17 know, coworker models. That we sort of have left
18 off as sort of trial and our criteria on coworker
19 models pending looking at some examples.

20 And I just get worried that we,
21 meanwhile work needs to go on and so forth. So
22 these are critical and, you know, thank you for

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1 being the guinea pig. But --

2 DR. TAULBEE: Yes. No, these are very
3 in the front of our minds. And that is what --

4 CHAIRMAN MELIUS: Yes.

5 DR. TAULBEE: -- our main focus with
6 Savannah River right now is. Is those two --

7 CHAIRMAN MELIUS: Yes.

8 DR. TAULBEE: -- coworker models, in
9 order to give you the examples so that you can
10 provide feedback as to whether these would be
11 adequate.

12 CHAIRMAN MELIUS: Yes. Good. Okay.
13 Anything else you want to add, Brad, or --

14 MEMBER CLAWSON: Well, I just want to
15 make sure that we get time to be able to look at
16 these and also so SC&A can look at them. But this
17 really has been out there a long time. We really
18 need to get aboard on this.

19 CHAIRMAN MELIUS: I agree. Science
20 issues. Dave's not here, so --

21 (Off microphone comment)

22 CHAIRMAN MELIUS: Okay. Special

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1 Exposure Cohort issues, we've talked about.
2 Subcommittee, subcommittee.

3 I think TBD-6000 has done enough work,
4 but I don't know if you have any more to report,
5 Paul?

6 MEMBER ZIEMER: Yes, I do, in fact.
7 The other item on our plate for TBD-6000 is Joslyn.
8 And that's Appendix J, is the Site Profile.

9 And there were a couple White Papers
10 that NIOSH had issued to deal with some findings
11 on Appendix J. SC&A has reviewed those. I think
12 NIOSH is still working on one of the responses.

13 My recollection, and I believe Dave
14 Allen is handling this, but my recollection is that
15 NIOSH expected to have their response by something
16 around mid-December. So once that occurs we'll
17 set up a Work Group meeting to deal with the
18 Appendix JJ issue. Or Appendix J, I mean. It's
19 J. That's it.

20 CHAIRMAN MELIUS: Okay, thank you for
21 a lot already. Henry?

22 MEMBER ANDERSON: We have not met.

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1 But I think we've had Westinghouse Electric -- has
2 been sent to us.

3 CHAIRMAN MELIUS: Yes.

4 MEMBER ANDERSON: So I'm not sure
5 where, I think that's been sent to SC&A. Wasn't
6 it?

7 CHAIRMAN MELIUS: Correct. SC&A.
8 And we are requesting us. I haven't --

9 MR. STIVER: Yes, we have completed our
10 review and delivered it.

11 CHAIRMAN MELIUS: Okay.

12 MEMBER ANDERSON: Was that --

13 MR. KATZ: So we're waiting on NIOSH to
14 --

15 MEMBER ANDERSON: Yes, right. That
16 came in, was that the July one? July? Or I think
17 it was --

18 MR. STIVER: I think it was September.
19 I think. I can't exactly --

20 MEMBER ANDERSON: I don't, yes, I --
21 sort all my paperwork here. Yes.

22 MR. STIVER: Just after.

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1 MEMBER ANDERSON: Yes. So we're
2 waiting for NIOSH to respond and then I think we'll
3 get together. Hopefully we'll get that by March.

4 CHAIRMAN MELIUS: Surrogate data, no
5 activity. Weldon Springs, Dr. Lemen isn't here.
6 I'm not sure if there's any activity there.

7 Worker Outreach, can you --

8 MEMBER BEACH: No, no activity.
9 Nothing new.

10 CHAIRMAN MELIUS: I would just point,
11 related to Worker Outreach, and I didn't mention
12 it in presentation, but one of the issues that's
13 sort of has always been outstanding in terms of our
14 dose reconstruction reviews is dealing with the
15 interview process as part of that. And we've dealt
16 with it separately when NIOSH did the revisions on
17 the interview.

18 But it seems to me it's going to come
19 up again in terms of the kind of information and
20 quality information we collect as it's relevant to
21 certain parts of the dose reconstruction process.

22 Are we collecting the right information

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1 that is, you know, parallels and satisfies the
2 needs, types of information that's needed for the
3 dose reconstruction process. And I think that may
4 be something that we'll want to think about as we
5 go forward on that.

6 MEMBER BEACH: It's not a bad idea.

7 CHAIRMAN MELIUS: Yes.

8 MEMBER BEACH: Can I ask about new Work
9 Groups? Livermore comes to mind.

10 CHAIRMAN MELIUS: We'll have an
11 update. And we don't have a report, right?

12 MEMBER ANDERSON: We'll send the
13 report in --

14 CHAIRMAN MELIUS: In March. So I
15 think it will be at the time we appoint the --

16 MEMBER BEACH: Yes, get the, okay.

17 CHAIRMAN MELIUS: Appoint that. I'm
18 not sure there's any other -- I'm trying to think,
19 are there any Site Profile -- I just have a feeling
20 we're sort of at a rate-limiting step in terms of
21 available resources and so forth.

22 I'd hate to start, I mean obviously on

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1 Livermore we'll do something with the -- we'll see
2 what the SEC report is. But other than that, I
3 think we're sort of at capacity, if not beyond
4 capacity, in terms of the amount of work that needs
5 to be done.

6 But we should, I think maybe for our
7 next meeting, next Board meeting is just to at least
8 systematically go through and see are there other
9 Site Profile Reviews that we've, or the document
10 reviews we need to be taking up.

11 MEMBER ANDERSON: Any of them that are
12 pressing I guess is the --

13 CHAIRMAN MELIUS: Well, I think --

14 MEMBER ANDERSON: I think lots of them
15 --

16 CHAIRMAN MELIUS: I think we've taken
17 the ones that are pressing.

18 MEMBER ANDERSON: Yes.

19 CHAIRMAN MELIUS: But it doesn't hurt
20 to look again and see if it's something that --

21 MEMBER ANDERSON: Have some in the
22 wings, I think.

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1 CHAIRMAN MELIUS: Yes. Yes.

2 MEMBER ANDERSON: Resources --

3 CHAIRMAN MELIUS: Yes. So we're a
4 little bit early on our break, but that will be
5 fine. And we'll reconvene promptly at 3:30 this
6 afternoon.

7 We have Idaho. We may have petitioners
8 on the line for that thing, so if we can be prompt.
9 But we should do it as scheduled at 3:30.

10 In terms of Board work session, I think
11 all we, a little bit of correspondence, but most
12 of that's by referral, I think. It's not really,
13 but we'll talk about that. We have a little bit
14 of time tomorrow. But we might be able to get done
15 a little bit early.

16 MEMBER KOTELCHUCK: Question?

17 CHAIRMAN MELIUS: Yes.

18 MEMBER KOTELCHUCK: I had written down
19 was the Idaho National laboratory at 3:45. Which
20 is a little long for our break. But I was just
21 concerned that there maybe people on the line that
22 --

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1 CHAIRMAN MELIUS: It says 3:30.

2 MEMBER KOTELCHUCK: Okay, I must have
3 the slightly older --

4 CHAIRMAN MELIUS: Yes, it's scheduled
5 at 3:30.

6 MEMBER KOTELCHUCK: Fine. I may --
7 good. As long as it's scheduled.

8 CHAIRMAN MELIUS: Well, mine has the
9 official Ted Katz seal of approval.

10 MEMBER KOTELCHUCK: Yes, that's good.

11 CHAIRMAN MELIUS: But it probably has
12 changed. A bunch of the stuff did change.

13 MEMBER KOTELCHUCK: Yes, there's a
14 cushion with change.

15 CHAIRMAN MELIUS: Yes, yes. And I had
16 to go through and -- I had like three versions of
17 it when I was getting ready to come out here. And
18 --

19 MEMBER KOTELCHUCK: And so I just
20 wanted to make sure that --

21 CHAIRMAN MELIUS: No, no, thank you,
22 Dave.

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1 MEMBER KOTELCHUCK: -- the general
2 public was promptly --

3 CHAIRMAN MELIUS: You had me fearful
4 that I had spent the whole day going through the
5 wrong schedule.

6 MEMBER KOTELCHUCK: No.

7 (Whereupon, the above-entitled matter
8 went off the record at 2:44 p.m. and resumed at 3:32
9 p.m.)

10 MR. KATZ: So we are about to get
11 started. Let me check on the line and just see that
12 we have our Board Members who have been with us on
13 the line at least.

14 (Roll call)

15 CHAIRMAN MELIUS: Okay. We will now
16 have a presentation, talk about the Idaho National
17 Laboratory and we have an SEC petition and a number
18 of other reviews going on right now.

19 So I think we'll start with Tim Taulbee
20 to present and then I think John Stiver has a
21 presentation following that. And I'll just add
22 the Work Group did meet last week. Okay.

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1 DR. TAULBEE: Thank you, Dr. Melius,
2 Members of the Board. I am going to give an update
3 on where we are with the Idaho National Laboratory
4 SEC update.

5 We have been following along with the
6 previous proposed Class Definition, and so I'll
7 give you an update of what we have found since then.

8 So I'll go over that Class Definition
9 again and then give you the NIOSH update with where
10 we are with regards to data gaps, dosimetry, a
11 monthly report comparison, and then the review of
12 NOCTS claims, and then I'll give an update of where
13 we are overall with INL/ANL-West, kind of an
14 activity timeline.

15 And then, as Dr. Melius mentioned, I
16 believe after I get done speaking, then SC&A will
17 talk about where there are with their update.

18 So to remind everyone, the proposed SEC
19 Class Definition that we proposed back in July,
20 well, we originally proposed a Class Definition in
21 March and then we revised it in July at the Board
22 meeting, and so this Class Definition has not

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1 changed since your July meeting.

2 And it is all employees of the
3 Department of Energy, its predecessor agencies and
4 their contractors and subcontractors who worked at
5 the Idaho National Laboratory in Scoville, Idaho,
6 and a) who were monitored for external radiation
7 at the Idaho Chemical Processing Plant, CPP, for
8 example, at least one film badge or TLD dosimeter
9 from CPP between January 1, 1963, and February 28,
10 1970, or who were monitored for external radiation
11 at INL, again, at least one film badge or TLD
12 dosimeter between March 1, 1970, and December 31,
13 1974, for a number of work days aggregating at least
14 250 work days occurring either solely under this
15 employment or in combination with the work days
16 within the parameters established for one or more
17 other Classes of employees in the Special Exposure
18 Cohort.

19 So one of the questions that was posed
20 to NIOSH during the March Board meeting was does
21 NIOSH have all of the dosimetry data. And so
22 remember this was an issue with the Mound SEC that

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1 was proposed where the dosimetry, or the tritium
2 bioassay was used to identify the Class and then
3 after the fact we found that there was about a year
4 of bioassay logbooks that were missing.

5 So over the past several months NIOSH
6 has looked at this, we've looked for data gaps
7 within the dosimetry and then we also compared the
8 number of dosimeters reported in the monthly health
9 physics reports versus the number of people listed
10 on the badge reports that we obtained from the site.

11 So a review of the dosimetry gaps, back
12 in July, I reported that there were three months
13 that we're currently missing that we were following
14 up on.

15 Since then there is only one month and
16 this is December of 1970 that is missing. It is
17 interesting to note that the cycle end date for this
18 particular dosimetry report was December 25, 1970,
19 and so this would be the date that they were to
20 produce this printout of the dosimetry report, and
21 so it looks like nobody hit print on that particular
22 day, on Christmas Day.

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1 We don't view this as significant since
2 the annual reports are available for 1970. What
3 we did was, and during this time period from March
4 of 1970 through December 31, 1974, a single badge
5 anywhere on site is what we are defining as part
6 of the Class, so this falls within that
7 all-monitored time period.

8 And so if an annual summary exists, that
9 would indicate that there could be, that there was
10 a dose during that period and this would enter them
11 into the Class.

12 We did check these to make sure that the
13 doses from that December did make it into the
14 electronic database, which is an IBM system, and
15 so we took several workers and we looked at the sum
16 of their dose from January through November and
17 then we looked at their annual total.

18 We selected workers that purposely had
19 kind of monthly constant type of an exposure and
20 what we found is that annual dose did make it into
21 the database and just that printout was produced,
22 or at least the site can't retrieve that single

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1 printout.

2 But the doses are there, so an annual
3 dose during that year would indicate that they were
4 monitored during that year, so they would be part
5 of the Class.

6 So we do feel that this is encompassing,
7 so this one-month data gap is really not
8 significant and nobody should be excluded as a
9 result of it.

10 The temporary badge reports, which I
11 pointed out before, none appear to be missing.
12 NIOSH has temporary badge reports for every month
13 between 1959 and 1976.

14 What I couldn't report to you the last
15 time was the CX dosimetry reports. If you recall
16 we had not received those from DOE yet.

17 The following month, in August, we did
18 receive them and we had to go back and do some
19 follow-up with the site as well because there was
20 about a 3-month period that was missing from the
21 initial set that was sent to us.

22 They went back to the box of records and

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1 there was about 25 pages that hadn't been scanned.
2 They re-scanned them and sent them to us.

3 So at this time there is no gaps or
4 missing data in the CX dosimetry reports, and
5 remember CX is the construction side.

6 So it's interesting from what we are
7 missing here is the month of December for the
8 operations folks at INL, but not the construction,
9 the construction we have the complete complement.

10 So our next comparison was the monthly
11 health physics reports versus what's on the CPP
12 dosimetry and the goal here is that, if the site
13 indicated they processed 500 dosimeter badges in
14 a month, do we have 500 dosimeter results in these
15 printouts, and if we do, then we can be fairly
16 certain that we actually do have all of the data
17 that was taken for that site.

18 So we reviewed 1963 through 1970 and we
19 found very good agreement between the monthly
20 reports and the dosimetry printouts, and this is
21 an illustration of that and I have added the CX
22 dosimetry here to the bottom of this particular

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1 graph.

2 And what you will see is that the CX
3 dosimetry designator was used early on in the 1950s
4 and actually into the late '50s and then it wasn't
5 used for a time period and it picked up again in
6 April of 1964.

7 Now you'll see a drop there off of the
8 prime CPP dosimetry reports and we looked to see
9 if those construction workers were part of the
10 operations report and it turns out they were.

11 If you go to that operations report, you
12 will see these workers who worked for HK Ferguson
13 listed on the main production CPP dosimetry reports
14 until April of 1964, then they start showing up
15 under their own designation as construction,
16 again, during this time period.

17 The other large drop that you'll see in
18 1967, this is the result of TLD monitoring where,
19 instead of monthly film badges issued to people
20 they were given a TLD to wear for three months, so
21 you do see a big decrease in the number of
22 dosimeters, if you will, because people were

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1 wearing them for a longer period of time during that
2 time period.

3 Here is a close-up or a zoomed-in
4 version of the CPP construction dosimetry, this
5 would be the CX dosimetry, and, again, this data
6 wasn't available in July whenever I was presenting
7 the previous things to you.

8 But, as you can see, with the CX
9 dosimetry from the monthly printouts and the
10 dosimetry reports we're seeing very good agreement
11 on a month-by-month basis.

12 Here is the comparison of the TLD
13 dosimetry and, again, you see a good comparison
14 with the notable exception of that December of 1970
15 where we don't have a report in order to do that
16 comparison.

17 So here is some comparison statistics
18 for you, and I'll just jump here down to the total.
19 For January 1963 through November of 1970, the
20 health physics monthly reports that were issued
21 each month indicated that they had processed 46,287
22 dosimeters.

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1 By going through the dosimetry
2 printouts and counting up the number of names and
3 dosimeter readings that we have we have 46,723, or
4 a surplus of about 436.

5 And so some of this is -- when you do
6 a month-by-month comparison you will see that one
7 month might be a little low and another month high,
8 generally adjacent to each other, where you are
9 seeing differences in report cutoff times with
10 months from that comparison.

11 But overall over this 7-year time
12 period, we are seeing a slight increase of number
13 of names on those dosimetry reports. Some of those
14 are actually handwritten on those dosimetry
15 reports so they probably didn't make it into the
16 monthly report.

17 So the final thing that we were
18 reviewing is all of the INL claims within NOCTS that
19 we have received to date.

20 Our first cut of this review was to
21 determine whether the employment period was within
22 the proposed SEC and what we found was 872 claims

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1 did not work during the proposed SEC time period,
2 881 claims do have employment during the SEC.

3 So the second component of this review
4 is to take those 881 INL claims and determine if
5 there is indication of CPP work and do we see this
6 dosimeter result in there.

7 And so we looked at the
8 Computer-Assisted Telephone Interview, the dose
9 reconstruction report, and the DOE file in order
10 to make a determination of where this person worked
11 and can we place them in the Class there at CPP.

12 In July I reported that there were 32
13 claims that needed following up of that 881. After
14 we received the CX dosimetry files that dropped
15 down to ten claims that needed following up.

16 By October, we re-evaluated this
17 particular ten claims to make a request to the
18 Department of Energy site, we found that three of
19 them actually are already part of the Class due to
20 their dosimetry in the 1970s monitored anywhere.
21 So we are actually down to seven that NIOSH is
22 following up on.

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1 We submitted a request for these seven
2 claims and we sent this to the site on October 5th
3 and we are waiting to receive back this
4 information.

5 SC&A in their review of our
6 methodology, identified 11 additional claims and
7 these were also sent to the site on October 13th
8 for follow-up.

9 So right now in total there is 18 claims
10 of the 881 that are being followed up, or about 2
11 percent. We do expect to receive the supplemental
12 dosimetry on these 18 claims by the end of this
13 month.

14 We expect to provide a summary of the
15 claims to the Work Group by the end of the year,
16 and there is planning for an INL Work Group
17 conference call for the second week of January in
18 order to discuss these results.

19 So in summary there is no significant
20 data gaps that we have identified. There is good
21 comparison between the periodic reports and the
22 dosimetry data.

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1 The follow-up between NIOSH and SC&A
2 has been reduced to 18 of 881 claims, or 2 percent.
3 Thus, the current Definition works for at least 98
4 percent of the claims that we have in NOCTS.

5 So now let me give an update on where
6 we are with the ANL-West petition. Actually,
7 before I go on to there is there any questions on
8 this first part?

9 MEMBER MUNN: Well done.

10 DR. TAULBEE: No?

11 CHAIRMAN MELIUS: Go ahead. Let's
12 wait, maybe after John we'll open it up in general.
13 I think it's a little easier, yes.

14 DR. TAULBEE: Okay, that sounds good.
15 Okay. I had hoped to present to you the ANL-West
16 SEC petition at this Board meeting. I mentioned
17 that back in July.

18 We ran into some difficulties that now
19 it's going to be delayed to late January or early
20 February to be sent to the Board and we do plan to
21 present this in March at the next Board meeting.

22 What we found kind of at last minute was

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1 the discovery of some bioassay data, urine and
2 fecal results for ANL workers that was located at
3 ANL-East.

4 In the past, ANL-East has indicated
5 that they did not have any ANL-West data, bioassay
6 or dosimetry. INL had indicated that they felt
7 they had all of the ANL-West data at their site.

8 And so what we did was we conducted a
9 test of the dosimetry and so we sent eight claims
10 to both INL and ANL-East and asked for what do you
11 have on these workers.

12 And we did a mix of people who started
13 out working at ANL-East and then went to work at
14 INL, so we knew they should have data in both
15 places, some of it from ANL-East work and some from
16 INL, and some that only worked at INL.

17 And what we found is, of the initial
18 test of eight people, all eight had bioassay
19 records at ANL-East, and so this caused a pause in
20 our current thinking for the ANL-West petition and
21 so we've been doing follow-up on that.

22 That follow-up is what has really

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1 delayed the previous supplemental dosimetry
2 request, because this was going to be a large
3 request to both sites, INL and ANL-East, and so we
4 requested records from 42 additional workers.

5 And we didn't receive all of those until
6 the last week of October and at that time the site
7 started following up on that supplemental
8 dosimetry that we requested back in October.

9 So our current projections for the
10 ANL-West SEC petition is to present it to you all
11 by the March Board meeting and, again, we hope to
12 get that out the end of January, beginning of
13 February.

14 While we were waiting on this follow-up
15 at the site, because there are two groups that are
16 working on records at INL, one is the EEOICPA group
17 that actually pulls dosimetry records, and then the
18 other group pulls survey records and air sample
19 data and the information for follow-up on the
20 reserve sections of the SEC.

21 And so while the one group was working
22 on all of these claims we went back out to the site

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1 the first, or the week of October 19th, and then
2 the second data capture the week of November 2nd,
3 in order to review records out there and make a
4 request from the other group so that we weren't
5 going to be losing any time here for the evaluation
6 of those reserve sections.

7 And so that was conducted and we have
8 made our request and they are currently being
9 reviewed by the site.

10 We did identify through these data
11 captures that we need to conduct a couple of
12 additional interviews and we've been coordinating
13 with SC&A and the Board to conduct some interviews
14 in January and we hope to be able to incorporate
15 those into our reserve sections evaluation here.

16 Our goal is currently, again, for
17 February and beginning of March, and that I don't
18 have an exact date as to whether we're going to
19 actually meet this one or not for these reserve
20 sections, but we don't see where we've actually got
21 any loss of time due to the shift that we did a
22 couple of weeks ago while we were waiting on those

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1 supplemental requests.

2 So we are still projecting to present
3 both ANL-West and the reserve sections of INL
4 during that Board meeting. I can't promise it.
5 ANL-West I can promise, this one I can't.

6 Once we do complete both of these,
7 ANL-West and the reserve sections, we'll be working
8 with the Advisory Board and SC&A to resolve
9 findings and issues, concerns with all three of
10 these reports that we are currently working on.

11 We did meet a couple weeks ago, or last
12 week for INL, and SC&A raised several issues and
13 we will be following up on those but not until we
14 get these things closed out.

15 The same staff that are working to close
16 these out are also the ones that will be responding
17 to SC&A's comments and concerns. So with that,
18 I'll be happy to answer any questions. Thank you.

19 CHAIRMAN MELIUS: Any questions now?

20 (No response)

21 CHAIRMAN MELIUS: And we'll have time
22 for other questions after John Stiver has

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1 presented, because I -- particularly on the
2 petition part, the earlier part of Tim's
3 presentation, some of this will, I won't say become
4 clearer, but there is additional information
5 that's relevant.

6 I'll just add, I'm not sure if the
7 petitioners are on the line for the Idaho, but if
8 they are, they will be given an opportunity to make
9 comments a little bit later after some of these
10 presentations and the Board have had a chance to
11 ask questions.

12 You're not required to make comments,
13 but I just wanted to make sure you understood that
14 if you are on the line, you weren't being forgotten.

15 MR. STIVER: Good afternoon, Dr.
16 Melius and Members of the Board. My name is John
17 Stiver, I am with SC&A, and today I'd like to
18 provide you all with an update on where SC&A stands
19 on several different issues.

20 If you recall back in April we were
21 tasked to review the dosimetry-based CPP Class
22 Definition, which Tim has just explained, and the

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1 follow-on to that, the Revision 1, which opens up
2 the dosimetry requirement from March 1970 up
3 through December 31, 1974.

4 In addition to that we were tasked to
5 begin looking at some of the areas, times, and
6 activities for which NIOSH believes that they can
7 reconstruct doses.

8 In total we had about six different
9 reports, which I have tried to condense into
10 something that's manageable in about a half hour's
11 time frame.

12 I think it was Mark Twain that once said
13 that if I had more time I could've written a shorter
14 story, and that's kind of where we are right now.
15 But, with that, let's go ahead and get started.

16 This, again, is just kind of a repeat
17 of the timeline of the Work Group discussions for
18 SEC-219 and the Advisory Board meeting and as you
19 know we had a meeting last Tuesday on INL where six
20 of our presentations were discussed in quite a bit
21 more detail than we'll do today.

22 This is going to be the 10,000-foot

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1 view, or maybe the 30,000-foot view. But, anyway,
2 let's start out by looking at the evaluation, the
3 Class Definition.

4 And our goal was really to evaluate if
5 a revised Class Definition may unintentionally
6 exclude certain workers from the Class due to the
7 dosimetry requirements who might otherwise be
8 included.

9 We looked at all currently available
10 claimants with at least 250 days of covered
11 employment and we really took an approach of
12 looking at the two different periods, the later
13 period and then back to the earlier period.

14 And we investigated the claimants who
15 did not meet the SEC dosimetry requirement to
16 determine the potential for internal exposure to
17 alpha-emitting contaminants at CPP.

18 At the time of the review we identified
19 almost 900, 898 claimants with covered employment
20 who worked in one or both periods, and I just kind
21 give you a breakdown of the different categories.

22 This is all laid out in detail in Bob

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1 Barton's report and I'd like to just take some time
2 right now to thank the people who really did the
3 heaving lifting, which is Bob Barton, Ron Buchanan,
4 Amy Meldrum, John Mauro, the whole crew, Steve
5 Ostrow, so we had quite a group of people working
6 on this that really put in a lot of good quality
7 work.

8 This just shows you the total claims
9 evaluated in the later period. About 85 percent
10 were monitored, about 15 percent weren't, and about
11 77 percent met the SEC requirement.

12 I have really three observations
13 related to this later period, first being that we
14 felt that at least in our approach we were looking
15 for any evidence of monitoring during the later SEC
16 period, not just an external dosimeter, but say a
17 location file card, internal dosimetry, things of
18 that nature.

19 The second observation follows for that
20 we did find one claim that contained an in vivo
21 dosimetry related to CPP but did not have external
22 dosimetry and we recommended that should be

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1 included in NIOSH's follow-up.

2 And then we also, this was an
3 observation that was clarified at last week's
4 meeting, is how temporary or visitor badges were
5 going to be used, and Tim indicated that they'd be,
6 those types of badges as well as location file cards
7 would be adequate for inclusion in the SEC as long
8 as the 250-day requirement was met.

9 That said, we do believe that
10 observations one and two do raise concerns about
11 a Class implementation at a practical level.

12 And now we're taking a look at the
13 earlier period. We looked at a total of 219
14 claims. Again, 67 of those, or about 30 percent,
15 met the SEC requirement.

16 Twenty-six percent were, or -- excuse
17 me, 11, almost 12 percent were not monitored and
18 this 11 percent and the other category includes the
19 11 that we, that Tim mentioned earlier that we
20 identified for further follow-up as well as some
21 others.

22 I think there was five that had a

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1 categorization called CADRE and we weren't quite
2 sure what that meant. There was some evidence that
3 it might be related to CPP, but other evidence that
4 it could have just been a subcontractor and so
5 forth, and that's something that NIOSH, I believe,
6 is looking into.

7 This is the observation for regarding
8 CADRE, which I just mentioned. Further
9 evaluation, NIOSH, as you know, there is seven that
10 they are following up on. We are following up on
11 11 of 23, and that's really kind of the long pole
12 in the tent.

13 Like I said this is, or that Tim had
14 mentioned earlier, we are reviewing these claims
15 in hopes of having a resolution and be able to
16 understand what happened or what is the situation
17 with these 18 claims in time for a January
18 discussion before the Board teleconference.

19 The next thing I would like to go over
20 is our dose reconstructability or gap analysis.
21 Like I said, I think this is something you have
22 seen, at least at the July INL Work Group meeting.

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1 We looked at two components of the
2 horizontal analysis and then kind of looked at
3 certain areas within the site that we felt might
4 be productive in terms of this initial review for
5 reconstructability.

6 Reactor modeling and the fission and
7 activation product indicator bioassay,
8 radionuclides were kind of horizontal, meaning
9 they span the entire site.

10 You'll see that this idea of using
11 strontium-90 or cesium-137 bioassay in conjunction
12 with OTIB-54 or TBD-5 to look at ratios and to use
13 those indicator radionuclides to determine the
14 intakes of other fission and activation products
15 as well as actinides.

16 It kind of spans -- it was a common
17 thread throughout the entire process of
18 reconstructability. It applies to Test Area
19 North, Central Facilities, burial grounds is a
20 little bit different, the Chemical Processing
21 Plant pre-'63.

22 Both of those last two are actually

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1 pended and we'll be reviewing those again after our
2 January data capture trip.

3 Looking at the test reactor area, we
4 tried and looked at some of the big production
5 reactors. We didn't look at some of the smaller
6 low-power reactors.

7 In fact, that was a tasking that came
8 out of the Work Group meeting last week was to
9 compile a prioritized list of reactors that we have
10 not looked at at this point.

11 And, once again, you know, the issue
12 here is does OTIB-54 ratio method provide
13 sufficiently accurate and claimant-favorable dose
14 assignments or intake assignments for workers
15 based on who have basically gross gamma and beta
16 bioassay.

17 And, also, you know, to have often
18 operating scenarios have been identified and those
19 are also addressed in the reports, including TAN.

20 This kind of lays it out. Air sample
21 and urinalysis data to mix fission products and
22 activation products are available only in the form

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1 of gross beta or gross gamma activity attributed
2 to specific net radionuclides.

3 And OTIB provides the guidance on
4 assigning these using ratios of cesium and
5 strontium-90 and the goal in the OTIB is really to
6 reduce a large amount of reactor fuel data and to
7 simply a representative set that dose
8 reconstructors can use, and they're actually
9 looking at actual claimant cases.

10 Table 5.1 of the ER lists eight TRA
11 reactors. Only the first three are high-power,
12 high-flux reactors. These are the ones that we
13 looked at, the Advanced Test Reactor, Materials
14 Test Reactor, and Engineering Test Reactor.

15 As far as the ATR goes OTIB-54 modeled
16 the ATR using ORIGEN scale and as expected we didn't
17 find any material instances based on the modeling
18 exercise of the ATR operating outside of its design
19 envelope, so we had no problems with that.

20 As far as the Materials Test Reactor,
21 we feel that as long as it was operating with the
22 uranium core it would be adequately represented by

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1 the modeling exercise.

2 With that said, in 1958 and then again
3 in the 1970's the MTR was one where the
4 plutonium-239 cooler -- And so the question remains
5 is how much different were the plutonium operations
6 and would those differences be radiological
7 significant from a dose reconstruction standpoint.

8 ETR, again, as with MTR operations, the
9 OTIB-54 methodology should also adequately envelop
10 the ETR considering internal exposures.

11 As far as the path forward here we need
12 to resolve the issues of the applicability of
13 OTIB-54 to the MTR operating with plutonium fuel,
14 and as I said earlier we are to prepare a
15 prioritized list of other reactors that may fall
16 outside the envelop of OTIB-54.

17 The next thing we looked at was Test
18 Area North. There was all kinds of activities,
19 very -- excuse me, I jumped ahead -- Of a very unique
20 nature, this was taken right out of the TBD.

21 It just goes to show you that there are
22 lots of different activities, experiments,

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1 one-of-a-kind experiments going on in Test Area
2 North.

3 So it called into question whether you
4 can use sort of a one size fits all ratio method
5 to adequately address what was going on at TAN.

6 We went to three different areas. One
7 thing we looked at was the completeness of the
8 external dosimetry data that's been captured to
9 date.

10 We looked at the applicability of
11 OTIB-54 and TBD-5 for the performance of internal
12 DR, as we had done at several of the other sites,
13 and then we also took a look at the unique
14 circumstances of the airborne nuclear propulsion
15 system, which really are not addressed in OTIB-54.

16 As far as the external dosimetry goes,
17 although the data represented is just a sampling
18 from the site, as NIOSH indicated at the meeting
19 last week, they nonetheless believe they can
20 reconstruct doses based on this incomplete
21 dataset, so we felt that it was still worthwhile
22 to take a closer look at it.

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1 We looked at the SRDB, these are all
2 records that have been captured by NIOSH. We found
3 a lot of information, 12,000 plus pages, 180,000
4 plus beta gamma readouts, and almost 7000 neutron
5 readouts, or badge exchanges.

6 We feel that the external dosimetry for
7 TAN appears to be pretty complete from '55 through
8 '70. There is a small gap, but then again we don't
9 know whether that data still exists out there.

10 Likewise, for the neutron dosimetry
11 data there may be more out there that would fill
12 these gaps.

13 Based on the review to date though we
14 feel that it's not really possible, there's not
15 enough granularity to look at each of these
16 sub-areas of TAN and create coworker models if it's
17 deemed necessary to do that.

18 At present I don't believe NIOSH is
19 planning to create coworker models, external
20 coworker models for TAN, but if the Board were to
21 determine a full completeness study would be
22 warranted additional data capture would be needed.

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1 Now we looked at OTIB-54 to reconstruct
2 external doses. This goes to show there are a lot
3 of different types of source terms there. Again,
4 this is all laid out in the TBD.

5 What did we do here? What we did was
6 we used the approach of using ORIGEN simulations
7 to look at a couple of things, what are the
8 inventories of reference fission products in
9 OTIB-54 reasonable, and, likewise, with Tables
10 5.22 and 5.23.

11 There's a little caveat here that the
12 ORIGEN simulations and the tables in TBD-5 are not
13 considered appropriate for workers handling ANP
14 fuels because of the unique characteristics, which
15 is also laid out in our report, and I'll get into
16 that in a minute.

17 What did we conclude based on this
18 analysis? Well, the ORIGEN modeling in
19 conventional reactor fuel was generally claimant
20 favorable when the fuel is highly enriched,
21 maintains its integrity following burn up, and is
22 at a high power level, roughly 200 megawatts.

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1 However, a caveat to that is our work
2 underscores the importance of limiting our
3 observations to general trends.

4 For example here dose estimates were
5 based on a 200-day burn model typically
6 overestimate doses for actinides. However, the
7 modeling exercise here doesn't comport well in some
8 cases with our analysis of actual measurements,
9 which we'll get into in a minute where we looked
10 at the, you know, here we are looking at the
11 modeling exercise, you know, basically the same
12 thing what was done to create these tables in
13 OTIB-54.

14 It's all based on computer models that
15 haven't really been benchmarked against actual
16 data, so we did our best to, you know, to come
17 through SRDB to find actual data as kind of a
18 beginning benchmarking analysis if you will.

19 ANP, this is a little bit different
20 animal here. These heat transfer reactor
21 experiments were conducted to test the viability
22 of a reactor for aircraft propulsion, and there

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1 were three different reactors built.

2 Direct cycle air cooled, you had a turbo
3 jet engine, and it compressed and focused -- air
4 passed these wafer thin concentric ribbons of
5 nuclear fuel that were enriched to 93.4 percent and
6 the temperatures of the fuel were up to 3000 degrees
7 Fahrenheit, heated up to 1250 degrees, and so
8 you've got a lot of fission products just being
9 blown out the back of this engine, and so that's
10 kind of a unique situation as you might imagine.

11 There were several of the initial
12 engine tests, you can see five of them didn't use
13 nuclear power and so there is no potential for
14 releases.

15 IET 1, 3, and 10, however, did have
16 potential for onsite and offsite contamination,
17 however the Test 1 and 3 have already been discussed
18 in the INL Work Group to determine if the plumes
19 went offsite.

20 We don't believe there was any onsite
21 deposition. However, IET 10 is still open. NIOSH
22 will be preparing a White Paper on that as a result

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1 of this November 10th meeting.

2 Recommendations, observations, SC&A
3 back in 2003 did a -- and contracted CDC, did an
4 independent analysis of the airborne emissions and
5 revealed that the DOE had significantly
6 underestimated the emissions for the IET's largest
7 airborne emissions.

8 So we feel that the outdoor exposures
9 associated with the ANP, particularly the IET-10,
10 need to consider the results of the CDC
11 investigation, and so there will be challenges
12 associated with reconstructing outdoor onsite
13 exposures associated with these releases.

14 The next thing we did was once again we
15 looked at OTIB-54's applicability to Central
16 Facilities. This is a site that handled a lot of
17 different types of materials from all over the site
18 so there is a potential for exposures to the whole
19 gamut of mixtures and radionuclides that could have
20 existed.

21 This is kind of a background slide here.
22 At the July 8 meeting we kind of prepared an initial

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1 review trying to determine what we needed to look
2 at, do it a little bit more vertical.

3 However, we recommended that the survey
4 data that was available both during operations and
5 prior to D&D should be evaluated to take a look at
6 the actinides, ratios, and compare those to the
7 tables and also to OTIB-54.

8 As you can see these are the things of
9 concern, missed intakes of uranium, potentially
10 thorium, plutonium, are of particular interest to
11 us.

12 Once again, you know, you see the same
13 type of approach being taken, kind of the
14 one-size-fits-all approach. So what did we look
15 at?

16 We looked at the survey data, we looked
17 throughout the SRDB, we found for a couple of years
18 in the mid-1950's contamination surveys, the hot
19 laundry and chemical engineering lab, also some
20 post-D&D soil samples from the excavation of a
21 contaminated sanitary sewer line on the north side
22 of Building CFA-669.

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1 As far as the survey data go, once again
2 only beta, gamma, and alpha results greater than
3 background levels were considered. There were 85
4 survey results that met the criteria.

5 Six smears were not included in the
6 analysis because they weren't consistent with
7 other results and may have been transposed.

8 Maybe the biggest obstacle we ran
9 across is we didn't have actual measurements in
10 activity.

11 We had results in cpm and we found some
12 limited counter-efficiency information that we
13 used to kind of estimate what the activities might
14 have been, but that's certainly an area that will
15 need to be reviewed for a more complete, robust
16 dataset.

17 As far as the soil samples we had 19
18 samples from the sanitary sewer line. We looked,
19 they were obviously analyzed for the alpha and
20 gamma spectrum and strontium-90.

21 U-234 were not significantly different
22 from an environmental level, so at least in this

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1 situation it doesn't look like that was a problem.

2 As far as the summary the smear data and
3 the soil samples show general agreement, the
4 magnitude, the contamination ratio, the maximum
5 ratios in Tables 5.22 and 5.23.

6 There are lots of limitations of the
7 data here. It's very limited from the period of
8 early operations. We don't have actual
9 activities.

10 We would like to see characterization
11 service prior to D&D and we're hoping to actually
12 look a little bit more carefully at this and see
13 if we can find some more data in the January data
14 capture trip.

15 Now we'll move on to looking at the
16 actual measurements. This is the indicator
17 radionuclide study. There are actually four
18 different aspects of it, or really four primary
19 cornerstone assumptions that would form the basis
20 of NIOSH to reconstruct internal doses.

21 First, regarding the actual FAP
22 bioassays. If you have sufficient worker records

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1 you can actually reconstruct strontium and
2 cesium-137 intakes.

3 Even if you don't have results for the
4 particular worker at a particular time there is
5 enough data there that you could build a coworker
6 model.

7 Second, except for special situations,
8 all the significant FAP intakes are directly tied
9 to an indicator radionuclide, either strontium-90
10 or cesium-137.

11 Item C as far as actinide intakes, the
12 same type of thing. You can use a ratio method
13 using Tables 5.22 and 5.23 of TBD-5.

14 And then finally for special
15 situations, you've got personnel involved in
16 operations with actinides that were not directly
17 tied to a fission or activation product in a ratio.

18 NIOSH is assuming that these people
19 were adequately monitored and that the results will
20 be available in the workers records and as a result
21 of that doses will be reconstructable.

22 We looked at -- actually did two

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1 different reports. Item A we looked at separately
2 from Items B through D and what we did here is we
3 just did a random sample, actually we call it a
4 semi-random sample because it was kind of biased
5 towards employment periods which kind of weighted
6 more towards the construction trades, people that
7 had, you know, multiple periods of employment.

8 What we were looking at were all the
9 workers monitored, are the records complete, and
10 are coworker models appropriate, other than those
11 that are already designated, which NIOSH, as you
12 saw Tim's nice presentation with the change in 1967
13 where it went to -- going from monthly or quarterly
14 or semi-annual monitoring which would then call in
15 to question the need for a coworker model.

16 Let's see. There were 973 claimants
17 who are covered in employment during the evaluated
18 SEC period. This is not just the proposed SEC
19 period, but in the actual petition.

20 So we got about 10 percent that we
21 randomly selected. More than 60 percent were
22 trades workers, as I mentioned earlier. Mainly,

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1 the summary concluding recommendation, this is
2 based on our review of the claimants, we felt that
3 fission and activation product is generally
4 available for a wide variety of job titles.

5 We don't believe there are completeness
6 issues with the datasets that would preclude its
7 use in developing coworker models. So we believe
8 coworker models can be developed for all periods
9 in question.

10 We didn't see any indication either
11 that specific job titles were systematically
12 excluded. However, we do believe that these
13 coworker models should be evaluated and developed
14 for each relevant site area beginning with the
15 start of rad operations for each individual
16 location and that we feel there are periods where
17 a lot of workers were not monitored even prior to
18 1967.

19 I believe about only 30 percent that we
20 looked at had complete monitoring records overall.

21 So where do we go from here? We
22 discussed this in the November meeting and NIOSH

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1 agreed with us that these models may be appropriate
2 and they are going to assess the requirements and
3 feasibility for applicable site areas in years
4 prior to 1967.

5 Now looking at Items B through D, we
6 tried to evaluate the ratios using actual
7 measurements. Again, the same approach being
8 discussed here.

9 We are concerned that the ratio values
10 are derived mostly by computer simulation without
11 any kind of benchmarking against actual data by
12 virtue of the fact that a lot of that data was not
13 retained.

14 We looked at three different sources,
15 NOCTS, SRDB, and the electronic database, the INL
16 database, and we did find about 42 samples, nasal
17 swabs, some urinalysis, fuel element scales from
18 I believe Brookhaven, fuel storage contamination
19 swipes, and air samples.

20 Four main results here, we determined
21 that the FAP intakes assigned using OTIB-54 based
22 on strontium-90 are generally equal to or greater

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1 than those derived from actual measurements, so
2 NIOSH is okay on that in most cases we're all right
3 as long as long as we're using strontium-90.

4 Probably the biggest thing that jumped
5 out at us from this review is that the cesium to
6 strontium ratios are not always 1:1 as assumed in
7 OTIB-54 and TBD-5.

8 We thought, you know, if you've got a
9 -- you know, if the measurements are within a factor
10 of two are probably good, sometimes we're seeing
11 variations of factor of ten, you know, or more.

12 So that brings into question the
13 validity of using an indicator radionuclide when
14 deriving these intakes because that cesium to
15 strontium ratio of 1:1 is one of the fundamental
16 cornerstones for the ratio method at INL.

17 As far as actinide intakes based on
18 strontium-90 intake values, they are sometimes
19 significant -- and cesium, are sometimes
20 significantly less than those derived from actual
21 measurements.

22 And as far as special bioassays it's

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1 really kind of difficult to evaluate when the
2 special bioassays were needed if they were
3 performed, or if they are indicated as such in the
4 bioassay records.

5 As far as what to do from here, to
6 determine from the records of analysis the
7 dissolver, that this would be really be great if
8 we could find that of the fuel elements, preferably
9 for a variety of reactors, and also fuel elements
10 from offsite reactors that found their way to
11 Idaho.

12 If we can find that that would really
13 go a long way to helping to verify this approach.
14 Obviously, we've got to conduct further document
15 search, research, to evaluate the recommended
16 ratios.

17 Hopefully records can be found that
18 have quantitative radionuclide analysis in
19 addition to what's already in the SRDB.

20 We need to determine if these special
21 or non-routine bioassays were associated with
22 special exposure events, as assumed in the ER or

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1 if the term special or non-routine might just be
2 applied to the priority of processing, so we really
3 need to determine whether they were taking
4 bioassays at a time when they weren't even, didn't
5 even have internal dosimetry models to calculate
6 the organ doses or the CEDEs.

7 Our data capture trip in January, we are
8 really hopeful that we'll bear fruit in this regard
9 and after that the report will be revised based on
10 our findings.

11 Now these are the two sections that are
12 being pended, burial grounds in CPP pre-1963. I
13 believe we've got enough time to go through this
14 really quickly.

15 CHAIRMAN MELIUS: Yes, three minutes.

16 MR. STIVER: Three minutes, okay.

17 CHAIRMAN MELIUS: Yes.

18 MR. STIVER: I'll see what we can do.

19 This kind of outlines our concerns whether it was
20 a strict contamination control program, if there
21 might have been some conflict of interest with the
22 burial ground people also being health physicists

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1 who were supposed to be in charge of health and
2 safety.

3 Robustness of the program, this
4 so-called defense in depth approach, whether that
5 was actually applied. As you can see there is
6 quite a few things that we are really concerned
7 with.

8 We are going to look in detail in the
9 January time frame when we do our data capture trip.
10 We are also going to be conducting interviews with
11 former burial grounds workers and, you know, it
12 just kind of gives you a highlight of the focus of
13 the data capture.

14 This is all laid out in our data capture
15 plan. The key word analysis, I believe Joe was out
16 there a couple of days ago at INL doing an EDMS
17 search on these very things.

18 More things that we're interested in,
19 obviously, evaluating the dose assessment
20 feasibility with all these different types of
21 things that we'd normally do in a completeness and
22 adequacy analysis.

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1 CPP pre-1963 our concerns are that, you
2 know -- NIOSH made a determination that about 1963
3 was when the contamination control really got out
4 of hand to the point where I felt that it was a
5 concern that we wouldn't be able to reconstruct
6 doses for actinides that were not tied to some sort
7 of an indicator radionuclide.

8 We need to characterize the temporal
9 changes and source terms and exposure potential.
10 We got started reviewing site records that were
11 available on the SRDB and we kind of did a
12 preliminary claimant survey, but it became pretty
13 obvious pretty soon that we were going to have to
14 do worker interviews and more data capture to
15 really produce any kind of meaningful report on
16 this issue.

17 We need to look at the contamination
18 surveys, particularly the alpha surveys, incident
19 reports, reporting practices for radiation safety
20 units, source and exposure potential documentation
21 for alpha emitters.

22 Again, this January trip is really

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1 going to be loaded. We've got a lot of things to
2 look at there and a lot of people to interview, so
3 we'll probably be spending a full week there
4 sunrise to sunset.

5 And that's all I have to say at this
6 point. Questions, comments? Any detailed
7 questions I've got the crew on board if you are
8 interested in details.

9 CHAIRMAN MELIUS: Questions or
10 comments on either presentation?

11 (No audible response)

12 CHAIRMAN MELIUS: Okay. Phil, do you
13 want to do a quick update from the Work Group
14 perspective and then --

15 MEMBER SCHOFIELD: From the Work Group
16 perspective there is a number of issues that we
17 thought we were going to be voting on the, to make
18 a recommendation on the CPP. We're not ready to
19 do that.

20 Two groups that stand large in the
21 questions is the security people and the fire
22 department and how they were handled when there was

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1 emergency responses at the CPP because, you know,
2 they weren't all badged for the CPP.

3 Some of them evidently were and some
4 were not, so how we are going to handle those is
5 a big open question.

6 So there are a number of things and we
7 don't really have a timeline of when we're going
8 to have recommendation on the CPP at this point.

9 MR. STIVER: Yes, that's a good point,
10 Phil. I forgot to bring that up. That was
11 something else we discussed at the November 10th
12 meeting.

13 CHAIRMAN MELIUS: And just so that's
14 something that has to be explored and Tim is aware
15 of it also.

16 DR. TAULBEE: Oh, yes, yes.

17 CHAIRMAN MELIUS: I mean, it's not a
18 new issue it's just given all of the, what did you
19 call it, data needs or data demands on the site it
20 even, some of this issues are going to take time
21 to address.

22 I think what the Work Group agreed to,

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1 at least while I was there, maybe you guys changed
2 your mind after I left, but was that we will get
3 the report from NIOSH, sort of clarification on the
4 current set of I guess you call questionable cases,
5 I don't know what you want to call them, and before
6 our January call if we'll have a Work Group meeting
7 and if, let's look at those results and make the
8 determination if it makes sense to go forward or
9 not on the current SEC's recommendations or do we
10 change.

11 I think it's parted and I mean I,
12 personally I have concerns about these. You
13 referenced Mound, Tim, that is -- and LaVon or
14 somebody can correct me, but that is I think the
15 only existing site with a Class Definition based
16 on monitoring or should be monitored.

17 MR. RUTHERFORD: It's the only one I
18 could think of that's based on having a tritium
19 bioassay.

20 CHAIRMAN MELIUS: Yes, yes.

21 MR. RUTHERFORD: Having some type of
22 specific --

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1 CHAIRMAN MELIUS: Yes, that's
2 specified in -- so those have not worked well and
3 the more complicated it gets the more harder it is
4 for DOL to implement and I think that's -- so while
5 it can make sense on sort of a general scientific,
6 whatever you want to call it, basis to actually go
7 ahead and implement it we have to take into
8 consideration also, which has been our experience,
9 you know, as we know with many of these Class
10 Definitions.

11 So we'll continue to be wrestling with
12 this for a while in terms of what to do and so forth
13 with that.

14 I don't know if the petitioners are on
15 the line and have any comments? You don't have to
16 so --

17 MR. ZINK: Can you hear me?

18 CHAIRMAN MELIUS: Yes. Now I can,
19 yes.

20 MR. ZINK: Yes, this is Brian Zink. I
21 am the authorized representative for [identifying
22 information redacted] and most of the SC&A

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1 narrative was being blocked out by some other folks
2 that were talking on the phone system so I didn't
3 hear a lot of that, but it sounds like there is work
4 to be done before this gets proposed as something
5 to be accepted by the Board, is that correct?

6 CHAIRMAN MELIUS: That's correct.

7 MR. ZINK: Okay.

8 CHAIRMAN MELIUS: And, again, I'm not
9 sure what was blocked, but the Board will consider
10 this. We're having a Work Group meeting before our
11 January call, before our January Board call.

12 MR. ZINK: Okay.

13 CHAIRMAN MELIUS: And the Work Group
14 agreed that if we are ready after our Work Group
15 meeting to make a recommendation we could do it at
16 the January call.

17 It may be at the March call, but there
18 is a lot of work to do on this site and I think as
19 Tim has laid out and John Stiver, so it's going to
20 be -- it's a work in progress and it's hard to give
21 hard and fast deadlines on this.

22 MR. ZINK: Okay, thank you.

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1 CHAIRMAN MELIUS: The slides for these
2 presentations should be available on the DCAS
3 website and if you need sort of further information
4 to fill you in on what you might have missed on the
5 phone, you can contact NIOSH and we'll work to fill
6 you in on what you might have missed. We apologize
7 for that.

8 MR. ZINK: That's all right, thank you.

9 CHAIRMAN MELIUS: Thank you. Any
10 other questions or comments from the Board on this?
11 This is a complicated site and I, sort of, don't
12 know where to start and end with it and it's easy
13 to get lost in the details of it.

14 MR. ZINK: Can I ask one question?

15 CHAIRMAN MELIUS: Sure can.

16 MR. ZINK: The one part I heard of the
17 SC&A report was a reference to 15 percent
18 unmonitored workers and I couldn't quite grasp
19 whether that 15 percent was in total or was that
20 in reference to the proposed year Class that NIOSH
21 had set forth?

22 CHAIRMAN MELIUS: John, do you want to

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1 clarify that?

2 MR. STIVER: Yes. That 15 percent was
3 just of all the claims that would fall into that
4 time period. In other words, of how many were
5 monitored, how many weren't.

6 MR. ZINK: Okay.

7 MR. STIVER: And I think 85 percent
8 were monitored. Now what we looked for were
9 claimants who were monitored and, you know, would
10 be within that time frame, those people would be
11 in the SEC.

12 What we were concerned with is how about
13 the ones who would be, you know, have 250 days of
14 employment, aren't monitored, but there is other
15 evidence that might have placed them there at CPP.

16 So really looking at -- and kind of
17 taking this definition for a road test and see, you
18 know, does it really hold up under scrutiny.

19 MR. ZINK: Okay. That's kind of what
20 I was getting out is that, because as an authorized
21 representative it's often times where a claimant
22 will say but I was in the building, I was in that

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1 area during this job or that job and then it becomes
2 an issue with the strict definition of having to
3 have the badged evidence.

4 CHAIRMAN MELIUS: And we want to just
5 make sure -- this is Dr. Melius. We just want to
6 make sure that if we are going to use the badge as
7 evidence that it will properly cover the people
8 that should be eligible for the SEC and the more
9 complicated that gets the harder it is to implement
10 that.

11 So when there is an exception, even
12 though they may be monitored in some other way,
13 which is what John Stiver was referring to, well
14 is the Department of Labor going to have access to
15 that information readily?

16 Now they may, they may. This site had
17 good records but we need to make sure that it will
18 be workable.

19 MR. ZINK: Okay. Thank you.

20 CHAIRMAN MELIUS: Yes, thank you.
21 Board Members on the phone, do you have any
22 questions? I don't want to ignore you.

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1 MEMBER ZIEMER: No questions from
2 Ziemer.

3 MEMBER VALERIO: This is Loretta, no
4 questions.

5 CHAIRMAN MELIUS: Okay, very good.

6 (Off the record comments)

7 MR. FROWISS: The petitioner for
8 Livermore is on the line.

9 MEMBER BEACH: He just said petitioner
10 for Livermore.

11 CHAIRMAN MELIUS: Oh, okay. I'll do
12 that. Then --

13 (Off the record comments)

14 CHAIRMAN MELIUS: Well, but let's go
15 ahead and do the presentation first.

16 Okay, we didn't want to start the
17 presentation unless you were available on the line.

18 We'll do the presentation now on the
19 Livermore site and then you'll have an opportunity
20 to, after the Board has had a chance to ask
21 questions we will give you an opportunity to
22 comment if you'd like.

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1 You are not required to, but if you'd
2 like to you can at that time.

3 MR. FROWISS: Thank you.

4 MR. KATZ: And just for the record Mr.
5 Schofield is conflicted for Lawrence Livermore so
6 he is recusing himself. Dr. Poston is too, but I
7 don't believe he is on the line.

8 CHAIRMAN MELIUS: And Brad Clawson I
9 just invited back.

10 MR. KATZ: Welcome back, Brad.

11 MEMBER BEACH: He was looking pretty
12 comfortable out there.

13 CHAIRMAN MELIUS: Yes, yes.

14 (Off the record comments)

15 MR. RUTHERFORD: All right. LaVon
16 Rutherford. I am going to do the update on our
17 current status for the Lawrence Livermore National
18 Lab petition evaluation, it's the 1974 to 1995
19 period.

20 We'll talk about previous SEC Classes
21 that kind of got us to a certain point, the status
22 of our current review, and we'll also discuss

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1 something that was uncovered during the
2 evaluation.

3 Lawrence Livermore has actually, we
4 have done two petition evaluations. The first
5 petition evaluation was a Class which Dr. Melius
6 was just talking about where we had a January 1,
7 1950, through December 31, 1973, and it was
8 originally for badged individuals.

9 Ultimately, we recognized an issue with
10 that and we had to modify that Class -- And it was
11 a great lead in for you, wasn't it?

12 CHAIRMAN MELIUS: Yes, yes, yes.

13 MR. RUTHERFORD: Yes. We had to
14 modify that Class to --

15 CHAIRMAN MELIUS: You don't think I'd
16 let you get away without doing that. I mean that
17 --

18 MR. RUTHERFORD: We had to modify that
19 Class Definition to make it all employees because
20 of issues we had noted with that current Class
21 Definition and implementing that Class Definition,
22 so we have a Class currently at Lawrence Livermore

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1 from January 1, 1950, through December 31, 1973.

2 Our current petition was qualified
3 December 31, 2014. We actually received the
4 petition before that, so it is pushing up, well it
5 is a year since we've had the petition.

6 We do expect to complete this petition
7 evaluation and present it, or complete it in
8 February and present it at the March Board meeting.

9 Our focus has been, as with a lot of the
10 National Labs, the exotic radionuclides is what we
11 like to call them, so that's the reason why the
12 petition qualified and it's been a real focus of
13 our evaluation.

14 Now one thing I will say, the reason why
15 we have taken so long on this petition evaluation
16 is many reasons, but the biggest part of this
17 petition, or biggest reason is the fact that this
18 is a -- most of the work that occurs at Lawrence
19 Livermore is classified and so actually getting
20 information out of there during the data captures
21 and doing all that is difficult because everything
22 goes through classification reviews and a lot of

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1 the information that is classified is not going to
2 be released.

3 Additionally, the interviews we have
4 done, a lot of interviews that have been classified
5 interviews and as well some of that information
6 will not be released.

7 I think Lawrence Livermore has been
8 very cooperative with us. They have worked very
9 well in getting us in, access, and getting people
10 available for us to interview. The DOE office
11 locally and headquarters both have been also very
12 helpful.

13 We have done eight data captures,
14 actually we have one data capture going on this week
15 and then we have one more data capture scheduled
16 in December in support of this evaluation, so
17 that's ten data captures for the year.

18 As I had mentioned, a large number of
19 these involve classified interviews and classified
20 documents that will likely always remain
21 classified, which also means that difficult in
22 writing this report will be we have to write it in

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1 a way that the classified information, if we need
2 to use any of that information, it's not, it's
3 written in a manner that is acceptable to be
4 released to the public.

5 Again, a large volume of the data was
6 captured to add the information previously
7 collected for the TBD development and SEC
8 evaluations.

9 So we had collected a lot of information
10 previously during the previous evaluation TBD
11 efforts and now, additionally, under our current
12 evaluation.

13 The substantial body of unclassified
14 information that was recently provided has created
15 a delay, so we've gotten, what we did was we went
16 through these data captures, a lot of the
17 unclassified information was recently released to
18 us on disks and it's a significant amount of
19 information that you can read in here.

20 We actually received 7400 new
21 individual documents and from what we had had
22 originally in the SRDB that was a 62 percent

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1 increase of information, so it's a lot.

2 The information obtained from the
3 classified interviews and material reports will be
4 developed into an unclassified materials for use
5 in the Evaluation Report, similar to the Hanford
6 approach.

7 You know, Sam actually, Dr. Glover, who
8 had worked on the Hanford review is also, has been
9 the lead up to this point on the Lawrence Livermore
10 review.

11 As you know, as we have discussed, Dr.
12 Glover is leaving and so we have a new individual
13 that will transition into this and Dr. Glover will
14 give support on this in this transition and
15 whenever we need him, we hope.

16 MEMBER CLAWSON: Not the low bidder?

17 MR. RUTHERFORD: I guess we were the
18 low bidder. NIOSH, ORAU, and ATL worked with the
19 unions and also Lawrence Livermore to further focus
20 on workers who we felt like had not been represented
21 well on previous interviews.

22 So we've got electricians, plumbers,

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1 and other trades workers and subcontractors that
2 have been involved in that. Many of those are
3 unclassified and are being reviewed by the site for
4 release to NIOSH.

5 We also, as Stu had mentioned, we had
6 an outreach effort last night, November 17th, and
7 discussed the dose reconstruction, the SEC
8 process, and gave a brief presentation on our
9 current evaluation.

10 SC&A has participated in almost every
11 data capture effort and because most of the -- we
12 did this for, the main reason the fact that these
13 are classified, a lot of classified data captures
14 and interviews. We don't want to overburden a site
15 with trying to go back and doing these things twice.

16 And that's typically not done during an
17 SEC evaluation, we normally stay separate. We do
18 our independent evaluation and the Board and SC&A
19 would review that.

20 But in this case because of the burden
21 of the classified interviews and the classified
22 document review it's more appropriate to do them

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1 together.

2 One issue that was noted, that came up
3 during this, ORAU had noticed a discrepancy between
4 the expected data identified in the logbooks of in
5 vivo accounting and actual data provided in our
6 case files.

7 Basically, we had a logbook of in vivo
8 monitoring data that was, actually a few cases we
9 looked at, compared that data to their existing
10 claim that we had and NIOSH, and we noticed it was
11 missing, that data was missing.

12 So ultimately ORAU and Lawrence
13 Livermore reviewed original case files at Lawrence
14 Livermore and determined that the data did indeed
15 exist and that it had not been included and
16 submitted -- packet for the case file.

17 So ORAU has undertaken the effort to use
18 the in vivo accounting logbooks, and there are 300
19 to 400 per year, to identify cases with missing
20 information.

21 And this process is ongoing as Lawrence
22 Livermore is providing more recent logbooks and

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1 supplementing log books which had been, had -- wow.

2 (Laughter)

3 MR. RUTHERFORD: A lot of words here.

4 (Off the record comments)

5 MR. RUTHERFORD: So ultimately what we
6 are doing is we're going back and we're looking at
7 all of the existing claims that we had and we are
8 comparing the logbooks with in vivo monitoring data
9 to ensure that that data gets put into the claim
10 file.

11 And then in cases where we determine it
12 was not in the claim file we would have to probably,
13 we will have to redo that dose reconstruction.

14 Okay. So to date we have identified
15 186 of those claims with missing data. And thank
16 goodness, questions?

17 CHAIRMAN MELIUS: Any questions for
18 LaVon?

19 (No audible response)

20 CHAIRMAN MELIUS: So you said there
21 were many reasons why this was delayed. Are you
22 counting each one of those 7400 new documents as

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1 a separate reason?

2 MR. RUTHERFORD: Well, again, it's a
3 good idea.

4 CHAIRMAN MELIUS: Yes.

5 MR. RUTHERFORD: Yes. You know, we
6 originally, we had one individual that was
7 reviewing the documents, the classified documents,
8 and that put a pretty heavy burden on that
9 individual.

10 Greg Lewis has worked, and done a great
11 job of correcting that situation, so that was one
12 major issue that we had.

13 CHAIRMAN MELIUS: So now we have two
14 reasons.

15 MR. RUTHERFORD: Yes, two, and 7400.

16 CHAIRMAN MELIUS: 7400, yes, yes.
17 Yes, okay. Board Members on the phone with any
18 questions?

19 MEMBER ZIEMER: No questions here.

20 MEMBER VALERIO: No questions here.

21 CHAIRMAN MELIUS: Okay, thank you.

22 Now I will say that it's good to see that you were

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1 able to identify an issue and follow up on it even
2 while the evaluation was under way, because I think
3 that's --

4 MR. RUTHERFORD: Oh, yes. Yes, I
5 agree.

6 CHAIRMAN MELIUS: You know, these take
7 a while and we can understand that. The one other
8 thing I would mention, maybe not as a complaint but
9 more as suggestion, is that if you're going to do
10 an outreach meeting in conjunction with a Board
11 meeting it might have been helpful to, you know,
12 sort of ask if any Board Members wanted to join or
13 SC&A join on that simply because, just --

14 (Simultaneous speaking)

15 MR. RUTHERFORD: Yes, it makes sense.

16 CHAIRMAN MELIUS: But future
17 reference. I'm glad you did because of the nature
18 of the site and how disperse the worker population
19 is.

20 MR. RUTHERFORD: Okay.

21 CHAIRMAN MELIUS: But, yes, and we'll
22 find someone to volunteer for the meeting.

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1 MEMBER BEACH: So I am curious, how was
2 the turnout last night?

3 MR. RUTHERFORD: Well, I think you
4 said, I think we had 12 to 15 somewhere around
5 there.

6 CHAIRMAN MELIUS: Yes.

7 MR. RUTHERFORD: Yes, and it was nice
8 because, I mean not that the number was as high as
9 we would like, but they were very, you know,
10 involved, so it was good.

11 MEMBER BEACH: Yes.

12 CHAIRMAN MELIUS: No, that is good.

13 MEMBER MUNN: You can interact with
14 them much better at that level.

15 CHAIRMAN MELIUS: Good, good. Rather
16 in front of a Board meeting.

17 MEMBER MUNN: Yes.

18 CHAIRMAN MELIUS: Yes. Okay. No
19 further comments? Oh, Dave?

20 MEMBER KOTELCHUCK: Roughly how many
21 people work at that site, are we talking hundreds,
22 thousands?

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1 MEMBER MUNN: Hundreds.

2 MR. RUTHERFORD: You know, I would say
3 hundreds myself, but I don't know for sure. That's
4 something I didn't look into. I am sure if Dr.
5 Glover was here he could tell that. He didn't --
6 but I can get you that information, how's that.

7 CHAIRMAN MELIUS: When you debrief him
8 maybe --

9 (Laughter)

10 MR. RUTHERFORD: Yes.

11 (Simultaneous speaking)

12 MEMBER KOTELCHUCK: If it's different
13 than hundreds tell us.

14 MR. RUTHERFORD: Yes.

15 MEMBER KOTELCHUCK: Otherwise, then --

16 MR. RUTHERFORD: Okay, yes.

17 CHAIRMAN MELIUS: Good. Okay. No
18 further questions, why don't we take a short break.
19 I'd rather --

20 (Off the record comments)

21 CHAIRMAN MELIUS: Oh, excuse me, I'm
22 sorry, yes. I apologize, does the petitioner wish

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1 to make any comments now?

2 MR. FROWISS: Just very briefly, Dr.
3 Melius.

4 CHAIRMAN MELIUS: Yes.

5 MR. FROWISS: This is Albert B.
6 Frowiss, F-R-O-W-I-S-S, Sr.

7 CHAIRMAN MELIUS: Yes.

8 MR. FROWISS: I am an advocate and I am
9 the authorized rep for my co-petitioner,
10 [identifying information redacted], who is in
11 Washington D.C. today so he is unable to be here.

12 But, you know, I just wanted to get my
13 name in the record, my P.O. Box [identifying
14 information redacted].

15 CHAIRMAN MELIUS: Okay.

16 MR. FROWISS: My phone number is
17 [identifying information redacted]. And that's
18 basically it. I'll sit back and wait for you to
19 finish your work.

20 CHAIRMAN MELIUS: Okay. And you just
21 heard by March there should be report.

22 MR. FROWISS: Thank you.

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1 CHAIRMAN MELIUS: Good. Okay. Sorry
2 to jump the gun, but let's take a break for about
3 15 minutes. At 5 o'clock we'll start the public
4 comment period.

5 (Whereupon, the above-entitled matter
6 went off the record at 4:44 p.m. and resumed at 5:03
7 p.m.)

8 CHAIRMAN MELIUS: Okay. We're going
9 to start our public comment period. And let me have
10 Ted Katz give the instructions.

11 MR. KATZ: Right. So for folks on the
12 line and in the room who have public comments, just
13 an understanding of the situation with your
14 comments, your comments become part of the record,
15 the transcript of this meeting. And all of the
16 Board meetings are transcribed. And those
17 transcripts are publicly available on the NIOSH
18 website.

19 So everything you say will be available
20 for public scrutiny. The exception to that is if
21 you discuss other individuals. Their personal
22 information will be redacted to the extent to

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1 protect their privacy.

2 So you're free to say whatever you might
3 want to say about your own personal situation,
4 interests, et cetera. But we will protect the
5 privacy of other people you may identify in your
6 talk. That's not to keep you from identifying
7 them. And that's it.

8 CHAIRMAN MELIUS: Okay. And I think
9 our first speaker, Scott, is it Yundt, or what? I
10 can't --

11 (Off the record comments)

12 MR. KATZ: So someone on the line has
13 not muted their phone. Please press * and 6,
14 everyone on the line right now mute their phone,
15 press * and 6. I think that did it. Thank you.
16 Okay.

17 CHAIRMAN MELIUS: Okay.

18 MR. YUNDT: Hi. My name is Scott
19 Yundt.

20 CHAIRMAN MELIUS: Yundt. Well, it's
21 Yundt, okay.

22 MR. YUNDT: And I'm with Tri-Valley

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1 CAREs, CAREs is an acronym that stands for
2 Communities Against a Radioactive Environment.
3 I'm the staff attorney there. Since the year 2000,
4 we have organized a sick worker support group for
5 Livermore Lab and Sandia, California, employees.
6 We have about 250 members.

7 Well, I should say we have had that
8 amount over the years. Many of them have passed
9 away. But some of them have survivors who stay
10 involved.

11 So I come to speak a little bit on behalf
12 of the support group and on behalf of myself in terms
13 of this work. I do do some authorized
14 representative work when people really need it, but
15 for the most part, I help workers take care of their
16 own claims on a pro-bono basis.

17 I am appreciative of the Advisory
18 Board's work and you guys being out here. So thank
19 you for being here.

20 I wanted to -- I just caught a question
21 before we took a break which was how many employees
22 are at Livermore Lab. According to their own

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1 website it's 5,800 staff members, and then there's
2 typically between 1,500 and 2,000 additional
3 subcontractors there at any given time. And it's
4 been higher in the past. They've had up to 10,500
5 staff members at times, you know, especially at the
6 height of the Cold War in the '80s and 70's.

7 So regarding the Special Exposure
8 Cohort, I'm obviously not an employee and can't
9 speak directly to the conditions there, however I
10 have met and spoken with hundreds of employees and
11 many dozens from the period of the extension.

12 And they have -- I often get reports from
13 them of how surprised they are at their dose
14 reconstructions. They are surprised at how low
15 they are. They have memories of not turning in
16 dosimeters, of being told to not turn in dosimeters
17 which, you know, should result in a higher dose
18 reconstruction for that period coming back. But I
19 just wanted to forward the dismay that many of the
20 employees from this period have at how low their
21 dose reconstructions are.

22 You know, Livermore Lab is a somewhat

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1 unique facility in that there're 600 buildings in
2 one square mile in very close proximity. And many
3 employees work in multiple sites and go into lots
4 of different areas in the course of their
5 employment. And so also, many have expressed to me
6 that their job descriptions that are used are not
7 accurate to what they were actually doing in their
8 work days.

9 I also wanted to mention a couple of
10 specific things. One is that they've had a couple
11 of employees who've had appendix cancer over the
12 years and gotten denied. And there was a recent
13 clarification that, for purposes of Special
14 Exposure Cohorts, appendix cancer will now be
15 considered part of the colon.

16 I know this may be out of purview of the
17 Board, but I just thought it was important to
18 mention, because I have now heard also that it's
19 become colloquial or legend that you don't get
20 covered if you had appendix cancer.

21 So the change has not gone
22 well-documented. When you look at information

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1 online, you don't see that appendix cancer is a
2 covered cancer. I'm just bringing that to light,
3 because I can't correct that rumor all on my own.

4 CHAIRMAN MELIUS: I think that could be
5 corrected on the NIOSH website, the list of covered
6 cancers, I believe.

7 MR. HINNEFELD: Well, we generally
8 don't publish interpretations. You know, there's
9 a listed set. And there's no reason why we couldn't
10 put something up. We'll have to figure out how to
11 organize it so it could be found.

12 But, you know, there's a specified list
13 of cancers in the statute, and that's what we use.
14 Now, the Department of Labor will interpret, you
15 know, what do these words in the statute translate
16 into in terms of actual diagnoses. You know, the
17 Department of Labor makes those interpretations.
18 And if we know about it, we could put some
19 information on our website about it if we can figure
20 out where to put it where it would be found.

21 CHAIRMAN MELIUS: And we've had, I hate
22 to digress here, but with the World Trade Center

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1 cancer, we actually, we had issues. Because rare
2 cancers are covered under that. And, well, what's
3 a rare cancer? You know, a lay person's not going
4 to understand that and, you know, varying
5 definitions. And so putting out clarification on
6 that's important.

7 And it also is, you know, diagnoses are
8 not always clear in terms of, you know, subtypes of
9 cancers and so forth. So the lay person isn't going
10 to understand them. And I think people are
11 reluctant to file if they don't think they're going
12 to be covered.

13 MR. YUNDT: Precisely.

14 CHAIRMAN MELIUS: Basically, yes.

15 MR. YUNDT: It's helpful that rule
16 clarification occurred in EEOICPA Transmittal
17 Number 15-06 in June of 2005.

18 I also wanted to just mention a fairly
19 recent study that I'm sure you know of by David
20 Richardson called "Risk of cancer from occupational
21 exposure to ionising radiation, retrospective
22 cohort study of workers in France, the UK and the

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1 United States." I'm curious how the Advisory Board
2 and how the program will consider this study.

3 And I think I'll leave my comments
4 there. Thank you guys so much.

5 CHAIRMAN MELIUS: By the way, Dr.
6 Richardson is a member of the Board.

7 MR. YUNDT: Oh, okay. Sorry for not
8 knowing that.

9 CHAIRMAN MELIUS: So he hasn't shared
10 the study with us yet.

11 (Off the record comments)

12 MR. KATZ: Excuse me, there's someone
13 on the line, not muted and speaking. Please mute
14 your phone on the line.

15 CHAIRMAN MELIUS: One thing that would
16 be helpful, I know you listed your contact
17 information here on the, when you signed in for
18 public comment. But one thing that would be
19 helpful is, if you could help both NIOSH and then
20 when the Board and through our contractor goes to
21 review the SEC Evaluation Report, to help us put in
22 contact with workers.

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1 I mean, one of the hardest things to do
2 is to track down workers that can provide
3 information on a particular time period, or a
4 particular exposure or something. And struggling
5 with the nature of sort of classified information
6 at these sites and so forth, it's sort of even more
7 critical at a site like Lawrence Livermore. So if
8 you wouldn't mind.

9 And then again, it's obviously
10 voluntary on the part of the person. But having a
11 contact, and understanding what's happening at a
12 site and being able to, you know, get more
13 information directly from the workers is really
14 helpful.

15 MR. YUNDT: Sure, I'd love to help with
16 that. And I do have some people in mind who I'll
17 speak to. The people who would have been the best
18 already died.

19 CHAIRMAN MELIUS: And that's
20 unfortunate but --

21 MR. YUNDT: Which is a difficult part of
22 this.

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1 CHAIRMAN MELIUS: Yes. I know. The
2 current, the petition under review is more recent.
3 I was thinking that also, but 74, 95 now. It allows
4 people to be quite old, and may very well have died
5 and obviously with cancer and so forth. It's some
6 probability of that.

7 But, you know, for the more recent time
8 periods and so forth, they can provide -- or they
9 may know someone that's retired that, you know,
10 worked in the same area and so forth which is useful.

11 MR. YUNDT: Sure. They don't have to
12 be a sick employee.

13 CHAIRMAN MELIUS: Right, yes. Good.
14 Anyway --

15 MR. YUNDT: Thank you.

16 CHAIRMAN MELIUS: Thank you very much,
17 yes. Okay. Is there any -- I don't believe we have
18 anybody else in the audience who is here in person
19 who wishes to comment. I think we do have people
20 on the telephone. Is there anybody on the
21 telephone who wants to comment on the Lawrence
22 Livermore site?

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1 (No audible response)

2 CHAIRMAN MELIUS: If not, then I have
3 one person signed up on the, who signed up ahead of
4 time for the phone. And that's Dr. Dan McKeel.
5 Dr. McKeel, are you on the line?

6 DR. MCKEEL: Yes, I am, Dr. Melius.
7 Can you hear me?

8 CHAIRMAN MELIUS: Yes, we can.

9 DR. MCKEEL: Okay.

10 CHAIRMAN MELIUS: And we've received
11 your written comments today. And Ted Katz has
12 distributed them to the Board Members.

13 DR. MCKEEL: Thank you very much.
14 There were a couple of papers attached that I wanted
15 people to be sure they had. So that helps me a lot.

16 CHAIRMAN MELIUS: Okay.

17 DR. MCKEEL: All right?

18 CHAIRMAN MELIUS: Yes, go ahead.

19 DR. MCKEEL: I'll say good afternoon to
20 the Board. I'm Dan McKeel. I'm a Triple-SEC
21 co-petitioner for the General Steel industries,
22 GSI, Dow Madison and Texas City Chemicals AWE sites.

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1 I'd like to make a few remarks about the
2 Dow Madison site. The current Board chair at the
3 11/6/14 ABRWH meeting tasked SC&A to review Dow
4 Madison PER 058 and my review paper of the same
5 report. SC&A never did that.

6 The current Board chair also indicated
7 to me he would decide whether the Procedures Review
8 Subcommittee would review Dow PER 058, which was
9 based on Appendix C, Rev 1, after the next Board
10 meeting. That would be in January. This
11 intention also was never fulfilled.

12 My White Paper critiquing Dow PER 58 was
13 based on FOIA information. And that paper has
14 never been acknowledged or discussed, even, by the
15 SEC Issues Work Group, including the SC&A and DCAS,
16 NIOSH Members or the full Board, all of whom were
17 sent copies a while back and now.

18 The focus of my PER 58 review was to make
19 an XY plot of the pre-PER 58 and PER 58 total
20 radiation dose and the PoC percentage values of the
21 80 Dow Madison claimed in that PER. I wanted to
22 test the assertion in the PER 58 that is as follows.

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1 It says, I quote, "Together these result
2 in at least some increased dose for all cases in the
3 operational and residual periods." This
4 statement, that's the end quote, this statement
5 turned out not to be true. Less than half of the
6 80 Dow total radiation doses were increased. No
7 PoC equaled or exceeded 50 percent. And notably,
8 there were numerous examples when total dose and PoC
9 percentages went in different directions. The
10 scatter in the dose versus PoC percentage data was
11 very wide, and it's my feeling that PER 58 needs to
12 be scrutinized and probably revised.

13 And a few remarks about General Steel
14 Industries, and I note that Dr. Ziemer omitted an
15 important paper of mine, the November the 2nd, 2015,
16 critique of SC&A's review of the David Allen 7/10/15
17 White Paper, during today's TBD-6000 workgroup
18 session. And I re-circulated a copy of that Paper.

19 At this juncture, I feel there have been
20 massive delays in revising the GSI Site Profile
21 documents, TBD-6000 and Appendix BB. And it
22 concerns me greatly that GSI claimants have been

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1 financially harmed by postponing their
2 compensation unduly.

3 Appendix BB, Rev 0 was issued 6/25/2007.
4 SC&A reviewed Rev 0 and issued 13 findings. But Rev
5 0 was not revised until Rev 1 was issued on June the
6 6th, 2014, almost seven years later, despite
7 massive influx of new petitioner and site expert
8 worker dose reconstruction information.

9 SC&A's ten major Appendix BB, Rev 1
10 findings were not closed until the November 3rd,
11 2015, TBD-6000 Work Group meeting. The full Board
12 is now being asked at this meeting to approve
13 closing Appendix BB, Rev 1 findings to allow NIOSH
14 to generate Appendix BB, Rev 2. And as we know,
15 that was done earlier today.

16 It is unclear whether Rev 2 will have the
17 overall effect of being claimant-favorable or
18 claimant-adverse. The TBD-6000 workgroup chose to
19 overrule my many scientific and procedural concerns
20 about resolution of Appendix BB, Rev 1 findings
21 during their February and November 2015 meetings.

22 GSI PER 57 was issued on March the 11th,

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1 2015. This PER was groundbreaking, because it
2 included 196 previously denied Part B claims. The
3 PER 57 dose reconstruction development summary
4 reports, which I obtained through a FOIA request,
5 confirmed that 100 PER 57 PoCs equaled or exceeded
6 50 percent.

7 At least 79 of these 100 probably
8 compensable GSI claims have thus far reached NIOSH
9 for DRE work. Eleven remain at NIOSH as of last
10 Monday. And DOL statistics by state indicate 20 of
11 the 100 PER 57 or 20 percent have actually been paid
12 by DOL in the intervening eight months.

13 This pace seems very slow to me,
14 especially since the reworked DRs of the third dose
15 and PoC calculations done by NIOSH/DOL.

16 Sadly, 13 percent of the 100 GSI PER 57
17 approved claims, probably compensable claims, are
18 attributed to deceased persons with no known
19 survivors. And these 13 claims may lapse.

20 Like Scott Yundt just did, we have
21 offered DOL, if they will provide the names to us
22 of those dead persons with no known survivors, we'd

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1 be glad to help try to find them.

2 GSI SEC 105 qualified in May 2008 and was
3 denied by the Board on a nine to eight vote on
4 December the 11th, 2012. The TBD-6000 workgroup
5 and NIOSH assured the full Board that external and
6 internal dose reconstruction was feasible and all
7 13 SC&A Appendix BB, Rev 0 findings were closed or
8 placed in abeyance awaiting a first revision of
9 Appendix BB, Rev 0.

10 The GSI SEC 105 petitioners filed an
11 administrative review request with HHS on April the
12 17th, 2013. We cited 44 specific errors NIOSH had
13 made in recommending that SEC 105 be denied.

14 This administrative review is still
15 pending under Section 8318 which makes it so that
16 the petitioners cannot know the names, job titles,
17 credentials, meeting dates or content of the three
18 member independent HHS ad hoc review panel as Dr.
19 Jones reviewed this morning.

20 On April the 10th, 2014, I filed a CDC
21 FOIA request for the GSI SEC 105 records that had
22 been sent to the three member HHS review panel for

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1 the SEC 105 Administrative Review.

2 FOIA officers then subdivided this FOIA
3 request into a PSC HHS portion, a CDC main portion
4 and a portion they sent to DOE headquarters which
5 headquarters then delegated further to the legacy
6 management component. That last part of the FOIA
7 extension was just acknowledged this week after an
8 18 month delay.

9 To date, I have received about 1,700
10 pages of interim records. But the majority of
11 those do not appear on first review to be truly
12 responsive to my straightforward FOIA request which
13 was to provide me with copies of the same material
14 the HHS independent reviewers were given way back
15 in January of 2014.

16 I regard these responses as evidence of
17 censorship. I petition this Board and NIOSH to
18 urge Congress to amend the SEC Administrative
19 Review process to make it more open and transparent.

20 And finally, I have some parting or last
21 remarks to make concerning the dose reconstruction
22 reviews that were discussed today. This comment is

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1 in reference to the workgroup meeting held on
2 November the 5th, 2015. A statistical summary
3 covered 334 dose reconstruction reviews conducted
4 by the Board representing 0.9 percent of completed
5 DRs to date.

6 What struck me the most when I obtained
7 the statistical report was the gross disparity in
8 DOE and AWE Site Reviews to date. Four GSI cases
9 were included and none from Dow Madison or Texas
10 City Chemicals, all AWE sites. Seemed to me that
11 well over 95 percent of the 334 cases were larger
12 DOE sites that comprise only about a third of all
13 covered EEOICPA sites.

14 This background raises the serious and
15 concerning question, do NIOSH and the Board
16 consider AWE sites to be unimportant? What are the
17 reasons between the gross disparity of the DOE/AWE
18 site nine-to-one ratio for completed DR reviews, a
19 fact that would disturb any statistician interested
20 in representative data sampling?

21 One possibility for this disparity is
22 that the scientific basis and validity of dose

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1 reconstructions performed by NIOSH, ORAU and many
2 AWE sites rests almost entirely on surrogate data.
3 This is certainly the case at all three of my AWE
4 sites.

5 The GSI petitioners cited improper use
6 of surrogate data as their Error Number 20 of 44 in
7 their GSI SEC 105 Administrative Review
8 application. The Board surrogate data criteria
9 were first formulated and evaluated --

10 CHAIRMAN MELIUS: Dr. McKeel, you need
11 to wrap up please.

12 DR. MCKEEL: I am. I've got two more
13 sentences. The Board surrogate data criteria were
14 first formulated and evaluated at the Dow Madison
15 and Texas City AWE sites. And neither of those two
16 sites had any film badge data.

17 These factors, inability to reach to the
18 2.5 percent DR review goal in 13 years, non-random
19 selection of dose reconstruction, gross
20 oversampling of DOE compared to the majority AWE
21 small sites, all severely compromise the utility of
22 the entire dose reconstruction review process.

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1 Thank you for letting me address the Board.

2 CHAIRMAN MELIUS: Are there any other
3 people on the phone who wish to make public
4 comments?

5 MS. JESKE: Yes, I do. This is
6 Patricia Jeske. I'm the petitioner.

7 CHAIRMAN MELIUS: Go ahead.

8 MS. JESKE: Okay. You know, I'm not
9 scientifically involved. And I think everybody
10 knows that. If it hadn't been for Dr. McKeel and
11 [identifying information redacted], this SEC would
12 have died a long time ago.

13 But I do want to talk from my personal
14 experiences. And I am -- I have a claim with GSI
15 SEC with siblings. There's 11 of us actually on one
16 claim. And I represent another relative. I just
17 want to talk a little bit about what's happened
18 there.

19 We had a -- I've been trying to get a dose
20 reconstruction development report. And I
21 contacted NIOSH first by certified mail. And I was
22 called rather quickly by Nancy. I waited a while

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1 before I returned her call, but I did return her
2 call.

3 And she didn't seem to think that I knew
4 what I wanted. And I told her that I wanted it
5 because we want to help people. You know, there
6 might be something in there somehow that we can help
7 people.

8 She said, well, everything, the way we
9 do it is all on the website, that we could go there
10 and get the information that we needed there. But
11 she said I would have to go through Department of
12 Labor to get that, that they had recommended
13 compensation on both claims and that they were done
14 at that point.

15 She talked a little bit further. She
16 was very thorough and helpful. But she said that
17 she didn't feel we needed the SEC now, that we have
18 75 percent of the GSI claimants are now being paid.
19 And as Dr. McKeel said, most of them haven't, just
20 20 percent. But they're being recommended to be.

21 She said something that bothered me.
22 Now, if they only have something like prostate,

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1 well, that's a different matter, because lots of
2 people get prostate. And those people may very
3 well not be compensated. Well, prostate cancer on
4 the relative that I represent started out with
5 prostate and ended up with leukemia. So to say that
6 just kind of concerns me.

7 And that particular case, the PoC with
8 the leukemia and the prostate, before this last dose
9 reconstruction, before all the changes were made
10 for Appendix BB, Rev 1, it was 15.9. And it raised
11 to 68.8 after the new dose reconstruction, you know.
12 So that tells me that with prostate it can develop
13 into more, because it developed into more for him.

14 And I went through, when he got the
15 leukemia I had to get all kinds of doctors' reports
16 and hospital reports. And I just can't begin to
17 tell you, I had to threaten them with HIPAA, because
18 they weren't releasing things. It was just very
19 drawn out.

20 But I had Dr. McKeel to lead me through
21 this. The public doesn't have that. I did have
22 that. I was very fortunate to have someone like

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1 that to assist me through it. Otherwise I wouldn't
2 have -- and I'm the petitioner. I would not have
3 known, you know, what to do. So yes, I'm a little
4 concerned about people that have prostate cancer,
5 it becoming more than that.

6 Then the other -- so then I called one
7 of the claims managers at DOL to ask for this
8 developmental dose reconstruction, developmental
9 report. She said she'd have to have it in writing.
10 So I put it in writing. And it was received on the
11 9th of November. And that may not be time enough
12 to get back to me. But so far I have not heard
13 anything on that.

14 Can anyone tell me if that's, if I am
15 wrong and should not have that report, as my, you
16 know, as being a claimant myself on one and then the
17 representative on the other? Am I asking for
18 something that's forbidden here? I didn't think I
19 was.

20 (No audible response)

21 MS. JESKE: No one knows? Okay, well
22 that's fine.

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1 CHAIRMAN MELIUS: Stu, do you want to
2 ask the -- I didn't know what --

3 MR. HINNEFELD: Well, this is Stu
4 Hinnefeld. And I'm not familiar with the dose
5 reconstruction developmental report. Is that
6 something that, you know, you say you'd contacted
7 the Department of Labor, and they apparently are the
8 ones who prepare that?

9 MS. JESKE: Well, NIOSH, from what I
10 understand, NIOSH should have it and so should
11 Department of Labor. But it is now closed through
12 NIOSH, so she says.

13 MR. HINNEFELD: Well, you know, we
14 complete something called a Dose Reconstruction
15 Report, but that would have been sent to you. And
16 that would have been then sent on, and we also send
17 that to the Department of Labor. And then they do
18 some things in order to arrive at a recommended and
19 ultimately final decision.

20 So I guess I don't know what you're
21 asking. If it's something that the Department of
22 Labor prepares in the process of going from our dose

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1 reconstruction report to a recommended and final
2 decision, that's something I'm not familiar with.
3 And so I don't know. And it would be a Department
4 of Labor question about whether --

5 DR. MCKEEL: Mr. Hinnefeld, this is --

6 MR. HINNEFELD: -- it could be made
7 public or not.

8 DR. MCKEEL: Mr. Hinnefeld, this is Dan
9 McKeel. May I please comment that I have been sent
10 80 of those dose reconstruction development reports
11 for PER 058 for Dow and 194 of them for PER 057 for
12 GSI. And they are reports called by that name
13 prepared by NIOSH, by your division.

14 MR. HINNEFELD: Okay. Now I
15 understand --

16 DR. MCKEEL: So that's --

17 MR. HINNEFELD: Okay. Now I
18 understand the document we're talking about.

19 DR. MCKEEL: Okay.

20 MR. HINNEFELD: I will have to look into
21 Ms. Jeske's request and see what happened there.

22 DR. MCKEEL: Thank you very much.

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1 MR. HINNEFELD: So I'll look into that.

2 MS. JESKE: Okay. All right. I
3 probably explained it incorrectly. I am sorry --

4 DR. MCKEEL: I apologize then.

5 MR. HINNEFELD: No, I just didn't
6 understand the term that apparently we use for that,
7 for that document.

8 DR. MCKEEL: I apologize for
9 interrupting. Thank you.

10 CHAIRMAN MELIUS: Okay. Anybody else
11 on the line wish to make public comments?

12 MR. REAVIS: Yes, can you hear me?

13 MS. LUDWIG TALBOT: Yes, please.
14 Hello?

15 MR. REAVIS: Yes. There's a couple of
16 people on the line. Go ahead, ma'am.

17 MS. LUDWIG TALBOT: Okay. Is it okay
18 to speak?

19 CHAIRMAN MELIUS: Yes. Go ahead and
20 identify yourself.

21 MS. LUDWIG CALBOT: Okay. My name is
22 Cathy Ludwig Calbot. And I'm a claimant from the

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1 Pinellas Plant on my father. Thank you for letting
2 me listen. This is my first conference. It was
3 very informative.

4 Just a couple of things that I want to
5 note. Dr. Melius and the Advisory Board, I'm not
6 sure that you recognize my name. I have sent a
7 letter to yourself and to Dr. Melius. I have a
8 couple of questions, and I'm hoping you can point
9 me in the right direction.

10 My father's re-work is under its third
11 dose reconstruction at NIOSH. And there's a lot of
12 reasons for that. And one thing I want to point
13 out, I've become a voice for a lot of Pinellas Plant
14 workers.

15 Just some statistics that I'm sure
16 you're all aware of, 648 cases, 102 approved.
17 We're approaching 500 deceased employees. We've
18 applied four times for the SEC. It's not even
19 gotten past the review process. We're working on
20 that right now. We hope to do better on the next
21 one.

22 I have a couple of things that I want to

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1 make public knowledge. Back on October 13th of
2 2011, SC&A did a Work Group update. And we are, as
3 a group, concerned about the site interviews that
4 were conducted.

5 Notes were taken by DOE, classification
6 and redacted material was sent back to SC&A. SC&A
7 was supposed to finalize the notes and return to the
8 interviewees for their input. That never
9 happened. That's sitting out there, you know, in
10 never-never land.

11 I'm just a layman, so you'll have to
12 pardon my passion. I'm a bit emotional on this,
13 approaching my father's 20th anniversary of his
14 death. His dose reconstruction is being done under
15 a directive from national. I can't tell you how
16 much I appreciate Jeff Kotsch and Rodney's help on
17 this.

18 I have climbed up every ladder I
19 possibly could to make sure that this dose
20 reconstruction is done to statute, and to
21 regulation and on a level playing field. What they
22 left -- my father's dose reconstruction came in at

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1 43.8.

2 And they left out his additional
3 employment at Sandia Lab, his temporary plant
4 exposure, his photofluorography exposure, his
5 Heather Project exposure, deconstructive testing
6 which is still up in the air, neutron doses and metal
7 tritides, among a lot of other things.

8 If you can imagine if I were a scientist,
9 or I were on the Board and I was a health physicist,
10 what my father's dose reconstruction would come
11 back -- if all the information was done and pulled
12 from the records.

13 I have to interject here about the
14 Department of Labor. I did not know until about six
15 months ago that I could file for my father's medical
16 and employment history through the Freedom of
17 Information Act.

18 A lot of the things that were put on the
19 burden of proof on myself, and on my brother and on
20 my mother before she passed away in '09 were in those
21 files.

22 Now that the dose reconstruction is

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1 being done, I have found out that the Department of
2 Labor was aware and had those very same files.
3 Because my case examiner told me word for word, "Oh
4 yes, that's in the file. I found that." So
5 they're asking me to prove some X-ray information.
6 I put that disk in there and X-rays pop up.

7 So I would like very much to have a
8 conversation with someone. And I don't know under
9 what cover, Dr. Melius, Advisory Board, that that
10 comes under. A Working Group, the last time they
11 did a Working Group on the Pinellas Plant was 2012.
12 There are so many things out there pending that
13 didn't seem to be completed.

14 And again, as just a daughter trying to
15 make it right for her father and for 500 employees
16 who can't speak for themselves anymore, I know
17 that's a disturbing factor, it really is. It's
18 disturbing to me because I grew up at that plant.
19 Those people were like my family. And I feel like
20 I have the right to be emotional and to be expected
21 to understand this.

22 Again, like the lady on the phone before

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1 me, I'm not a scientist. But I'm highly educated,
2 and I understand a lot of this. And I've spent the
3 last 18 months digging for stuff that the Department
4 of Labor already had.

5 So I am just -- I sat through this whole
6 meeting from the East Coast so I could at least get
7 some concerns out there. I am concerned that my
8 case examiner is the same one who has not been
9 forthcoming with me, or my brother or my mother when
10 she was alive. And my mother was a 70 year old woman
11 who couldn't navigate a digital phone, let alone a
12 rotary, I mean a rotary phone, let alone a digital.

13 So I don't know what these people do out
14 there. I thank God for advocates, and I thank
15 Heaven for people like Jeff Kotsch, and Rodney and
16 even Wendell Perez in FAB who helped me navigate
17 this and gave me the time to research it. There's
18 a lot of things at the Pinellas Plant, and I listen
19 to all the large companies.

20 CHAIRMAN MELIUS: Ma'am, can you please
21 wrap up. Your time's about up.

22 MS. LUDWIG CALBOT: Sure. I would be

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1 happy to. I would just like to know how to get a hold
2 of the Advisory Board. Because my emails are not
3 being answered. How's that for one last wrap-up?

4 CHAIRMAN MELIUS: Well, your email was
5 from last week. And I will tell you that the
6 Advisory Board has received it.

7 MS. LUDWIG CALBOT: Okay.

8 CHAIRMAN MELIUS: It was addressed to
9 many other people. And the Advisory Board, as a
10 matter of policy, does not comment on ongoing dose
11 reconstructions.

12 MS. LUDWIG CALBOT: Okay, okay.

13 CHAIRMAN MELIUS: And we will
14 communicate that back to you officially.

15 MS. LUDWIG CALBOT: That would be
16 wonderful. I don't know the process. I'm just
17 learning it.

18 CHAIRMAN MELIUS: No, that's fine. I
19 understand.

20 MS. LUDWIG CALBOT: I'm just trying to
21 copy everybody, you know, that that's what you guys
22 need to know. And there's many other things going

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1 on at the Pinellas Plant. So hopefully we'll be able
2 to bring it to fruition here.

3 CHAIRMAN MELIUS: Okay. Thank you.

4 MS. LUDWIG CALBOT: Thank you.

5 CHAIRMAN MELIUS: And just so you know
6 on Pinellas, there will be a Work Group meeting in
7 February. And the Board will be holding their
8 Board meeting in the Pinellas area in March.

9 Okay, anybody else on the line that
10 wishes to make public comments?

11 MR. REAVIS: Can the Board hear me?

12 CHAIRMAN MELIUS: Yes.

13 MR. REAVIS: Yes, okay. My name is
14 Rick Reavis. I'm calling a little bit about
15 Blockson Chemical. And also I want to talk about
16 a new Board that may have been created. So I want
17 to thank you people first of all for giving me this
18 opportunity to speak.

19 I have a few questions, as I said. One
20 is about a new Board that was supposed to have been
21 created this year, 2015. I do believe this Board
22 was initiated to help the EEOICPA and the Law of

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1 2000. Do you folks know about that Board? And I
2 might correct --

3 (Off the record comments)

4 CHAIRMAN MELIUS: We're the Board.
5 The Board has not been appointed yet.

6 MR. REAVIS: Oh, it has not been
7 appointed?

8 CHAIRMAN MELIUS: No.

9 MR. REAVIS: Let me ask you, when that
10 Board is appointed, what's going to be the purpose
11 of the Board?

12 CHAIRMAN MELIUS: It will be advising
13 the Department of Labor.

14 MR. REAVIS: Okay. Now, will it be
15 over or under the DOL?

16 CHAIRMAN MELIUS: It would be parallel,
17 provides advice to the --

18 MR. REAVIS: Parallel, okay.

19 CHAIRMAN MELIUS: -- Department of
20 Labor.

21 MR. REAVIS: Yes, okay. Thank you.

22 CHAIRMAN MELIUS: Yes.

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1 MR. REAVIS: Is it -- one more question.
2 Is it going to be comprised of just scientists, or
3 who's going to be on that Board?

4 CHAIRMAN MELIUS: There's a, the
5 legislation that set up the Board set up a whole
6 series of criteria for how many people are on the
7 Board and what their qualifications are. So
8 there's a mixture of people.

9 MR. REAVIS: Okay. Not necessarily
10 scientists, because that's what I had been told
11 before.

12 Now in regards to Blockson, I would like
13 to talk about, and maybe the Board is aware of this
14 one-page document. It was created in 1963. And it
15 was used to back up Blockson's SEC from 1962 to 1960.
16 Are Board Members aware of that document? Have
17 they seen it, any of the Board Members?

18 CHAIRMAN MELIUS: Well, the Board dealt
19 with Blockson quite a while ago, so --

20 MR. REAVIS: Quite a while ago, yes.
21 And I've been dealing with the Board and Blockson
22 and everybody else for quite a while myself.

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1 But this document, it's a one page
2 document. Nobody seems to know where it came from,
3 who it was addressed to, who received it, anything
4 about that document. They don't know who generated
5 it.

6 They used that one-page document to undo
7 years, about ten years of work on Blockson that were
8 -- Department of Energy, Stokes, other companies
9 used documents stating, they all state that
10 Blockson's production ended in March 31st of '62.
11 This one document undid all of that.

12 It's a document that, I think it's been
13 in question for quite a while. It looks like it's
14 computer generated. Back in 1963, it certainly
15 wouldn't have been computer generated. It would
16 have been typed.

17 And I was just wondering if anybody
18 would want to take a good look at that document,
19 maybe have a document examiner since there's so much
20 credence been on that document. Maybe somebody
21 should take a good look at it, get a typewriter
22 document examiner to look at it to see if it was,

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1 in fact, typed in 1962. What's the Board's feeling
2 on that?

3 CHAIRMAN MELIUS: Well, I think we're
4 just taking comments now. We're not going to be
5 able to respond to specific requests like that.

6 MR. REAVIS: Yes, okay. Well, that's
7 good enough for now. I appreciate again your time.
8 And perhaps later some of the Board Members can take
9 a little time to look at that one page document.
10 It's a very important document. With that
11 document, there was 23 people that didn't get paid
12 at Blockson. Thank you very much for your time.

13 CHAIRMAN MELIUS: Okay, thank you.
14 Anybody else on the phone wish to make public
15 comment?

16 MS. PADILLA: Yes. My name is Judy
17 Padilla from Rocky Flats.

18 CHAIRMAN MELIUS: Hello.

19 MS. PADILLA: Yes?

20 CHAIRMAN MELIUS: Go ahead.

21 MS. PADILLA: On October 28th of 2015 at
22 the telephone conference call, Ms. Wanda Munn made

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1 a comment about the Board being pilloried for time
2 delays. I agree. You should be. Rocky Flats has
3 been shut down now for ten years. It has been 25
4 years since the FBI raid and 23 years since the Rocky
5 Flats federal grand jury verdict. It has been a
6 decade since the first Rocky Flats SEC was submitted
7 and four years for the latest, Number 192.

8 When Rocky Flats SEC Number 227 was
9 filed in 2015, it did not qualify on the grounds that
10 the information had already been provided. If the
11 information was there, why has it taken so long for
12 you knowledgeable, educated people to read and
13 understand it?

14 Are you confused about the evidence it
15 takes to indict a contractor for criminal activity?
16 Do you have a problem understanding a grand jury
17 report which plainly states that a contractor,
18 Rockwell International, lied and put the public and
19 workers at risk? What part of criminal malfeasance
20 is confusing?

21 How many of the other nuclear plants
22 have been indicted, tried by a federal grand jury

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1 and found guilty of crimes against the environment
2 and humanity? Isn't the Flats the one and only?

3 In order to help you familiarize
4 yourselves with the grand jury report, I will quote
5 from some of the pages of Federal Judge Sherman
6 Finesilver's 23 page report. And I quote, Page 3,
7 "The grand jury now renders to the court this report
8 regarding ongoing, organized criminal activity at
9 the Rocky Flats plant in this federal judicial
10 district of Colorado. This report is based on
11 preponderance of the evidence considered by the
12 grand jury.

13 "For 40 years, federal, Colorado, and
14 local regulators and elected officials have been
15 unable to make DOE and the corporate operators of
16 the plant obey the law. Indeed, the plant has been
17 and continues to be operated by government and
18 corporate employees who have placed themselves
19 above the law and who have hidden their illegal
20 conduct behind the public's trust by engaging in a
21 continuing campaign of distraction, deception and
22 dishonesty."

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1 Page Number 4, and I quote, "Number 1,
2 the government agencies failed repeatedly in their
3 duty to protect the public's interest. Number 2,
4 Colorado Department of Health, the Department of
5 Energy and the Environmental Protection Agency did
6 not perform adequately their oversight and
7 regulatory function.

8 "Number 3, DOE managed the plant with an
9 attitude of indifference. Number 4, DOE's plant
10 manager made false written statements with
11 knowledge of the falsity of his statements or with
12 a disregard for knowing whether his statements were
13 false."

14 Page Number 5, and I quote, "DOE
15 officials either ignored such notices from
16 Rockwell, joined with Rockwell in rationalizing
17 such conduct or actively participated in plans to
18 shield Rockwell from attack and conceal potentially
19 damaging information from being disclosed to the
20 public or regulatory agencies.

21 "Since this grand jury cannot indict a
22 federal agency for violating the laws, DOE is

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1 identified in this report and the grand jury's
2 presentments of evidence to this court of criminal
3 misconduct as an unindicted co-conspirator with
4 Rockwell, EG&G and certain individuals in an
5 ongoing conspiracy to violate certain laws of the
6 United States.

7 "In this sense, the DOE has become a
8 self-regulating agency which is above the law and
9 without accountability except to this grand jury.
10 DOE did not attempt to review critically, verify
11 independently or evaluate systematically any data,
12 information, analysis, recommendation or
13 conclusion which Rockwell provided to DOE."

14 These are all direct quotes from the
15 grand jury report. Page Number 6, and I quote, "The
16 government's inspectors have tended to overlook
17 obvious health hazards and environmental crimes
18 committed at the plant because their focus was too
19 narrow."

20 Page Number 9, and I quote, "The root
21 of the problem at the plant was and continues to be
22 the negligent mismanagement of waste at the Rocky

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1 Flats plant originating with DOE's aggressive
2 efforts to place the plant and its operators above
3 the environmental law by which all other companies
4 must abide.

5 "The grand jury believes that the DOE
6 feared the regulators would discover Rockwell's
7 mismanagement of hazardous waste and radioactive
8 mixed waste at the plant. Yet Congress enacted
9 criminal penalties in RCRA, the Clean Water Act and
10 other federal laws which have been violated at the
11 Rocky Flats plant with the express intent to stop
12 negligent practices.

13 "It is an elementary principle of law
14 that ignorance of the law is no excuse for criminal
15 conduct. The jury specifically rejects the notion
16 that government employees should be allowed to hide
17 behind the ill-reasoned logic of a government
18 attorney at the plant and other DOE attorneys in
19 Washington, D.C., whose objectives seem to be to
20 thwart attempts to subject Rocky Flats plant to the
21 rule of law."

22 On Page 18, "In 1988 DOE performed an

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1 internal audit on the risks which its various
2 facilities posed to public health. At the time,
3 DOE rated the extensive contamination of
4 groundwater at Rocky Flats as the number one
5 environmental hazard among all of DOE's facilities
6 in the United States.

7 "The DOE reached its conclusion because
8 the groundwater contamination was so extensive,
9 toxic and migrating towards the drinking water
10 supplies for the cities of Westminster and
11 Broomfield, Colorado."

12 Page 19, "Rockwell controlled all of the
13 material, information, data and analysis regarding
14 matters at the plant. Since Rockwell often failed
15 to disclose all of the relevant facts to DOE's
16 employees, Rockwell and its managers were able to
17 consistently manipulate and control DOE policy to
18 assure that DOE endorsed Rockwell's illegal conduct
19 in pursuit of very large bonuses and contract fee
20 awards, to the extent to which DOE may have
21 authorized Rockwell to break the law.

22 "DOE acted more often than not at

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1 Rockwell's direction and after Rockwell had
2 independently formed intent to break the law.
3 Rockwell conspired with certain DOE officials over
4 a period of years" --

5 CHAIRMAN MELIUS: Excuse me. You're
6 going to need to wrap up, please.

7 MS. PADILLA: Yes, I'm almost finished.

8 CHAIRMAN MELIUS: Well, you need to
9 finish.

10 MS. PADILLA: -- "to hide its illegal
11 acts and the illegal acts of its employees behind
12 the sovereign immunity of a department of the
13 federal government, DOE. Some DOE employees
14 likewise become a law unto themselves and attempted
15 to immunize themselves from prosecution by hiding
16 behind the sovereign immunity of the U.S.
17 government."

18 CHAIRMAN MELIUS: Thank you for your
19 comments.

20 MS. PADILLA: These are the words of the
21 federal court concerning the management of Rocky
22 Flats.

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1 CHAIRMAN MELIUS: Excuse me, but I
2 think you need to wrap up please.

3 MS. PADILLA: Okay. That is all that I
4 wish to say. My name is Judy Padilla. I worked at
5 Rocky Flats from 1983 to 2005 when it closed. And
6 I'm a cancer survivor.

7 CHAIRMAN MELIUS: Okay.

8 MS. PADILLA: Thank you very much.

9 CHAIRMAN MELIUS: Thank you. Anybody
10 else on the phone that wishes to make public
11 comments?

12 (No audible response)

13 CHAIRMAN MELIUS: If not then we'll wrap
14 up and adjourn the meeting. Thank you all.

15 (Whereupon, the above-entitled matter
16 went off the record at 5:55 p.m.)

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