

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

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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.

23 Another thing for folks on the phone,

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

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

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

18 Let me start with the Board roll call
19 and the way I'll do this, we have today, for today's
20 roll call, we have, let's see, only one site that
21 relates to conflict of interest so I'll just
22 address that and then we can run through roll call
23 without the Board Members individually addressing

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1 conflicts.

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

3 (Roll call)

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

9 And with that, it's your meeting, Dr.
10 Melius.

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

14 MR. HINNEFELD: Good morning,
15 everyone. Is my mic on?

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

18 MR. HINNEFELD: Mr.

19 MR. KATZ: -- Mr. Hinnefeld?

20 (Multiple yes)

21 MR. HINNEFELD: Okay, great. Well,
22 I'm here to give my normal update presentation.
23 Yes, I'll start with some -- what I normally do is

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1 program news items and I always like to cover our
2 outreach activity.

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

8 One of those activities was a trip to
9 West Valley, New York, for the -- well, the
10 reprocessing site up there, West Valley site.

11 And then also a stop in Ashtabula or in
12 the vicinity of Ashtabula, Ohio, for the extrusion
13 plant in Ashtabula, couple covered sites.

14 In conjunction with our outreach
15 contractor, ATL International, we held a dose
16 reconstruction and SEC workshop in Cincinnati in
17 September where we invited representatives from
18 around the country, a number of local union
19 officials and some program advocates, and
20 representatives of others, interested parties in
21 the program, for a two-day workshop where we
22 covered dose reconstruction and SEC process in a
23 little bit of detail.

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

9 (Off the record comments)

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

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

14 (Off the record comments)

15 MR. HINNEFELD: Okay, I'll pick up
16 where I was on outreach activities and we have
17 covered West Valley, New York; Ashtabula, Ohio; and
18 then we've done a workshop, dose reconstruction SEC
19 workshop in Cincinnati in conjunction with our ATL
20 International outreach contractor.

21 Also last night, since we were in the
22 vicinity, we went out to Livermore to have an
23 outreach that was sort of briefly arranged. It was

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1 just us. LaVon and I went and two of our
2 contractors from ATL International.

3 I think there were about 15 people there
4 and we gave them a presentation about the program,
5 you know, the law and our role in the law. Pretty
6 well received. Interested crowd, asked some
7 interesting questions.

8 So those are essentially our outreach
9 activities since the last when I was talking about
10 the membership on what we call the Part E Board,
11 which is the Advisory Board on Toxic Substances and
12 Health.

13 And then also, in trying to improve our
14 communication skills, we invited an instructor to
15 come and provide a day's training in plain language
16 communication of technical information or of
17 scientific information, and this was not just for
18 our staff. This was a NIOSH, several NIOSH staff
19 went to this.

20 I think it's a fact that we'll continue
21 to write documents that are scientific in nature
22 and, therefore, written for the audience they're
23 written for.

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1 There are still some things you can do
2 in terms of good sentence construction and good
3 language choice to improve that communication even
4 though you're writing scientifically.

5 And there may be a path, an avenue, if
6 we want to write for claimant community, advocate
7 community, sort of a non-scientific reader because
8 many of our -- well, many of our claimants are
9 scientific but many are not. We would perhaps
10 write a summary for a general reader as opposed to
11 a scientific.

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

17 We also, in association with Joint
18 Outreach Task Group and along the lines of plain
19 writing, we are participating in a subgroup of that
20 organization to revise letters, brochures, and
21 tri-folds, some of the information that they've
22 developed, to make that a little more reasonable
23 for the public.

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1 Some of it is pretty good and some of
2 it I don't think is very good. There are some
3 things even I can recognize can be redesigned on
4 some of those.

5 During this time period, we had the
6 opportunity to go capture some data that was
7 collected by Dr. Thomas Mancuso from the University
8 of Pittsburgh.

9 Dr. Mancuso died a number of years ago
10 and many of his records were being retained by a
11 law firm in Pittsburgh, and one of the lawyers had
12 sort of grown up with Dr. Mancuso, built much of
13 his career with Dr. Mancuso, and he has kind of been
14 watching over this information that Dr. Mancuso had
15 stored there with the thought that maybe it would
16 be useful someday.

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

21 And he called David Michaels actually.
22 David Michaels knew about us and our program.
23 David Michaels is the director of OSHA now. He

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1 worked for the Department of Energy while this
2 program was being established.

3 And Dr. Michaels called Dr. Howard who
4 called me and, as a result, things kept moving
5 downhill and Dr. Neton went on the data capture with
6 our contractors to Pittsburgh to look through
7 information there.

8 We're not 100 percent sure -- we've
9 actually captured quite a lot of documents that
10 we'll scan and include in our available records.
11 We're not exactly sure if they're, you know, of
12 utility right now, but we didn't want to let the
13 opportunity go by. We had a, I think it was an end
14 of October deadline and the facility was going to
15 be closed and the records were going to be gone.

16 So I'll make a very brief mention of
17 budget items because I don't really have a whole
18 lot of news there.

19 You probably all heard the news stories
20 back at the end of, whenever it was, that Congress
21 has agreed to a two-year spending -- they called
22 it a two-year budget but what it really was was a
23 two-year spending plan, you know, a plan for a

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1 budget.

2 In other words, it was not an
3 appropriations bill so we don't really have an
4 appropriations bill yet. I mean, the government
5 is still only funded through December 11. They
6 need to pass appropriations bill to have money
7 beyond that. Most of government does.

8 Our particular money doesn't expire.
9 Unlike much of the government, our money doesn't
10 expire at the end of the fiscal year and we will
11 have some money left over that we can continue to
12 work if worst comes to worst and Congress can't
13 decide how to pass an appropriations bill, but
14 that's where we are now.

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

21 I had one other news item that I didn't
22 include on my slide because I didn't know about it
23 when I prepared my slide. I wasn't sure about it.

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1 One of our staff members, Sam Glover,
2 has accepted another position in NIOSH and is going
3 to be a branch chief in one of the other divisions
4 in NIOSH. So in about three and a half weeks, he'll
5 be transferring over to another division.

6 He'll still be in our building. We can
7 still track him down if we need to and we're going
8 to work on turnover between now and then to turn
9 over the sites he's been the lead on for some of
10 our other staff and we'll keep people informed as
11 that goes in terms of how we're going to apportion
12 that out.

13 And then the last item that I wanted to
14 speak briefly about, and I think we may have another
15 person on the phone who can assist in some of this,
16 is the administrative review of Electrochemical
17 Corporation, Hooker Electrochemical SEC.

18 As you recall, you know, we recommended
19 at Hooker that a SEC was not warranted. You, the
20 Board, concurred and made that recommendation to
21 the Secretary denying the SEC.

22 The petitioner asked for
23 administrative review, which went to the Secretary

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1 and then, well, what happens, the Secretary
2 impanels a panel to hear that.

3 This particular review panel felt like
4 there had been an error made in that determination
5 and recommended to the Secretary that a Class be
6 granted after all.

7 And so the Secretary did acquiesce with
8 the review panel and so that Class now has been
9 empowered, is effective now. The Class has become
10 effective.

11 I believe Dr. Wanda Jones, who is the
12 Principal Deputy Assistant Secretary for Health in
13 the Office of the Assistant Secretary for Health
14 at HHS, might be on the phone and may have a little
15 bit to say about that. Dr. Jones, are you there?

16 DR. JONES: Yes I am, Stuart.

17 MR. HINNEFELD: Do you have some
18 comments to provide to the Board about the process
19 or about what transpired?

20 DR. JONES: Sure, and thank you for the
21 opportunity to be here to present to the Committee
22 today. I really want to acknowledge the
23 Committee's work and I'm grateful that we have an

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1 opportunity because this has been an interesting
2 case.

3 As Mr. Hinnefeld just indicated, the
4 Secretary did recently issue a new designation for
5 the Hooker Electrochemical Special Exposure
6 Cohort.

7 My office, the Office of the Assistant
8 Secretary for Health, is providing this very brief
9 update to the Advisory Board regarding the EEOICPA,
10 the Act of 2000, and the SEC administrative review
11 process specifically.

12 We have put a very comprehensive FAQ
13 document explaining the details of the
14 administrative review process on the NIOSH DCAS
15 website, and I won't be reiterating that material
16 today but it's there for your reference, for the
17 public's reference as well.

18 But what we'll update here is
19 information about the process in general and then
20 a few details specifically related to the Hooker
21 Electrochemical Corporation review so, Mr.
22 Hinnefeld, is that going to meet your needs?

23 MR. HINNEFELD: That's fine for me.

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1 We'll see what the Advisory Board -- if they have
2 comments or questions about it.

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

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

10 Petitioners may challenge the
11 Secretary's final decision to deny adding a Class
12 to the SEC or a Secretarial decision making a health
13 endangerment determination by requesting an
14 administrative review of the decision and
15 submitting a written request to the Secretary of
16 Health and Human Services within 30 calendar days
17 of receiving the notification letter from NIOSH.

18 The administrative review request
19 should describe the substantial factual errors or
20 substantial errors in the implementation of the
21 procedures that are set out in the EEOICPA SEC
22 regulations at 42 CFR, Part 83.

23 The regulation provides that no new

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1 information or documentation may be included in the
2 request. The administrative review is limited to
3 the existing record for each petition.

4 So with respect to the management of the
5 administrative review process, OASH oversees the
6 administrative reviews at the request of the
7 Secretary and I specifically am charged with
8 organizing the process.

9 So in order to ensure that the panel's
10 deliberations are independent, however, OASH is
11 not involved in any way in their scheduling, their
12 record review, or their deliberations.

13 OASH assists before the panels begin
14 their work by interviewing and identifying
15 potential scientists with the appropriate
16 expertise for the panel and by collecting the
17 administrative record from NIOSH.

18 OASH then schedules an initial
19 orientation session with the selected panel
20 members to introduce them to each other, to educate
21 them about the EEOICPA statute and regulations,
22 provide the administrative record, select a chair,
23 and charge the panel with the task of the

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1 administrative review.

2 After that point, OASH is not engaged
3 in the process again until the panel has issued its
4 final report and recommendations.

5 I'm getting a lot of feedback. Are you
6 all getting --

7 MR. KATZ: I'm sorry. I'm sorry, Dr.
8 Jones. We do. We have people on the line who have
9 not muted their phones who may have joined after
10 we discussed this.

11 So everyone on the line, please mute
12 your phone except for Dr. Jones. Press *6 to mute
13 your phone. If you have a star, press * and 6 to
14 mute your phone, folks.

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

19 DR. JONES: Of course. Hey, we've all
20 faced this.

21 MR. KATZ: Thank you.

22 DR. JONES: Did they cut the rest of us
23 off?

1 MR. KATZ: No. No, you're still
2 there. You're still there.

3 DR. JONES: Because I've had that
4 happen too.

5 MR. KATZ: And it's quiet right now.
6 You might want to just try proceeding while we're
7 doing that.

8 DR. JONES: Okay.

9 MR. KATZ: Thanks.

10 DR. JONES: Okay, excellent. So a
11 panel of three HHS personnel is responsible for
12 reviewing the merits of the petitioner's
13 challenge.

14 And recall, because we've had a
15 moment's interruption here, that those personnel
16 are all scientists. They are responsible for
17 reviewing the merits of the petitioner's challenge
18 and the resolution of the issues contested by the
19 challenge.

20 The panel is appointed by OASH on behalf
21 of the Secretary. The regulations limit the panel
22 to HHS employees independent of NIOSH, and in order
23 to ensure that the process is entirely independent

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1 by practice, we have excluded CDC employees, not
2 just NIOSH employees, and that extends as well to
3 the other component that resides with CDC, the
4 Agency for Toxic Substances and Disease Registry.
5 Those employees also are excluded from
6 participation as members of review panels.

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

16 And, in addition, the few HHS employees
17 that are qualified and available to conduct the
18 review process must add this work to their ongoing
19 duties so they just have to fit it in.

20 The process for constituting a review
21 panel is to assemble and charge the panel to review
22 the cases in the order in which the case appeal is
23 received.

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1 The review panels are required to
2 consider the views and information submitted by the
3 petitioners in the challenge, the NIOSH Evaluation
4 Report or Reports, the report containing the
5 recommendations of the Advisory Board, and the
6 recommendations of the director of NIOSH to the
7 Secretary.

8 The review panel may also consider
9 information presented or submitted to the Advisory
10 Board and the deliberations of the Advisory Board
11 prior to the issuance of its recommendation.

12 This may include relevant Board and
13 Work Group or Subcommittee meeting transcripts and
14 other information that comprises the
15 administrative record for the SEC determination.

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

23 No timeline governs the review panel's

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1 conduct of the review. Each request and review is
2 considered and conducted on a case-by-case basis.

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

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

22 A new designation of the Secretary will
23 take effect 30 calendar days after the date in which

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1 the report of the Secretary is submitted to
2 Congress unless Congress takes an action that
3 reverses or expedites the designation.

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

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

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

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1 It was a partial revision of a prior secretarial
2 decision.

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

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

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

21 MEMBER MUNN: Ms.

22 CHAIRMAN MELIUS: Ms. Munn, excuse me.

23 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
23 operational period when there were radiological

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

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

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

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

22 CHAIRMAN MELIUS: Any other Board
23 Members have questions of Dr. Jones? Board

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

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

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

16 I think what it does underscore is what
17 we repeatedly say and I try to repeatedly remind
18 everyone, it's very important that we establish a
19 full factual record of the basis for our decision
20 and I think we've been doing this for so long we
21 tend to sometimes not do that.

22 I'm not saying that's what happened in
23 this particular instance but I think in the future,

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1 you know, whether we're agreeing with NIOSH or
2 disagreeing with a recommendation or changing
3 something, I think it's important that we make sure
4 that the record through our deliberations is, you
5 know, complete and does, you know, sort of
6 carefully consider each, you know, part of the
7 basis for our decision rather than trying to take
8 a shortcut and saying, you know, well, we just
9 disagree or we agree.

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

18 MEMBER ZIEMER: Dr. Melius?

19 CHAIRMAN MELIUS: Yes.

20 MEMBER ZIEMER: This is Ziemer. I
21 think in this case the record was pretty clear both
22 on our side of the ledger and for the review panel.
23 It's focused on the temporal use of data and one

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1 of the surrogate data criteria.

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

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

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

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

23 There's a process and I think it went

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1 through and it was, you know, presented fairly and
2 I think we have at least a good understanding of
3 why the panel, in what particular instances the
4 panel took to disagree with our recommendations as
5 well as NIOSH's recommendation, but thank you.

6 Yes, Dave. You have a comment?

7 MEMBER KOTELCHUCK: I don't have a
8 comment on that. I was just, if we're finished
9 with this, before Stu goes on, I would like to ask
10 a question about one of the news reports that he
11 gave.

12 CHAIRMAN MELIUS: Sure. Go ahead.

13 MEMBER KOTELCHUCK: On the Mancuso
14 data that you mentioned, the Mancuso data capture,
15 I'm delighted that we have the data but you also
16 said that it was going to be destroyed or thrown
17 away at some later date. Could you clarify a
18 little bit its status now?

19 MR. HINNEFELD: The law firm that was
20 holding this material was moving to smaller
21 quarters and was not going to maintain the storage
22 facility where they were storing it.

23 And so the firm told, the one lawyer who

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1 was essentially Mancuso, had worked with Mancuso
2 all those years ago and he was representing the
3 interests of Dr. Mancuso's family, his heirs, told
4 the attorney that, listen, we're going to have to,
5 you have to do something with this or we're going
6 to throw them away and so we went and captured
7 anything we thought might be useful that we could
8 interpret in order for that not to happen to that.

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

13 That imaging, you know, process isn't
14 going on. It's not the highest priority imaging
15 we're doing but we're working it in, but anything
16 we did not capture is probably destroyed by now
17 because that deadline passed.

18 MEMBER KOTELCHUCK: Well, I'm glad
19 you, we have it. You have it, we have it, and I
20 trust it'll be of use in the future, so good. Very
21 glad to hear that.

22 MEMBER ANDERSON: And what was not,
23 what was destroyed? Do you know what that is?

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

5 DR. NETON: Yes. There were roughly
6 300 boxes -- it was banker boxes of records that
7 were stored at this law firm. We ended up
8 capturing, I think, something around 70/75 of those
9 boxes, quite a bit.

10 The majority of what we didn't collect
11 was research related to non-radiological work that
12 Dr. Mancuso did, specifically beryllium, and he
13 worked a lot with the chemical rubber industry I
14 believe. There was a lot of kind of those records.
15 We didn't find them useful.

16 There were an entire wall almost of IBM
17 keypunch cards. We just didn't feel any way that
18 those were going to be useful to reconstruct
19 things. We didn't know what the format was, that
20 sort of thing.

21 And a lot of computer printouts. When
22 you do epidemiological studies, you generate tons
23 of printouts. There's no way to interpret those,

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1 you know, without encoded things, so we didn't
2 collect a lot of those but we did get about 75 out
3 of 300 boxes.

4 MEMBER KOTELCHUCK: Yes, thank you.
5 Yes, Dr. Mancuso certainly did a large number of,
6 many different types of epidemiological studies.
7 His radiological studies were quite important and,
8 I gather, you've got those so it's --

9 DR. NETON: Yes, we have the Hanford
10 study and some work at Idaho and those sorts of
11 things.

12 I do recall now that the children of Dr.
13 Mancuso, who really possessed these records, did
14 not want us to capture anything that was not of
15 immediate use to our program.

16 They didn't want us to capture them and
17 make them available for someone else, for future
18 research projects to second-guess or whatever that
19 was, but so we were under pretty tight guidelines
20 as to what we could and could not capture.

21 CHAIRMAN MELIUS: Any other questions
22 for Stu? If not, we'll hear from Department of
23 Labor. Thank you, Stu.

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1 MEMBER KOTELCHUCK: Okay, we have one
2 data --

3 CHAIRMAN MELIUS: Well, why don't you
4 get them later?

5 MEMBER KOTELCHUCK: Yes, I will.

6 MR. CRAWFORD: Good morning. My name
7 is Frank Crawford. I'm with the Department of
8 Labor and I'm here to make the presentation that
9 often Jeff Kotsch would make.

10 We have a different slide appearance
11 and some animation so hope this comes through
12 clearly with me operating this.

13 The changes are, of course, small since
14 our last meeting but the key here is that we've now
15 expended \$9.4 billion in combined compensation for
16 Parts B and E. I'm wondering --

17 MEMBER MUNN: Every small part of that
18 adds up.

19 MR. CRAWFORD: Yes. We know what
20 Senator Dirksen said about that.

21 MEMBER MUNN: Yes, we do.

22 MR. CRAWFORD: Well, hopefully that's
23 not the slide. Gee, this worked fine at home,

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1 folks, but --

2 CHAIRMAN MELIUS: It's a CDC computer.

3 MR. CRAWFORD: But this is telling us,
4 you won't be able to interpret this, but this is
5 telling us that of the total compensation of \$11.9
6 billion, which is based on 182,650 cases filed,
7 \$9.4 billion were in direct payments to claimants
8 and \$2-1/2 billion were in medical bill payments,
9 \$2-1/2 billion were in medical bill payments.

10 Let's hope we get a little lucky on the
11 next slide. Yes, there it started. Yes. Well,
12 this slide worked. So we have 9500 approximately
13 accepted DR cases, which have accounted for \$1.4
14 billion in compensation, but accepted SEC cases are
15 about 2-1/2 times as much at 23,075 with \$3.4
16 billion in compensation paid.

17 There's a small subgroup of cases
18 accepted based on both SEC status and a PoC greater
19 than 50 percent. That's for medical benefits
20 determination primarily.

21 We have 834 cases in that category, and
22 all of those categories combined come to about
23 \$4.98 billion in compensation, which differs

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1 slightly from the previous slide but it's pretty
2 close.

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

7 At any rate, we have about 45,000 cases
8 that were referred to NIOSH. Almost 43,000 of
9 those cases were returned to DOL, 37,000 with dose
10 reconstruction, 6,000 without, and there are
11 approximately 2,000 cases at NIOSH of which there
12 are about 1500 initials and 600 reworks.

13 We see here the Part B cases with dose
14 reconstructions and a final decision. We have
15 29,500 of those cases. 10,400 were approved and
16 19,100 were denied.

17 Okay, 9 percent of the Part B cases were
18 RECA claims, 12 percent were SEC cases that were
19 referred to NIOSH, 15 percent were SEC cases never
20 referred to NIOSH, and then other, a big category
21 of 30 percent, beryllium sensitivity, chronic
22 beryllium disease, and chronic silicosis. And
23 NIOSH, 34 percent, had 34 percent of all cases filed

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1 for Part B.

2 Now 90,000 cases have been issued a
3 final decision, of which, and this would include
4 SEC cases, of course, of which 52 percent were
5 approved and 48 percent were denied.

6 These are our old favorites. The
7 larger sites generate most claims, so that probably
8 will continue into the future too.

9 So we see that the AWE cases have been
10 holding pretty steady around 12 percent with some
11 variations. I'm still expecting that to fade
12 because most of the AWE sites, of course, closed
13 long ago.

14 Now, for this meeting's discussions, we
15 have a summary here of the number of claims
16 involved, the cases returned by NIOSH, final
17 decisions, Part B approvals, Part E approvals, and
18 the total comp. and medical bills paid. I won't
19 go through all these numbers. They're all on the
20 website.

21 We can see that Battelle is a rather
22 small site where Rocky Flats and Kansas City are
23 large.

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1 And the same thing for Idaho National
2 Laboratory, Lawrence Livermore, and Blockson
3 Chemical. Again, the National Laboratories are
4 quite large and the Blockson Chemical site fairly
5 small in terms of number of cases.

6 My impression is that Part E approvals
7 are rising. I'd have to go back to look at the old
8 statistics to see, but they seem to be overtaking
9 Part B slowly.

10 MEMBER MUNN: Won't be long.

11 MR. CRAWFORD: Yes. And then we have
12 Dow Chemical Madison, a relatively small site, and
13 General Steel Industries in Granite City,
14 Illinois, also a relatively modest size site.

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

18 Here are the outreach events for Fiscal
19 Year 2015. That would be through the end of
20 September, of course.

21 A lot of the sites had quite good
22 attendance and there seemed to be a lot of
23 RECA-oriented sites this time compared to some of

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1 the other presentations we've had. They have
2 small attendance but you have to expect that.

3 And we're going to be having a Traveling
4 Resource Center meeting next week just before
5 Thanksgiving and then three times in December at
6 Los Alamos. This is now Fiscal Year 2016, of
7 course.

8 And we're having a meeting this week in
9 Albuquerque and then another two meetings in
10 December, also in Albuquerque. This is for the
11 Traveling Resource Center again. And one in
12 Niagara Falls. This is timely for Hooker I
13 suppose. And in Farmington, New Mexico. Someone
14 had asked that a meeting or two ago. Grants and
15 Farmington, they're both coming up. And here's
16 Grants.

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

20 CHAIRMAN MELIUS: Questions for
21 Department of Labor?

22 PARTICIPANT: Is that for the floor in
23 general for questions?

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1 CHAIRMAN MELIUS: Only for Board
2 Members.

3 CHAIRMAN MELIUS: Okay. Thank you.
4 Tell Jeff we said hi.

5 MR. LEWIS: All right, thanks, Stu.
6 Good morning, everyone. I'm Greg Lewis with the
7 Department of Energy and I'm going to give our
8 program update.

9 First, I'll just go through our core
10 mandate which is to work on behalf of program
11 claimants to ensure that all available worker and
12 facility records are provided to DOL, NIOSH, and
13 the Advisory Board.

14 And then our responsibilities, of
15 course. We respond to individual claims, you
16 know, for requests for records and information.
17 We respond to the large-scale facility research
18 like the Special Exposure Cohort or DOL Site
19 Exposure Matrix, and then also we work with DOL and
20 NIOSH to do research and to cover facility changes.

21 As always, I want to talk about our site
22 POCs. Those are the folks out in the field that
23 both coordinate the individual records requests

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1 and responses to DOL and NIOSH, but they also work
2 very hard to facilitate the large-scale records
3 work, like for the Special Exposure Cohorts.

4 So, you know, for example, out in
5 Livermore, I have a slide about it later on, but
6 they've been doing quite a bit of work facilitating
7 site visits and data captures, worker interviews.
8 Things like that are on the ground.

9 Local POCs, or points of contact, are
10 the ones that help the NIOSH Advisory Board
11 researchers to find the right people, to find the
12 right data, information, and then ultimately to
13 review those documents if necessary and provide it
14 to the requester.

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

20 We think it's been a very successful
21 effort, it gives us a number of new data points that
22 we're able to use to work with sites to make sure
23 that we're providing things, both the quality of

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1 response and an on-time response.

2 I think we ended the Fiscal Year '15
3 with somewhere around, I think it was 18 requests
4 overdue out of the hundreds and hundreds that are
5 active at any given time. So that's a very good
6 number.

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

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

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

22 A lot of the, there's smaller, you know,
23 enhancements to the Site Profile TBDs so I was

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1 getting kind of smaller requests for, you know,
2 specific sites, but these were kind of the sites
3 that we were working on, the Special Exposure
4 Cohort or the larger records research.

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

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

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

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1 But also it's quicker because instead
2 of going through the clearance process which can
3 take, I'd say, weeks to months depending on how many
4 documents have been requested, they can be used in
5 real time while the report is being written and then
6 ultimately only those documents that are cited in
7 the report or directly used for the report can be
8 reviewed.

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

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

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

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1 And at headquarters we have a very good
2 relationship with our office classification.
3 They put our stuff, you know, top of the list in
4 terms of priority and are typically very quick
5 getting them out.

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

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

21 So we worked with site management and
22 as well as NIOSH to come up with a timeframe that
23 both was acceptable to NIOSH and possible for our

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1 site given their staffing limitations and that
2 document request was finished I think just in the
3 last month.

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

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

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

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

21 And then just wanted to mention the
22 National Day of Remembrance as well. This is the
23 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
23 mine, but something that was given out to a lot of

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1 the workers as a memento.

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

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

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

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

22 CHAIRMAN MELIUS: Questions for Greg?
23 Brad, you don't have any? Sitting there smiling.

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1 I figured --

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

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

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

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

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

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

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

9 MEMBER CLAWSON: Okay, well, has SC&A
10 got access too or --

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

17 So that was very helpful and I think
18 with the addition of the access that Tim was
19 referring to, that's going to be, certainly that's
20 going to push us forward.

21 But there's been a delay. I mean, to
22 be frank, it's been a while since we've been able
23 to freely access, you know, Savannah River records

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1 so there's been certainly an interval where we have
2 not been able to do as much.

3 MEMBER CLAWSON: Okay, I appreciate
4 that. I'm sorry, I didn't know that these things
5 had changed and stuff, so thanks.

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

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

18 MEMBER CLAWSON: Thank you.

19 CHAIRMAN MELIUS: Any other comments
20 or questions? I would just add that I think Idaho
21 is the other site that there's potential backups
22 at. I think mainly that's sort of site-related
23 issues right now but Tim's got an awful lot of work

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1 planned and it seems that we're --

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

10 You know, we'll definitely do the best
11 we can to make sure the documents and information
12 are, you know, we get that to you in a reasonable
13 timeframe.

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

17 MR. KATZ: While Dr. Melius is getting
18 ready for the next session --

19 CHAIRMAN MELIUS: Next person does not
20 need a lengthy introduction.

21 MR. KATZ: No. But while he's getting
22 ready for that, Dr. Melius is getting ready for the
23 next session, can I just check on the line and see

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1 if, perhaps, Dr. Poston has joined us? John?

2 (No response)

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

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

12 I think what we're trying to do with
13 this presentation, sort of give you an overview of
14 where, what some of the questions are that we have
15 and thoughts and get your input, and if not your
16 input at least getting you to start to think about
17 this and what we should be doing in terms of dose
18 reconstruction reviews and how we go about them at
19 this point in time.

20 I would add that, you know, sort of
21 parallel to this, the Dose Reconstruction Review
22 Subcommittee is preparing a letter to the Secretary
23 and I think has at least an initial draft of that

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1 and a series of updated tables on what they've
2 accomplished over the last few years in terms of
3 doing individual dose reconstructions, so do that.
4 And I'll talk a little bit more about the further
5 documentation and so forth in a second.

6 So, sort of, in thinking about this,
7 sort of thinking in sort of three, sort of
8 categories of review. One is our, sort of our
9 current reviews which is a, you know, sort of the
10 standard thing we've been doing for, you know, a
11 long time, basically since the beginning.

12 It's gone through I think a number of
13 modifications in terms of how sites are selected
14 and individual cases are selected and how the
15 review process has gone down, continues to be
16 tweaked and so forth. But it really, the basic
17 plan hasn't changed since we initially started.

18 And, you know, again, and I think it by
19 itself fulfills a -- you know, a major mandate,
20 again, for our Advisory Board is to advise the
21 Secretary on how well dose reconstructions are
22 being done. Are they being done appropriately,
23 correctly, and accurately?

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1 And so doing that is an important
2 function and, you know, sort of the underlying
3 methodology for that is reviewing individual dose
4 reconstructions as we've being doing and this
5 process involves all of the Board Members and I
6 think has worked reasonably well over time.

7 I think the questions we have are what
8 number of reviews do we do, what percentage? We
9 set a generous and probably very optimistic goal
10 at the beginning. We're clearly not meeting that
11 goal in terms of percentage.

12 I'm not sure there's a percentage that,
13 you know, is the model or the ideal but I think we
14 need to think of how much we're doing, and really
15 it's sort of, given the resources, both NIOSH,
16 SC&A, and Board time that's involved in this and
17 what's a reasonable number that we do over a period
18 of time?

19 We've constantly and continually
20 modified how we select cases, trying to make sure
21 that all sites are represented, trying to look at
22 AWE sites, DOE sites. Trying to look at by
23 Probability of Causation, a whole number of other

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1 criteria. Do we need to modify that or set some
2 goals for doing that?

3 Probably most importantly is do we need
4 to modify the resolution process? How do we
5 resolve, once the SC&A has done a individual case
6 review, how do we then resolve that with NIOSH and
7 sort of, and with the Subcommittee?

8 And how do we come at that, because that
9 is sort of the rate-limiting step right now. It
10 just takes time, given availability of people and
11 the Subcommittee and NIOSH and SC&A resources to
12 do that. It takes long.

13 We've had a proposal from -- a
14 suggestion from SC&A that we, if there's agreement
15 between NIOSH, that we sort of set up a system where
16 there's a -- if there's agreement between NIOSH and
17 SC&A on a particular finding that the Subcommittee
18 should not spend any time reviewing that.

19 Some of us have concerns about that
20 because it sort of limits the Board's involvement
21 and the Board's responsibility in terms of doing
22 individual case reviews.

23 But there probably are ways along those

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1 lines that we can make the resolution process more
2 efficient, maybe by allowing the Chair of the
3 Subcommittee to gag people if they, you know, want
4 to spend, try to spend too much time on a trivial
5 matter or whatever, but some discipline that -- you
6 know, carrot or stick. I would think we can
7 decide, do that. We'll have Wanda bring her
8 cookies or something and try that, but it's, we do
9 need to make that more efficient if possible.

10 And I think there's also, another is do
11 we try to collect more or different information on
12 when we're doing the individual case reviews?
13 Sort of the methodology has basically stayed the
14 same. I think it's been modified from time to
15 time.

16 But, you know, another way of maybe
17 avoiding some of the unnecessary time spent or less
18 productive time maybe to, you know, not pay much
19 attention to, if you don't record something, people
20 don't have, you know, you don't have to resolve it
21 then, come to a resolution.

22 So it may be that for certain kinds of
23 reviews or findings we shouldn't bother to even do

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1 the review because we never have a problem with them
2 and all we do is take up time and effort doing that.

3 Or maybe we do a mix of approaches on
4 that subset that would have a more comprehensive
5 list of parameters that are reviewed and then
6 another set that's a little bit more focused.

7 And let me go through all these because
8 everything is sort of intertwined here. We'll do
9 that.

10 Line reviews we've sort of put off doing
11 for quite a while. We're now doing, I believe six
12 a year is the goal. I think I've reviewed a number
13 of them, if not all, and the reports, I think they
14 are helpful. They obviously take up a lot more
15 effort both to do and in terms of trying to resolve
16 and I think we're still fairly early in the
17 resolution process, so to speak, on the blind
18 reviews and do that.

19 But I don't think the rest of the Board
20 has really had an opportunity to see what the
21 findings are and understand those, so I think one
22 of the first things we want to do, and talked about
23 this with the Work Group a couple weeks ago, is

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1 Dave's going to do a presentation on that,
2 hopefully at our next Work Group call. I think we
3 can do it there. If not, at the next Board meeting,
4 excuse me, next Board call in January. If not,
5 we'll do it at the next Board meeting in March as
6 a way of just bringing everybody up to date on that
7 process.

8 That means you're all going to get a lot
9 -- all the Board Members are going to get a lot more
10 paper to look at, if you don't have it already.
11 Some of these reviews are fairly long. But, as I
12 said, I've reviewed a number of them. I think
13 they're interesting and helpful in terms of
14 findings.

15 And then I think after we've done that,
16 I think we need to look at, you know, how many of
17 these do we try to do each year? How do we select
18 the cases?

19 We've not done that many so we haven't
20 hit a lot of the sites and some of these sites are
21 big and obviously complicated so, you know, like
22 doing one blind review on, say, Savannah River
23 really may not cover very much of that site at all

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1 under that, and are there changes in methodology
2 there that we need to look at?

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

8 The final area I'll call "targeted
9 reviews" and that's: is there some part of this
10 process where we can focus on certain issues that
11 we haven't covered or certain types of dose
12 reconstruction processes or methods that we think
13 may be more likely to be problematic?

14 And one area we talk about in the Work
15 Group is sort of the consistency of the dose
16 reconstruction process. If a person, a claimant,
17 or two claimants that worked in the same area or
18 same time period, are they going to get the same
19 kinds of dose reconstructions done? Is the
20 methodology and the decisions that are made as part
21 of doing the dose reconstructions going to be
22 consistent?

23 And obviously their exposures may be

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1 different depending on the tasks and how long they
2 worked and things like that, but a fair amount of
3 the dose reconstruction process does require a fair
4 amount of judgment on the part of the dose
5 reconstructor to do. There are a number of methods
6 that are used that are not part of a TBD or procedure
7 that the Board or even NIOSH has reviewed.

8 And I don't think we can expect to
9 review every detailed methodology. Dose
10 reconstruction does require some, you know,
11 professional judgment. And I think we see some of
12 that when we do the individual reviews but we don't
13 necessarily see whether that's being consistently
14 applied.

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

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1 And so I think we need to pay more
2 attention to this area. And so at this point we're
3 trying to just come up with what are ways of doing
4 that, what are ways of targeting that would be
5 useful to the process, and how do we select those
6 cases and implement something like that going
7 forward? So, again, that part of it is going to
8 require some more work on the part of the Work
9 Group.

10 Just in terms of documentation for you,
11 the Board Members, to have -- I believe this has
12 been shared with the entire Board, I'm not sure --
13 which is the DR review results for the upcoming
14 letter to the Secretary. Did that go out to
15 everybody or just the Subcommittee?

16 MR. KATZ: I believe that's just to the
17 Subcommittee, and maybe the Methods Work Group
18 people as well at this point, because those
19 statistics really aren't completely up to date yet
20 in terms of dealing with certain corrections that
21 need to be made and so on.

22 CHAIRMAN MELIUS: Okay. So we need to
23 get that, I think, to the full Board, maybe when

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1 those corrections are done, if that's relatively
2 soon. And that's going to come out as we do the
3 letter to the Secretary anyway.

4 Our Work Group also had the SC&A report
5 done. I think it was basically two sets of case
6 reviews, sort of looking at where in those case
7 reviews, whether any of these individual cases,
8 while they were in process, had become parts of an
9 SEC. And a little more level of detail, whether
10 the basis for the SEC finding essentially would
11 have impacted the dose reconstruction. You
12 couldn't reconstruct internal dose from, you know,
13 thorium at a particular site, well, but here,
14 before that SEC finding, NIOSH was reconstructing
15 thorium exposures at that site. So, sort of an
16 inconsistency there and I think we need to
17 understand that.

18 And the other way there's a potential
19 problem is we will have Site Profile and other
20 documents, Technical Basis Documents, that may
21 change, because they're constantly changing, that
22 may have impacted the individual dose
23 reconstructions.

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1 Now, NIOSH has a process for addressing
2 that, but I think it's helpful to know how that
3 would have impacted or could have impacted our
4 conclusions on, you know, doing the individual case
5 reviews.

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

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

22 And so those are, you know, Site Profile
23 documents, TBD, you know, various kinds of

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1 worksheets and training instructions. I mean,
2 there's a whole variety of things that we sort of
3 -- I won't say uncover, because they're not sort
4 of deliberately hidden from us, but I think we're
5 finding out more about them and I think they're --
6 I think we need to have a better understanding of
7 those sites.

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

18 And, again, I think it's important.
19 This is not saying that, you know, there's a whole
20 series of serious problems with the dose
21 reconstruction reviews that are currently -- or
22 dose reconstructions that are being done, because
23 I actually think they're being done well, and I

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1 think that process has improved as you would expect
2 it to improve over time. But, again, it's our
3 mandate to review and provide assurances that it
4 is being done well.

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

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

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

16 CHAIRMAN MELIUS: Thank you.

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

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1 on the blind reviews, and with recommendations for
2 the next Board meeting.

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

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

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

22 So what I'm suggesting is the
23 Subcommittee will talk about these issues at its

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1 next meeting and put a large part of the meeting
2 around those strategic questions or methodological
3 questions.

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

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

23 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.

23 But I think it is something that the

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

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

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

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

16 MEMBER SCHOFIELD: Yes, Phil
17 Schofield. I would like to see more of a feedback
18 when you're going through a case and you're looking
19 at it. Sometimes you look at what the personnel
20 who did the dose reconstruction, you look at what
21 they've done and it raises questions. Sometimes,
22 I mean, serious questions. You want to know, well,
23 how did they arrive at their numbers? And it would

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1 be nice if we actually had feedback when we do have
2 questions on these cases. And right now I don't
3 feel the feedback has been very good.

4 CHAIRMAN MELIUS: Feedback from where,
5 specifically?

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

11 MEMBER BEACH: From NIOSH?

12 MEMBER SCHOFIELD: Yeah. Yes, from
13 NIOSH.

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

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

23 MEMBER SCHOFIELD: Could we submit a

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1 question to them on a particular case?

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

4 MEMBER SCHOFIELD: Okay, well, in the
5 future I will remember that.

6 MR. KATZ: Yes, absolutely,
7 absolutely.

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

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

21 But I don't know what the Subcommittee
22 then does with those findings, or our
23 recommendations from that. I mean, in fact, I get

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1 feedback sometimes from SC&A saying, well, you
2 know, the Subcommittee says we shouldn't report it
3 that way. They don't consider that a finding or
4 something.

5 It's my own fault for not, you know,
6 quite following up and, you know, yelling at Dave
7 and saying what's wrong with you, how come you're
8 not listening to me or whatever.

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

15 And I would ask, you know, as we go
16 through this process, thinking about how we make
17 sure that all the Board Members stay involved,
18 maybe we need to rotate people on and off that
19 Subcommittee more. We've tended to, you know,
20 keep the same people on for a period of time, for
21 a long period of time. But, again, it is something
22 that's time consuming, and having the same people
23 on, at least for periods of time, is important in

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1 terms of consistency of the review process. So I
2 do think we need to sort of think how we can address
3 that.

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

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

14 MEMBER MUNN: I was just going to
15 comment that, as a Member of the Subcommittee, I've
16 never experienced any lack of detailed information
17 response from anyone when we questioned either the
18 agency or the contractor with respect to how they
19 had achieved any of the figures that we saw when
20 we were in review.

21 My personal experience has been extreme
22 effort on the part of all of the dose
23 reconstructors, regardless of their background, to

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1 try to make sure that all of our questions were
2 answered.

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

11 Whether or not that's reflected in
12 anything other than just the transcript is hard to
13 address, I suppose. That must be the kind of thing
14 that --

15 CHAIRMAN MELIUS: Yeah, I think if
16 you're not on the Subcommittee, if you raise a issue
17 about a calculation or whatever, something about
18 the process, after you raise it, the report goes,
19 then, you know, NIOSH gets involved. The
20 Subcommittee gets involved. It gets resolved, but
21 that resolution doesn't get back to the individual
22 Board Member that raised the question to begin
23 with.

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

12 CHAIRMAN MELIUS: It's also the
13 timeliness of the process. That resolution may
14 not take place for a couple years or more after
15 you've done that. And I, as a Board Member who was
16 involved in the review, has forgotten and so forth.

17 MR. KATZ: Jim, if I can suggest
18 something. I mean, SC&A does often discuss, when
19 they're doing the case review, that a Board Member
20 raised this issue. That doesn't address the
21 feedback issue but we could very simply sort of
22 track that when we have issues that have been raised
23 by the Board Members, the two Board Members that

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1 are on the case.

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

7 MEMBER SCHOFIELD: I would definitely
8 like that.

9 MEMBER MUNN: That shouldn't be an
10 overwhelming clerical burden.

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

13 MEMBER BEACH: Well, and it's kind of
14 what we did on the templates. SC&A sent a memo out
15 and that way we could track that that was an issue
16 that we thought we should bring up to the Board.
17 So, out of our session, Henry's and I's.

18 CHAIRMAN MELIUS: Board Members on the
19 phone, do you have comments? Don't want to ignore
20 you.

21 MEMBER ZIEMER: Yes, this is Ziemer.
22 I have no comments. I think all of these issues
23 that have been raised, a lot of it goes back to those

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1 initial reviews. We see a lot of these at review
2 time and maybe it doesn't get transmitted forward.

3 CHAIRMAN MELIUS: Thank you. Dave,
4 you have --

5 MEMBER KOTELCHUCK: Yeah, I think that
6 I'm open to thinking about -- and we can talk about
7 this in the Subcommittee -- of what to and how to
8 give reports to the Board on a regular basis about
9 what we're doing. Obviously, I have to control my
10 predilection to 50-minute talks, but I think I can
11 try to compress it to the Board. But I think we
12 can try to give Board reports, brief Board reports.

13 CHAIRMAN MELIUS: Fifty-minute talks
14 followed by a quiz.

15 MEMBER KOTELCHUCK: Right, which
16 someone else grades.

17 (Laughter.)

18 CHAIRMAN MELIUS: Any other questions
19 or comments?

20 (No response)

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

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1 (Whereupon, the above-entitled matter
2 went off the record at 9:57 a.m. and resumed at
3 10:33 a.m.)

4 CHAIRMAN MELIUS: Okay, we have a
5 quorum. We'll get started. And the next point of
6 business is an SEC petition on Battelle
7 Laboratories. And Tim Taulbee is going to be
8 presenting.

9 DR. TAULBEE: Thank you, Dr. Melius,
10 Members of the Board. This presentation's going
11 to be on the Battelle Memorial Institute King
12 Avenue SEC Petition Evaluation Report. Before I
13 get started, I want to recognize the ORAU
14 evaluation team led by Mike Kubiak and Chris Miles.
15 Vince King and Jason Davis also participated on
16 this. They did the lion's share of the work, I just
17 get the opportunity to present it to you.

18 So, a little bit of an overview about
19 this petition is NIOSH has determined it's not
20 feasible to complete a dose reconstruction for an
21 existing Battelle Memorial Institute King Avenue
22 claim. On October 19th, just last month, the
23 claimant was notified and provided a copy of the

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1 Special Exposure Cohort Petition Form A. On
2 October 27th, they filed a petition.

3 This is an 83.14 petition. It was
4 submitted to NIOSH. And on November 2nd we
5 completed our Evaluation Report and issued the
6 report, and I believe last week was sent to the
7 Board Members.

8 Just to remind everyone, the previous,
9 at Battelle King Avenue, the previous SEC Class was
10 from April 16th, 1943 until June 30th, 1956. And
11 the reason was for internal exposures to uranium
12 and thorium, and external exposures prior to
13 February 1951 where we had no external monitoring
14 whatsoever.

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

19 So, since that time -- this has been a
20 couple years since I presented this to the Board
21 -- we've been doing a lot of research, as you'll
22 see, which is why these dates seem to be producing
23 a report in about two weeks. That's not quite the

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1 case. The case is that we've been working on this
2 for the past couple of years, and so what you're
3 seeing is kind of the final result here.

4 The Class that we're proposing is that
5 all Atomic Weapons Employees who worked at the
6 facility owned by the Battelle Laboratories at the
7 King Avenue site in Columbus, Ohio during the
8 period from July 1st, 1956 through December 31st,
9 1970 for a number of workdays aggregating at least
10 250 workdays, occurring either solely under this
11 employment or in combination with workdays within
12 the parameters established for one or more other
13 Classes of employees in the Special Exposure
14 Cohort.

15 So, how did we come to this particular
16 conclusion? Again, some background on the
17 Battelle site. It's an EEOICPA covered facility
18 from 1943 and 1986. It's only 58.3 acres. It
19 accommodates 13 buildings. So this is a very small
20 site compared to most of the other sites we look
21 at.

22 They performed atomic energy research
23 and development work, R&D, for AEC, the Department

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1 of Energy, the NRC, DoD and commercial entities.
2 So it's a big conglomeration, not just of DOE work.
3 It's owned and operated by Battelle Memorial
4 Institute.

5 The main radiological buildings are
6 listed here. Building A is corporate offices, but
7 they also have small laboratories. Building 1 is
8 a foundry; 2 is metal working; materials building;
9 radio chemistry in Building 4; and a machine shop
10 in Building 5.

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

17 So our data capture efforts, as I
18 alluded to from the last time that we presented the
19 Battelle SEC to you, was we've conducted some
20 on-site data captures in August 2014; also at the
21 National Archives in College Park, Maryland in
22 March of 2014; down in OSTI in February 2013 and
23 August 2014. And we even found some documents out

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1 at Idaho National Laboratory this past January.

2 So what I want to focus on here, as
3 you'll see from the report that we provided, is that
4 the reasoning that we're recommending an SEC here
5 is due to the thorium operations. And so what we
6 did is we started looking at their thorium
7 operations after that 1956 date to see what was the
8 magnitude, what were they involved with.

9 And we found that they were doing work
10 with uranium and thorium alloys from 1955 to 1959,
11 did some corrosion testing in 1961, did some
12 experimental coating of small thorium oxide
13 spheres in '62. And then we really had no
14 information from '62 to '66 of any thorium
15 operations that were going on.

16 And then in '66 some preparation of
17 thorium and uranium irradiation calibration
18 samples. And then '68 to '69, some experimental
19 work with thorium ceramics.

20 Nothing in here is really indicating a
21 severe exposure, at least other than that top
22 bullet, '55 to '59. Corrosion resistance
23 testings, experimental coatings, none of these

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1 seem to really raise extreme concern about
2 potential exposures.

3 That was until we started looking at the
4 radiological survey reports that we captured. And
5 these caused us some pause as to what was going on
6 and our level of understanding of what was
7 happening there at the site. And so I want to go
8 through some of these here as part of the
9 presentation to point out some examples as to why
10 we came to an 83.14 decision.

11 One example is July 1957, a survey of
12 multiple buildings indicated widespread uranium
13 and thorium contamination. This is an excerpt
14 from that survey report in 1957. The surveyor
15 indicated about every lab surveyed contained
16 uranium or thorium samples in some form.

17 These samples are stored in desks where
18 food is eaten. Little care is taken to prevent
19 ingestion. No care is taken to prevent material
20 from entering the sewers. And this was written in
21 1957 by the rad techs.

22 Another example is March of 1960. This
23 was a spill resulting in personal contamination

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1 occurred when a pressure built up in a flask
2 containing thorium nitrate. The incident report
3 that we've got identified the individual who was
4 involved in this and who was contaminated. We
5 followed up, we went back to the site and requested
6 that person's records, radiological records.

7 So if we were doing a dose
8 reconstruction, would we see this incident and
9 could we estimate this person's exposure? What we
10 found is there's no discussion of this incident and
11 no bioassay records were taken for this individual.
12 So if we were doing a dose reconstruction, this
13 exposure would be missed.

14 1961, again from the radiological
15 survey reports, we have air samples taken in the
16 machine shop grinding room. They actually took an
17 air sample for thorium at this time and it was two
18 times ten to the minus tenth microcuries per cc.
19 The survey indicated the worker wore a half-face
20 respirator. There's a note at the bottom of the
21 survey that the worker should leave a bioassay
22 sample. Again, we went back to the site and said,
23 please provide us these records for this

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1 individual, and there's no bioassay records in this
2 individual's file.

3 So, again, we have a case where Health
4 Physics is saying this person should be monitored
5 via bioassay, and we have no record that the
6 bioassay was conducted.

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

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

23 And this is probably the most

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1 concerning, from my standpoint, in reviewing all
2 of this material. It's June 1963, first aid
3 alerted the safety office, which was the RadCon
4 organization, of a melt operation going in Building
5 1 using magnesium, lithium, and thorium metals.

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

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

22 Health and Safety got involved and
23 looked at the operation after they were notified.

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1 But how many other thorium operations were going
2 on prior to this time period that they didn't tell
3 Health and Safety about and somebody didn't catch
4 them doing?

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

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

22 The next line though becomes important
23 here. "I suggest that the floor smear location

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1 number 25 be smeared weekly in order to keep closer
2 control of the possible spread of contamination
3 from this area."

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

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

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1 They're down in the ten to the minus thirteen, ten
2 to the minus fifteen microcurie range, which is
3 below permissible limits from today's standpoint.

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

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

16 So, as a result, we're recommending to
17 add a Class up through December 31st of 1970, due
18 to the available internal monitoring records,
19 process descriptions, and source term data are
20 inadequate to complete dose reconstructions for
21 thorium exposures with sufficient accuracy for the
22 evaluated Class of employees during the period from
23 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
23 31st, 1970, for a number of workdays aggregating

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

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

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

20 So, again, this is a very small site.
21 You've got workers that could move between
22 buildings. They could have been going around
23 delivering mail or taking out trash, janitorial

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1 services within these laboratories.

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

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

9 CHAIRMAN MELIUS: Thank you, Tim.
10 Josie?

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

13 DR. TAULBEE: Yes.

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

21 DR. TAULBEE: It was a small operation
22 involving thorium. And so those workers were
23 monitored via bioassay. And the ones that we could

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1 identify, we see the bioassay in their files.

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

8 MEMBER BEACH: Okay. So between '70
9 and '82 you don't think there was anything
10 happening?

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

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

21 MEMBER BEACH: Okay. This is just a
22 curiosity question. I noticed that Ohio State
23 University was right close to the plant. Did any

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1 students work in the plant that you know of? I know
2 they wouldn't be covered, but just more of a
3 curiosity.

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

11 CHAIRMAN MELIUS: Other Board Member
12 questions? Wanda?

13 MEMBER MUNN: Just one. The bioassays
14 that you do have, are there any red flags regarding
15 thorium?

16 DR. TAULBEE: No.

17 MEMBER MUNN: Okay.

18 CHAIRMAN MELIUS: Wanda, into the
19 microphone.

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

23 MR. KATZ: Thanks.

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1 CHAIRMAN MELIUS: Any other Board
2 Members? Board Members on the phone, do you have
3 any questions?

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

6 CHAIRMAN MELIUS: Okay, go ahead.

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

15 Is the issue that we just don't know who
16 those people were that could get in and the
17 restrictions? In other words, there appears to be
18 some restrictions that are not necessarily high
19 radiation levels. But there must have been
20 personnel restrictions but we just don't know who
21 they were?

22 DR. TAULBEE: That is correct. We've
23 not been able to find any rosters that indicate who

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1 was on an access list at a given time. The only
2 thing that we have found is basically what we put
3 in the Evaluation Report, is that there is some note
4 of there were some areas that did have restricted
5 access.

6 Although, getting the laboratory
7 supervisor to add you to the access list is pretty
8 open, in a sense, especially if you don't have what
9 that roster is. Does that help some?

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

14 DR. TAULBEE: That's correct.

15 MEMBER ZIEMER: Thank you.

16 MEMBER BEACH: I still have one more.
17 So, it looked like the way they dealt with the lab,
18 it was pretty -- I don't know the right word --
19 pretty lackadaisical. On your report, it talks
20 about the labs contained thorium and uranium. And
21 it was in this desk area where people ate their
22 lunch.

23 So I guess I'm concerned about the

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1 cut-off of 1970, because you don't have anything
2 that says they were doing anything, but you don't
3 have anything that says you really weren't. So I
4 guess --

5 DR. TAULBEE: What we saw was a
6 decrease in kind of the thorium operations, if you
7 will, through the late 1960s. And then we only had
8 the one instance of April of 1970 of some thorium
9 work. And then absolutely nothing.

10 Now, we've looked through other
11 records. We've looked for any operations. And it
12 doesn't have to be just the rad survey records.
13 These would be any reports coming out of Battelle
14 about thorium that they would produce, because
15 Battelle was a research institute. And they liked
16 to report on what their findings were and what they
17 had and what they dealt with. So the actual
18 reporting coming out, as long as it wasn't
19 proprietary, would be reported upon. And we just
20 see no evidence of any thorium work during that time
21 period.

22 It doesn't mean it's not going to come
23 to light, you know, as we do more work or we do other

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1 data captures at other sites. If something does
2 come to light, then we can look at this again from
3 that time period. But right now I just have no
4 evidence of exposure.

5 MEMBER BEACH: Okay, and then just
6 quick follow-up. What about the cleanup? You did
7 talk about hoods that had to be cleaned out. Was
8 there a concentrated effort that you could find
9 that they actually did a good clean-out of all
10 areas?

11 DR. TAULBEE: That 1966 memo is what I
12 think it was that you're referring to, of the
13 cleanup of the hood. It was just that. They
14 recommend the operations folks clean up that hood
15 until surveyed below that 0.2 dpm, and that's all
16 that there was as far as a discussion of it. That's
17 really all that we have with regards to that.

18 CHAIRMAN MELIUS: Phil?

19 MEMBER SCHOFIELD: I have questions on
20 the residual. When you're doing grinding and
21 stuff, you generate a lot of waste, you generate
22 a lot of particles. My concern is -- and like when
23 they did the hood, how effective was that hood, was

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1 it ever verified, did it have a HEPA filter on it
2 so that anything being discharged was not putting
3 workers or people outside of the building at risk?
4 I mean, did they survey the walls, the roof in these
5 buildings? What kind of records do you have on
6 doing cleanup?

7 DR. TAULBEE: With regards to the
8 cleanup, I'm actually not sure off the top of my
9 head. I'd have to go back to look at that. But keep
10 in mind that these would be small -- or, you know,
11 all these thorium operations appear to be small,
12 but with significant thorium concerns from an
13 exposure standpoint during that work.

14 The last one that we have -- and I've
15 pulled back the slide to April 1970 -- the last
16 thorium operation that we've identified to-date is
17 surveys where they were cleaning up one of these
18 grinders. So this would be a cleanup survey of
19 this particular grinder. We have no information
20 as to whether the grinder was ever used again for
21 thorium or anything else.

22 With regards to clean-out of buildings
23 and ducts and fume hoods, I just don't have any

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1 information from that standpoint. There's only a
2 few areas -- I shouldn't say few, because it's in
3 multiple buildings and labs from those earlier
4 discussions there -- where thorium was worked with.
5 But finding actual surveys associated with this has
6 been rather difficult.

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

13 CHAIRMAN MELIUS: Okay, Henry and then
14 Brad.

15 MEMBER ANDERSON: Just a question
16 again about the 1970 period. Were you able to
17 identify workers who were there during the period
18 to see if any of them who were working in the area
19 recall this? Because these would be kind of, I
20 would think, specialized projects that they may be
21 aware went on.

22 DR. TAULBEE: Actually, that's been
23 one of the most difficult portions of this entire

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1 SEC, is actually finding some claims that fit the
2 parameters here and identifying an 83.14 case.
3 This report we actually had most part completed
4 back at the beginning of September. But finding
5 a claim that would fit during this time period, that
6 had an SEC cancer, that would meet this Class, has
7 been exceedingly difficult from that standpoint.
8 And it wasn't until September that we actually
9 identified someone.

10 CHAIRMAN MELIUS: I thought Henry was
11 sort of asking have people who worked in the post
12 '70 period been interviewed. So there may be
13 claimants that fit the Class, but also worked after
14 that, and did they have any information on
15 continued operations? Or I'm not sure you can
16 answer that right now.

17 DR. TAULBEE: I cannot. We have not --
18 we interviewed a couple of people that did mention
19 some of these '60s thorium work that we were able
20 to find and see the evidence of. They did not
21 mention anything in the '70s, until you get to the
22 '82 time period.

23 But I mean, if more interviews were --

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1 we could conduct them or try to identify people in
2 that area to see if there is other thorium work in
3 there that we don't know about. We have not done
4 that.

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

11 DR. TAULBEE: Yes and no. I agree with
12 you, to a certain degree -- or I agree with you.
13 The difficulty here is that I also see in the late
14 1960s the number of mentions of thorium within the
15 rad surveys begins to really tail off to where it
16 does seem like they weren't doing much work with
17 it. So, that's what we have.

18 CHAIRMAN MELIUS: I guess my argument
19 would be that, well, you have a time period where
20 there's activity and then SEC is warranted based
21 on recordkeeping and all the reasons you laid out.
22 But you've got this other period where it seems to
23 me that further evaluation ought to be ongoing in

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1 terms of looking at that.

2 DR. TAULBEE: I don't disagree with
3 that. I think this is a time period that we should
4 look at closer, and as new information arises,
5 revisit from that standpoint.

6 CHAIRMAN MELIUS: Brad, then Wanda.

7 MEMBER CLAWSON: I was just wondering,
8 Tim, you know, a lot of these, have we looked into
9 the AEC or DOE inventory records to see exactly what
10 we had and where?

11 DR. TAULBEE: Yes.

12 MEMBER CLAWSON: What did we see?

13 DR. TAULBEE: And what we saw was very
14 small quantities of thorium at Battelle through the
15 1960s. And then according to their inventory
16 records, nothing in the 1970s. So we did look at
17 the inventories. However -- however -- the
18 inventories that we looked at didn't indicate that
19 they had any quantities during these time periods
20 of these radiological surveys showing thorium
21 contamination and showing thorium problems.

22 So, was this thorium part of Legacy or,
23 you know, part of operations from the 1950s and

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1 people had it in their labs and were continuing to
2 work with it? I don't know, but it does not show
3 up on those inventories. There's not good
4 agreement between those.

5 CHAIRMAN MELIUS: Wanda?

6 MEMBER MUNN: Most of the major sites
7 with which we deal are production sites. And they
8 operate on an entirely different basis than
9 research laboratories do. Not only do the
10 research laboratories have much -- generally
11 speaking, would be expected to have much lower
12 inventories at any time than a production facility.
13 The type of work that goes on there are handled by
14 entirely different sets of personnel.

15 And the way they're funded is quite
16 different also, as I think has been referred to
17 here. In a research laboratory, if there are not
18 funds for a specific, discrete activity, then it
19 will not take place because the laboratory will not
20 pay workers for anything other than something that
21 can be charged out to a given contract.

22 And at the end of that contract, there
23 will be a report of some kind. So, the fact that

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1 they may not have been doing work at some particular
2 time doesn't seem unusual for a research
3 laboratory.

4 In this case, I know the recordkeeping
5 is seldom as stringent as it is in other kinds of
6 activities. But by the same token, it's really not
7 the same kind of activity. So, the information
8 that we've been given so far seems valid and not
9 at all unusual to folks, I think, who are really
10 familiar with how labs work.

11 CHAIRMAN MELIUS: Any other questions?
12 Bill?

13 MEMBER SCHOFIELD: When you're talking
14 about the inventories, are these official AEC
15 records?

16 DR. TAULBEE: Yes.

17 MEMBER SCHOFIELD: Did they keep track
18 of them, you know, like you would any special
19 nuclear materials so that they know how much went
20 into a lab, they know how much was returned from
21 the lab, how much went into a particular project?

22 DR. TAULBEE: The inventories that we
23 have are the official AEC records. However, it's

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1 not by lab, it's by site and the amount of thorium
2 coming into the site that is there in that
3 inventory. But the thing that we're most
4 concerned about was the work that they did back at
5 the early 1950s and the late 1950s of Legacy
6 material that was just stored, say, in the
7 foundries or in the other areas.

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

15 So it wasn't a lab-by-lab type of
16 inventory that you see for special nuclear
17 materials. It was more of a site type of
18 inventory.

19 MEMBER SCHOFIELD: Okay, thank you.

20 CHAIRMAN MELIUS: Board Members on the
21 phone, do you have any questions?

22 MEMBER FIELD: Yes, this is Bill.

23 CHAIRMAN MELIUS: Go ahead.

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

5 DR. TAULBEE: I do not. My impression
6 is that it's relatively small, but I do not know
7 the actual number of people on a per-year basis at
8 Battelle King Avenue.

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

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

20 CHAIRMAN MELIUS: Any other Board
21 Members on the phone with questions? Okay, I
22 believe that we may have a petitioner on the line,
23 but my understanding is the petitioner does not

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1 wish to comment. But if they do, they're welcome
2 to. Not required to.

3 Okay. Do we have a recommendation or
4 further comments or thoughts from the Board? Just
5 questions?

6 MEMBER KOTELCHUCK: I'll move that we
7 accept the SEC.

8 CHAIRMAN MELIUS: Recommendation?

9 MEMBER KOTELCHUCK: Recommendation,
10 yes.

11 MEMBER ANDERSON: I'll second.

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

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

17 MEMBER ANDERSON: Yes.

18 MR. KATZ: Ms. Beach?

19 MEMBER BEACH: Yes.

20 MR. KATZ: Mr. Clawson?

21 MEMBER CLAWSON: Yes.

22 MR. KATZ: Dr. Field?

23 MEMBER FIELD: Yes.

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1 MR. KATZ: Dr. Kotelchuck?

2 MEMBER KOTELCHUCK: Yes.

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

4 Lockey is absent. Dr. Melius?

5 CHAIRMAN MELIUS: Yes.

6 MR. KATZ: Ms. Munn?

7 MEMBER MUNN: Yes.

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

13 MEMBER SCHOFIELD: Yes.

14 MR. KATZ: Ms. Valerio?

15 MEMBER VALERIO: Yes.

16 MR. KATZ: And Dr. Ziemer?

17 MEMBER ZIEMER: Yes.

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

22 CHAIRMAN MELIUS: Okay. Thank you.

23 I guess I would just add, I think it's a sense from

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1 the Board is that this site not be forgotten. That
2 there be, you know, some sort of sense of follow-up
3 and so forth.

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

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

23 CHAIRMAN MELIUS: Yeah. One

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1 complication is that once you have an SEC in place,
2 NIOSH doesn't see the claims, unless they're
3 non-SEC cancers.

4 MEMBER ANDERSON: Ah, never mind.

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

7 MEMBER ANDERSON: Yeah, yeah.

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

12 CHAIRMAN MELIUS: Right.

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

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

19 And we'll welcome Dr. Roessler.

20 (Pause.)

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

23 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,
23 occurring either solely under this employment or

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

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

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

21 NIOSH determined that health may have
22 been endangered for employees at this facility
23 during the time periods in question. The Board

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1 concurs with this determination.

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

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

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

18 And we do have to get prepared for
19 LaVon. We know people will be back at 1:30 sharp.
20 No one will be late. The popcorn truck will be out
21 front, we'll be all set. But we will try to get
22 some of our Board work session done, part of getting
23 prepared. If you hurry, LaVon, you can catch the

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1 train.

2 MR. RUTHERFORD: Right, exactly.

3 (Laughter.)

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

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

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

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1 MEMBER KOTELCHUCK: What are our
2 tentative dates for that March meeting?

3 MR. KATZ: They're not tentative, I
4 think they're --

5 MEMBER MUNN: 23rd and 24th is what we
6 said last time.

7 MEMBER KOTELCHUCK: Okay, fine.
8 Retract tentative. I couldn't find it on my
9 calendar.

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

12 CHAIRMAN MELIUS: So, DCAS is on
13 schedule? For Pinellas.

14 DR. NETON: I'm sorry, you caught me
15 multitasking here. We're talking about Pinellas
16 and --

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

19 DR. NETON: Yes. We've completed our
20 evaluation of the Pinellas remaining issue, which
21 had to do with the tritide exposures. And we're
22 just about ready to release that to the Work Group
23 for their review. So, yeah, I think, if the

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1 workgroup can come to some conclusion between now
2 and the March Board meeting, it makes some sense
3 to maybe go to Pinellas.

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

6 MEMBER SCHOFIELD: I think we can cover
7 that with a conference call.

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

10 DR. NETON: Yeah, one remaining issue.
11 I believe the report is very short, maybe eight,
12 nine pages.

13 MEMBER SCHOFIELD: One just quick
14 question on that. I know you guys were looking at
15 the washing of the filters.

16 DR. NETON: Yes.

17 MEMBER SCHOFIELD: Has that been
18 totally resolved?

19 DR. NETON: To our satisfaction, yes.

20 (Laughter)

21 MR. KATZ: So, Pinellas is filled with
22 Dr. Poston and Mr. Clawson.

23 CHAIRMAN MELIUS: The only other site

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1 I was thinking of was Oak Ridge where we had lots
2 of claims and we haven't been back. But I'm not
3 sure that if we have a Site Profile group, Gen, that
4 aren't you --

5 MEMBER ROESSLER: Do we have one?

6 CHAIRMAN MELIUS: I don't know if we
7 have the information.

8 MEMBER ROESSLER: I don't have any
9 information.

10 CHAIRMAN MELIUS: Okay.

11 MEMBER ROESSLER: That might be a July.

12 DR. TAULBEE: We won't be ready for
13 anything with Oak Ridge by the March Board meeting
14 from that standpoint.

15 CHAIRMAN MELIUS: Okay.

16 DR. TAULBEE: Gen, I do know I owe you
17 an update on where we're at with those things, and
18 I hope to get that to you shortly. I know I owe
19 you an update on the status for Oak Ridge.

20 MEMBER ROESSLER: Yeah, and I don't
21 have one.

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

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1 (Laughter.)

2 MEMBER ROESSLER: Okay.

3 CHAIRMAN MELIUS: Okay.

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

7 MR. KATZ: No, we're just discussing
8 future meetings.

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

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

12 PARTICIPANT: Thank you.

13 CHAIRMAN MELIUS: Okay.

14 MEMBER MUNN: So, location?

15 CHAIRMAN MELIUS: We have a location.

16 MEMBER MUNN: Pinellas?

17 CHAIRMAN MELIUS: Pinellas.

18 MEMBER MUNN: Thank you.

19 PARTICIPANT: And when will that be?

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

22 PARTICIPANT: 23rd and 24th of March.

23 MR. KATZ: Right.

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1 PARTICIPANT: Okay, thank you. I'm
2 sorry to interrupt.

3 MR. KATZ: You're welcome.

4 PARTICIPANT: I lost the call.

5 CHAIRMAN MELIUS: Now we're going out
6 to October.

7 MR. KATZ: The following year.

8 CHAIRMAN MELIUS: Yes, 2016.

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

15 MEMBER ANDERSON: Earlier October is
16 better for me.

17 CHAIRMAN MELIUS: Earlier is fine, but
18 I can't do Wednesday.

19 MR. KATZ: Right. We don't have to
20 stick with --

21 CHAIRMAN MELIUS: Tuesday or
22 Thursday's fine.

23 MR. KATZ: So, how is March 4th for all

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1 the Board Members we have, 2016?

2 MEMBER BEACH: March or October?

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

4 MEMBER BEACH: That's fine.

5 MEMBER ANDERSON: Which day is that?

6 MR. KATZ: October 4th?

7 MEMBER ANDERSON: 4th, yes.

8

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

11 MEMBER ANDERSON: Yes, that's good.

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

14 MEMBER FIELD: It works for me. It's
15 Bill.

16 MEMBER VALERIO: Works for me.
17 Loretta.

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

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

22 MR. KATZ: Okay. So let's go with
23 that, unless it's trouble for all the absent Board

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1 Members. I don't know, if you want an alternate
2 date because we don't have those Members, so the
3 5th is no good. How about October 6th, does that
4 work for everyone, too? Anyone on the line, as an
5 alternate date?

6 MEMBER VALERIO: Yes, yes.

7 MR. KATZ: Okay.

8 MEMBER ZIEMER: Yes.

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

11 CHAIRMAN MELIUS: Okay. And then we
12 have a full meeting. And Ted's proposed the week
13 of --

14 MR. KATZ: Of December 5th or December
15 12th. That's about the right ballpark again. I
16 heard Gen say something about awful.

17 MEMBER ROESSLER: December's awful.

18 CHAIRMAN MELIUS: December's awful.

19 MEMBER ROESSLER: The earlier the
20 better, though.

21 CHAIRMAN MELIUS: I'm not available
22 the week of the 4th. And the following week makes
23 --

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1 MR. KATZ: That's the last week you
2 could do it.

3 CHAIRMAN MELIUS: That's always
4 terrible.

5 MEMBER BEACH: What about the very last
6 week of November?

7 MR. KATZ: Oh, we can. That could be
8 trouble for people, too.

9 MEMBER BEACH: Because it's the week
10 after Thanksgiving.

11

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

14 MEMBER BEACH: No.

15 CHAIRMAN MELIUS: I have another
16 meeting.

17 MEMBER KOTELCHUCK: Oh, oh, okay.

18 MEMBER MUNN: It's not feasible. But

19 --

20 MR. KATZ: So look at the previous week
21 in November.

22 MEMBER MUNN: November, the 29th or
23 30th? Or the 30th and 1st of December?

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1 MEMBER ANDERSON: Right now that looks
2 fine.

3 CHAIRMAN MELIUS: So 11/30 and
4 December 1st?

5 MR. KATZ: How about on the line?
6 11/30, December 1?

7 MEMBER FIELD: Yes, works for me.
8 Bill.

9 MEMBER ZIEMER: I'm good. Ziemer.

10 MR. KATZ: 11/30, December 1. Okay,
11 so let's --

12 CHAIRMAN MELIUS: Brad can call in from
13 the woods.

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

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

20 MEMBER CLAWSON: No.

21 MEMBER ANDERSON: Of course we could do
22 a subcommittee to go with you.

23 CHAIRMAN MELIUS: Call it the Fishing

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1 Work Group. Why do we have to have one location
2 for a meeting? Isn't that, you know, multiple
3 locations.

4 (Pause)

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

9 MR. KATZ: Right, they came out
10 afterwards. And much thanks, Josh, for that
11 follow-up.

12 CHAIRMAN MELIUS: So I will go through
13 these relatively quickly because I think they've
14 all been responded to.

15 The first piece, again, from our July
16 meeting, the first two are from related to
17 Carborundum site. And we have questions that came
18 out about dose reconstruction methods being used
19 there, and I think those have been referred to NIOSH
20 and essentially responded to.

21 We had some additional questions about
22 the whole series of questions on INL, numbers three
23 through at least twenty, that came in, most of which

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1 were referred to Tim Taulbee for response and
2 follow up. A number of them were just comments and
3 didn't really require a response.

4 One of them was question about the naval
5 reactor program, which is really not covered by
6 this program. Some issues, difficulties, with
7 sort of dose reconstructions there I think have
8 been followed up on, people have been talked to
9 fairly detailed.

10 There are a number of comments related
11 to Rocky Flats, from a person who's familiar with
12 that, that have been followed up by Jim Neton and
13 LaVon Rutherford. I think also, as I understand,
14 with the Work Group also. That's comments number
15 22 through 30 here.

16 Again, I know there's some further
17 comments related to the FBI investigation there.
18 And again, Jim and LaVon have followed up on those.
19 And I believe the Work Group has done further work
20 on that.

21 That takes us up through number 40
22 basically, the whole series of questions. But I
23 think they're all essentially comments that have

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1 been noted or being followed up on. So I think
2 that's appropriate.

3 Anybody have questions on the comments
4 or wish -- flagged any of them, wished to look back
5 at the transcripts, since you just got the
6 transcripts a couple days ago? But they're all
7 pretty straightforward in the processes.

8 Yeah, Dave?

9 MEMBER KOTELCHUCK: On the Rocky
10 Flats, I mean, the Working Group has all of these
11 and will be dealing with them, but hasn't dealt with
12 several of them yet. But they're coming. Our
13 consideration of them is coming.

14 CHAIRMAN MELIUS: I was trying to use
15 present tense. We're considering.

16 MEMBER KOTELCHUCK: Yeah.

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

21 MEMBER MUNN: I would suggest that the
22 Procedure Subcommittee go first, simply because we
23 have not met and do not plan on meeting for at least

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1 another month, or probably a little more. We're
2 waiting for material to be ready for us to deal
3 with. And when we have an appropriate agenda,
4 we'll move forward. We haven't met for several
5 months, but it's simply because material's not
6 ready for us.

7 CHAIRMAN MELIUS: Dave?

8 MEMBER KOTELCHUCK: The Subcommittee
9 met on the 24th. And we are going to meet again
10 on the 1st, December 1st. And we will focus, as
11 I said before, on discussion of some of the issues
12 raised in the Methods Subcommittee.

13 And there was a discussion about a
14 meeting in January. I think that, talking with
15 people here and thinking about the dates, I would
16 hold off on any meeting for the Subcommittee on
17 January, and let's await consideration after this
18 meeting as to our next meeting after December 1st.

19 But we're working. And we will, in the
20 December 1st meeting, also discuss the blind
21 reviews and our procedures for selecting them and
22 the numbers of them.

23 CHAIRMAN MELIUS: I've got two

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1 questions. Do you have a little bit more
2 information on the draft letter to the Secretary,
3 where that stands?

4 MEMBER KOTELCHUCK: I've written a
5 draft of the Subcommittee activities aspect of the
6 report to the Secretary. We have not discussed
7 that in committee. And I'm going to make one or
8 two revisions that, corrections, that will be
9 coming up at the meeting. And I'll make sure that
10 those are sent to everybody on the Subcommittee and
11 to the Chair.

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

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

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1 MEMBER KOTELCHUCK: We're meeting
2 December 1st.

3 CHAIRMAN MELIUS: I think get comments
4 from the Subcommittee. Make any, you know,
5 drafting changes. And I think let's circulate it
6 to the entire Board, the current draft, and then
7 let's, at our Board call, which I believe is
8 January, that we have some discussion of that. Not
9 commas and, you know, grammatical but substantive.
10 Are there changes and then let's talk about what
11 needs to be added.

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

15 CHAIRMAN MELIUS: Yes. Board Members
16 need to see the data.

17 MEMBER KOTELCHUCK: Yes, they do.

18 CHAIRMAN MELIUS: That affects this.

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

23 For example, we've been able to look in

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1 the last years at 0.86 percent of the cases that
2 we've selected and gone over. And it is important
3 and useful to find out how well the different plants
4 are covered and whether AWEs, which tend to have
5 fewer cases, considered whether we've covered
6 them.

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

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

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1 MEMBER KOTELCHUCK: Okay, good. I
2 think that we were working actively, if not
3 furiously, on trying to get Sets 10 through 13 done.
4 I mean, I came in as Chair in the middle of 10
5 through 13, and felt an imperative to get that done
6 so we can move on.

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

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

22 But I will say that our priority, I
23 think, has to be the consideration of strategy and

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1 changes in our methodology for the Secretary's
2 report. So I would say that -- and I see that that
3 will take up most of the time in the next
4 Subcommittee meeting.

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

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

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

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

17 MEMBER KOTELCHUCK: Right.

18 CHAIRMAN MELIUS: Yes?

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

21 CHAIRMAN MELIUS: I don't know.

22 MEMBER ANDERSON: I'm just thinking in
23 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
23 policy.

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

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

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

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

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

22 CHAIRMAN MELIUS: Thank you, Paul.
23 And I would just add that the first letter, the

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1 first report, took a while to resolve because it
2 was the first report and the case review process
3 was sort of a work in progress at that time.

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

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

13 MEMBER KOTELCHUCK: As with raising
14 children, the first one is the hardest.

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

17 (Simultaneous speaking.)

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

21 (Whereupon, the above-entitled matter
22 went off the record at 11:45 a.m. and resumed at
23 1:36 p.m.)

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

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1 MR. RUTHERFORD: Okay.

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

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

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

21 The two petitions that are in the
22 qualification phase. We have a petition, Rocky
23 Flats petition, for all employees from 1984 to

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

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

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

19 Argonne National Lab West, SEC 224.
20 Dr. Taulbee's been working on that one. And we
21 expect that to be completed in February for the
22 March meeting.

23 So, currently under Board review. We

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1 have Kansas City Plant. That petition is going to
2 be discussed at this Board meeting.

3 Idaho National Lab. I know there will
4 be an update on that one, as well, at this Board
5 meeting.

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

10 SEC 225, Blockson Chemical residual
11 period. That will be discussed at this Board
12 meeting.

13 And SEC 229, Battelle King Avenue.
14 That was discussed earlier this morning.

15 These are all petition evaluations that
16 are with the Board for their initial Board action.

17 Now, this is actually not three. This
18 is actually six different petition evaluations
19 that still have some phase that we'll continue to
20 work on, a phase of petition evaluation.

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

23 Los Alamos National Lab. I went out

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

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

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

14 Santa Susana. Again, we have 1965,
15 this one year we still haven't taken action on.
16 We're still under some coworker issues that we're
17 working through right now on that one.

18 And then Savannah River Site.

19 So, potential 83.14. Sandia National
20 Lab Albuquerque, 1945 to '48. These haven't
21 changed since the last few years. We've had these
22 on our plate as potential 83.14s. This is the old
23 Z Division for LANL. But currently it's already

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1 being included in the SEC, so that we haven't gotten
2 any litmus claims to move it forward.

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

10 And that's it.

11 CHAIRMAN MELIUS: Yeah, Dave?

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

16 MR. RUTHERFORD: Okay.

17 CHAIRMAN MELIUS: Other questions?
18 Comments? Any Board Members on the phone have
19 questions for LaVon?

20 MEMBER ZIEMER: No questions here.

21 CHAIRMAN MELIUS: Okay. Okay. I
22 guess we'll save the questions for the next
23 presentation.

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1 Now we're going to switch to two Site
2 Profile review updates to do. So the first one I
3 think should be relatively quick. And Jim Neton
4 is going to give us an update on the Dow. What we
5 refer to as the Dow Madison. Dow Chemical Madison,
6 Illinois Site Profile.

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

15 DR. NETON: Okay, thank you, Dr.
16 Melius. I'm going to talk about the Dow Madison
17 Site Profile review. It was a focused review that
18 was done by SC&A.

19 The Work Group held a teleconference on
20 May 27th, 2015, to discuss the findings that SC&A
21 had on that Site Profile. There were only two
22 findings and five observations that were
23 identified during their review.

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

12 And because of that, we felt that one
13 times ten to minus six resuspension factor was
14 adequate. SC&A eventually agreed with that, and
15 that issue was closed during that teleconference.

16 The second finding was actually a
17 finding on TBD-6000. Which is, you know, the main
18 document driving Dow Madison Site Profile. The
19 Dow Madison Site Profile is Appendix C in the
20 TBD-6000. The finding was on TBD-6000. It was not
21 used at all in the Site Profile. Once we pointed
22 that out, SC&A agreed that that was not a finding
23 against TBD-6000 and that issue was closed.

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

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

15 The observations were just that. They
16 were observations. They were mostly
17 administrative in nature and were closed after
18 discussion with the Work Group. Although SC&A did
19 bring up two concerns that were sort of related to
20 the observations but not really contained in the
21 observations.

22 CHAIRMAN MELIUS: To be specific, John
23 Mauro brought them up.

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1 DR. NETON: John Mauro brought them up.
2 That's correct. And --

3 CHAIRMAN MELIUS: Let's give credit
4 where credit is due.

5 DR. NETON: During the call I committed
6 to reviewing them because I wasn't prepared to
7 discuss the issues that were raised.

8 I issued an email to the Work Group on
9 June 4th of 2014, or 2015, that summarized our
10 position on them. And sent them, distributed them
11 to the Work Group and SC&A. And received no
12 comments back, other than from Dr. Melius, that he
13 concurred with our discussion and description of
14 those issues.

15 And that's where it remains. I believe
16 they're all closed now.

17 CHAIRMAN MELIUS: And I reminded the
18 Work Group, other Members of the Work Group, that
19 if they had comments or concerns about those
20 issues, to let Jim know, let me know so that we could
21 close these out.

22 So it's relatively straightforward to
23 deal with. And I don't know if any other Work Group

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1 Members have comments or concerns? Okay. Do we
2 need to do a vote on this?

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

4 CHAIRMAN MELIUS: Okay. So I think
5 the Work Group actually voted to close these out
6 pending Jim's clarifications, which we've
7 accepted. So we have a motion from the Work Group
8 already. So we'll do that.

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

11 MR. KATZ: Right. And normally we do
12 these by voice, but since we're split, some Members
13 on the phone.

14 (Off record comments)

15 CHAIRMAN MELIUS: So we have a motion.
16 And all in favor say aye?

17 (Chorus of ayes)

18 CHAIRMAN MELIUS: Opposed? Not
19 hearing opposition, so.

20 MEMBER SCHOFIELD: Are they on the
21 phone?

22 CHAIRMAN MELIUS: Well they were
23 there.

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1 MR. KATZ: They're on the phone. We
2 have a quorum.

3 CHAIRMAN MELIUS: Yes. Well, they're
4 on the phone, they could have --

5 MR. KATZ: Right.

6 CHAIRMAN MELIUS: -- you know. But
7 okay. And, John, you'll inform Mr. Mauro that we
8 took care of his, you know, post hoc observations
9 after the, post-review observations. But that
10 wouldn't be John, if he didn't do those. So okay.

11 Our next Site Profile Review, a little
12 bit more involved, is General Steel Industries in
13 Granite City, Illinois. And, Paul, I believe you
14 are going to present this also?

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

18 CHAIRMAN MELIUS: Okay.

19 MEMBER ZIEMER: Maybe one of the Work
20 Group Members can advance slides for me as needed.
21 Josie or Wanda.

22 MR. KATZ: Stu is pulling them up.

23 MEMBER ZIEMER: Okay. I'll wait just

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1 a moment till those slides come up. Okay, there
2 they are.

3 CHAIRMAN MELIUS: Our DCAS director,
4 audio, visual technician.

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

7 (Laughter.)

8 MEMBER ZIEMER: Okay, let me know when
9 you're ready.

10 MR. KATZ: Okay. Okay, Paul, we're
11 ready. Thanks.

12 MEMBER ZIEMER: Okay, so this is a
13 report of the TBD-6000 Work Group. And the focus
14 is on General Steel Industries, which is Appendix
15 BB. And we're dealing with the findings for Rev
16 1.

17 So next slide. Just to remind you, the
18 Work Group Members, Josie Beach, Wanda Munn, John
19 Poston and me comprise the Work Group.

20 I also should mention, I believe that
21 for SC&A, that Bob Anigstein is on the phone, I
22 hope. And also for --

23 DR. ANIGSTEIN: Yes, I am.

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

4 DR. NETON: Dr. Ziemer, I'll be
5 representing Dave Allen.

6 MEMBER ZIEMER: Jim Neton will
7 represent NIOSH then. So after I finish the
8 slides, and if there is any really difficult
9 technical questions, I'll feel free to refer them
10 to either Jim or to Bob Anigstein.

11 So I'm going to start with some
12 background information. And I'm only going to go
13 back to the earlier part of this year. Well,
14 actually middle of last year. We'll go back that
15 far. Which was when Appendix BB Rev 1 was issued.

16 The date on the document is June 6th,
17 the release date was, I guess that it's actually
18 on the 23rd.

19 And I just enumerated documents or
20 responses that the Work Group had in hand to work
21 with as we met on Rev 1. These are in the order
22 that they were received.

23 First of all, from the co-petitioner

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1 Dr. McKeel. Reviewing comments dated July 21st.

2 SC&A submitted their initial review on
3 October 29th. That was actually replaced by a
4 later version, which had some, I believe, some
5 corrections.

6 And on December 10th of 2015, the SC&A
7 review included ten findings. Then the Work Group
8 met by phone on February 5th to deal with the
9 findings and concerns. And six of the SC&A
10 findings were resolved by the Work Group at that
11 meeting.

12 Also, as a matter of interest, NIOSH and
13 NIOSH DCAS notified the Work Group on February 20th
14 that they were going to proceed to issue a PER for
15 Appendix BB Rev 1, even though there were some open
16 findings.

17 Apparently, the reason for that is that
18 NIOSH believed that the resolution of the four
19 findings might take longer than they originally
20 anticipated. And so since the resolution of the
21 open findings might take a while, they went ahead
22 with the PER.

23 And we can advance to the next slide.

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1 I just want to mention a couple things. So the
2 TBD-6000 Chair reported to the Board on March 25th
3 that the PER had been issued and that the Work Group
4 would continue to deal with the unresolved findings
5 as soon as NIOSH DCAS provided their response to
6 those findings.

7 And I just want to point out that I'm
8 not going to speak at all to the PER at this meeting.
9 I guess if there are questions on that, the Board
10 Members can direct those to Dr. Neton.

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

15 First from co-petitioner McKeel. A
16 critique of the NIOSH document. And that was dated
17 July 19th.

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

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1 Next slide. So there's an issue matrix
2 that was provided for us by SC&A. And I believe
3 that also has now been distributed to the Members
4 of the Board. So you have copies of that to refer
5 to.

6 The matrix, the latest version, is
7 dated November 13th. So it's just been out a few
8 days. And you have that available to look at
9 further details in terms of this report. That
10 includes all the SC&A replies and the previous
11 actions taken on the other matrix issues.

12 And the details on those issues, I'm not
13 going to give all the details here, but I just ask
14 that the Board Members refer to those for detailed
15 information if they need it.

16 First of all, I'll remind you that this
17 was reported to you in February. Issues one,
18 three, four, seven, eight and nine had been closed
19 by the Work Group. And that was reported at the
20 Board meeting in February, February 5th.

21 So issues two, five, six and ten, those
22 issues were closed by the Work Group at the November
23 3rd meeting just a couple weeks ago.

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1 But the final resolution on those
2 actions, it's all detailed in the matrix. But
3 since those items require more extensive debate,
4 I'm going to summarize them here for you so you have
5 a feel for what they have covered and what they
6 entailed.

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

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

17 And there's two parts to that. First,
18 the skin doses from uranium and the skin doses from
19 irradiated steel.

20 For the uranium, NIOSH calculations
21 were based on assuming a continuous irradiation of
22 uranium. But as the document was critiqued, SC&A
23 used an analysis that was based on an intermittent

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1 exposure model of the irradiated material. That
2 should say steel there.

3 They suggested a more realistic model
4 that uses the MCNPX calculational approach. And
5 it simulates the photoactivation of the material
6 from the high-energy particles.

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

13 But the bottom line here is, NIOSH
14 agreed to use the updated SC&A estimates, which is
15 the intermittent exposure for the uranium. And
16 the Work Group concurred with that suggestion.

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

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1 The NIOSH position originally was that
2 they assumed a setup time of 15 minutes between
3 shots or 15 minutes per shot times ten shots per
4 shift, which gives 150 minutes of shot setup time
5 per shift. Or two and a half hours per shift of
6 setup time.

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

12 And the assumption is that the same
13 person performed all the uranium radiography. And
14 this is sort of what you might call bias.

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

20 SC&A recommended that the time assumed
21 for the betatron work be 60 percent, rather than
22 38.75 percent, a somewhat more conservative
23 estimate.

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1 Now the Work Group, after discussion,
2 recommended that the value be 50 percent, which is
3 a little bit below the SC&A recommendation and
4 higher than the NIOSH, leaning towards the SC&A
5 side.

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

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

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

20 Okay, issue six. Layout man beta dose.
21 This deals with the assumption relating to the
22 times and distances. And their assumption to
23 times and distances involved to assess skin doses

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1 from irradiated steel for workers setting up the
2 casting.

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

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

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

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

21 And then issue ten, called beta
22 operator gamma dose. The issue here was that NIOSH
23 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
23 rems per year, which is based on 10.225 rads and

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1 the rem per rad conversion.

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

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

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

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

17 MEMBER MUNN: It's a good summation.

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

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

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

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

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

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

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

23 All in favor say aye?

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1 (Chorus of ayes)

2 CHAIRMAN MELIUS: All opposed?
3 Abstain? Okay. I guess we have some abstentions
4 for this.

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

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

13 (Laughter)

14 -- who will be going to the Amchitka
15 Work Group.

16 LB Rutherford will be, I understand,
17 spending January, February, March and probably
18 into July in Amchitka doing some additional data
19 collection and so forth to prepare the Work Group.
20 So, Mr. Hinnefeld and I worked that out.

21 MEMBER MUNN: It's peaceful there.

22 MEMBER SCHOFIELD: In the dark.

23 CHAIRMAN MELIUS: So going to the next

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1 Work Group on the list, the Ames Laboratory.

2 MEMBER KOTELCHUCK: Right.

3 CHAIRMAN MELIUS: Yes.

4 MEMBER KOTELCHUCK: Dave. We were
5 supposed to -- basically we were to get several
6 reports from Tom Tomes from NIOSH. Do I pronounce
7 it right, Tomes? Thomas?

8 MEMBER MUNN: Tom Tomes.

9 MEMBER KOTELCHUCK: Tomes. Okay.
10 And we were supposed to get them in July. Things
11 have been delayed.

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

18 There is one report that he has given
19 to us. And I'm trying to remember what that one
20 was. We have not reviewed it because it was one
21 of four to be -- thank you very much -- on the intake
22 of uranium. Thanks. And that was completed in
23 the summer.

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1 So we're basically delayed. And he has
2 three more papers coming. The thorium intakes,
3 the internal and external doses at the synchrotron,
4 and the fission product intakes on the main campus.

5 We don't have a prospective delivery
6 time for those because he's basically waiting for
7 the data. So really not much progress. But Tom
8 is clearly working on it. They're just data
9 problems.

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

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

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

16 MEMBER KOTELCHUCK: Yes.

17 CHAIRMAN MELIUS: Okay.

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

20 CHAIRMAN MELIUS: Is it worth it? And
21 again, this is just a question and not a suggestion,
22 but is it worth it for the Work Group to meet, review
23 the -- to resolve? I don't know what issues were

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1 found in the SC&A review. If it makes any sense
2 to --

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

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

11 CHAIRMAN MELIUS: Jim Neton, you
12 looked like you were about to say something and then
13 you --

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

17 CHAIRMAN MELIUS: Yes.

18 DR. NETON: And we're unlikely to
19 change a Site Profile until we resolve all the
20 issues. We don't normally, you know, modify the
21 Site Profile on a piecemeal basis while we're
22 under, you know, we're under discussion on these
23 issues.

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1 CHAIRMAN MELIUS: I think my question
2 was more if there were significant issues found in
3 the --

4 DR. NETON: Well, that's --

5 CHAIRMAN MELIUS: -- SC&A review that
6 would require more data from the site than it --

7 DR. NETON: That's a good point.

8 CHAIRMAN MELIUS: -- would be --

9 MEMBER ANDERSON: Better sooner than
10 later.

11 CHAIRMAN MELIUS: Yes. Why put it
12 off?

13 DR. NETON: That's kind of part of the
14 issue. My recollection was that SC&A largely
15 agreed with us on our approach to reconstruction
16 of the uranium and doses.

17 MEMBER KOTELCHUCK: Yes.

18 CHAIRMAN MELIUS: Okay. Then that's
19 different. That's all. I'm just trying to keep
20 these things moving if it's appropriate.

21 MEMBER KOTELCHUCK: Sure.

22 CHAIRMAN MELIUS: But again, I'm not
23 trying to bog everybody down with lots of meetings.

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1 The next Work Group is Blockson
2 Chemical, which is alive. And, you know, maybe by
3 tomorrow may have a new task. Can't wait, can you,
4 Wanda?

5 MEMBER MUNN: I might.

6 CHAIRMAN MELIUS: Get back together
7 with Brad and I and Gen.

8 MEMBER MUNN: You bet.

9 CHAIRMAN MELIUS: We had some fine
10 meetings on Blockson. Yes. Felt like a reunion.

11 MEMBER MUNN: Yes.

12 CHAIRMAN MELIUS: Brookhaven.

13 MEMBER BEACH: It looks like the only
14 thing I have is the TBD revision was expected this
15 year. Now it looks like it's pushed back to
16 February of next year. So no report other than
17 that.

18 CHAIRMAN MELIUS: Okay. Carborundum,
19 Gen?

20 MEMBER ROESSLER: I think the status is
21 that SC&A, it's in your hands?

22 MR. STIVER: Yes. This is John
23 Stiver. We're in the review process right now and

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1 should have it delivered about the third week of
2 January, if not sooner.

3 CHAIRMAN MELIUS: Fernald?

4 MEMBER CLAWSON: We haven't done that
5 much on Fernald. We're still finishing up, as I
6 said earlier today, they've got some years that
7 they're looking at, I believe, for mass low bid.

8 Anyway, some SEC, be able take some look
9 at some years. But we're still finishing up some
10 of the Site Profile issues.

11 MR. HINNEFELD: Yes, this is Stu. I
12 just wanted to offer that we have some updates that
13 didn't make it onto our coordination, work
14 coordination document this time.

15 We have revised the uranium coworker
16 approach to incorporate the time-weighted average,
17 one person-one statistic approach. And that
18 document is on our website. So that has been
19 revised.

20 And then the two remaining revisions
21 are for the environmental TBD chapter. Because a
22 portion of the issues we talked about were
23 environmental. And then the internal dosimetry

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1 TBD issues, or TBD chapter, because the remaining
2 issues would fit into that.

3 We have right now an estimated
4 completion on the environmental TBD of January.
5 And an estimated completion of the internal TBD in
6 April.

7 And we have a number of documents that
8 sort of provide the supporting calculations for the
9 decisions that went into those that address the
10 issues that were remaining.

11 So when we have those documents ready
12 to review, we'll make sure we point to those
13 supporting calculation documents, as well. So
14 they'll be available for SC&A and the Work Group
15 to review at that time.

16 MR. KATZ: Okay.

17 CHAIRMAN MELIUS: And if one of these
18 documents is now ready, do we want to task SC&A?

19 MEMBER CLAWSON: Yes, we do. As soon
20 as they get done, we need to task SC&A to be able
21 to review those.

22 MR. HINNEFELD: Okay.

23 CHAIRMAN MELIUS: But my

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1 understanding, I thought Stu said one was done.

2 MR. HINNEFELD: Yes, but it's a TIB for
3 the coworker, uranium coworker model. That TIB is
4 done and it is posted on our website. So they could
5 take a look at that now.

6 And again, that was just to rewrite the
7 coworker approach into the time-weighted, one
8 person-one statistic approach. And that's only,
9 remember, that's only used up through 1983.
10 That's only used for the in-house staff, not for
11 contractors because they're already in a Class for
12 that period, the contractors are.

13 CHAIRMAN MELIUS: Okay. So we can go
14 ahead and task them on that.

15 MEMBER CLAWSON: All right.

16 CHAIRMAN MELIUS: Okay. Bill Field,
17 Grand Junction.

18 MEMBER FIELD: Yes, I just talked to
19 Jim and Tom about this, this morning. We have not
20 meet as a Work Group yet. My understanding is
21 we're waiting for SC&A's review of the Evaluation
22 Report at this point.

23 CHAIRMAN MELIUS: John?

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1 MR. STIVER: Yes, there's a little bit
2 of a misunderstanding evidently on that. We were
3 waiting, I guess NIOSH was waiting for us, we were
4 waiting for them.

5 But two of the PER-47 findings, which
6 related to the original SEC review, are still,
7 haven't been resolved. And so we thought that
8 until those SEC issues are resolved, which, you
9 know, are basically SEC --

10 CHAIRMAN MELIUS: Okay.

11 MR. STIVER: -- the basis is the same
12 for the period that's already been granted as well
13 as for the proposed residual period, we felt that
14 it wasn't really appropriate to finish up or
15 deliver a review until those findings have been
16 resolved.

17 CHAIRMAN MELIUS: So, Jim or LaVon, can
18 you shed some light on this?

19 MR. RUTHERFORD: -- or John, those
20 issues, were they in the SEC period?

21 MR. STIVER: They're related to the
22 original SEC.

23 MR. RUTHERFORD: Yes, see those were

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1 related to the original SEC, which has already
2 established an SEC period and was extended up to
3 1985. So we've got an SEC period from the
4 beginning of operations up through '85.

5 So those issues, in our opinion, are
6 not, have nothing to do with the post-1985 period.
7 So we can go back and look at them and make sure
8 that there's none that overlap into that period,
9 but our methodology and approach that we
10 established in the Evaluation Report, the second
11 Evaluation Report, is how we feel moving forward
12 for that post-1985 period.

13 MR. STIVER: This is Stiver. Just one
14 more thing I'd like to say is that, you know, the
15 template is the only Technical Basis Document for
16 this site. So we felt that, you know, if there's
17 problems with that TBD or that template that
18 haven't been addressed, that are related to the SEC
19 review, you know, that was just our position on
20 those, as to whether it was really prudent to move
21 forward on it yet.

22 CHAIRMAN MELIUS: Maybe, Bill Field,
23 if maybe you want to get together on the phone with

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1 NIOSH and SC&A, sort of work out, let's get an
2 agreement. These are sort of technical issues,
3 and we're not going to settle it here. And don't
4 think it's a big deal.

5 MEMBER FIELD: Thank you.

6 CHAIRMAN MELIUS: Well, thank you.

7 MR. KATZ: Bill, I'll set that up.

8 MEMBER FIELD: Okay, thank you.

9 CHAIRMAN MELIUS: Hanford, I chair
10 that Work Group. Waiting on some further work
11 from, information from NIOSH on that.

12 But probably more importantly, since
13 Sam Glover is the lead from DCAS, I've actually
14 talked to Stu and we're going to need to work out
15 a transition first. And before he leaves, I
16 suggest that we do a call on, between, I think Arjun
17 involved, whoever else from SC&A.

18 And whoever new from NIOSH is going to
19 be involved in that. So a lot of history there and
20 a lot of stuff in progress. But the amount of, now
21 actually I think they're actually waiting for more
22 data from Hanford, if I understand correctly. So
23 we can get that moving forward and do that.

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1 I think there is some, still some -- I
2 think still some issues regarding the SEC period,
3 or potential SEC period, for the construction
4 workers there that still needed, that was being
5 evaluated, do that.

6 Idaho, we're going to hear about a
7 little bit later. Lawrence Berkeley, I think
8 we're, is that on today or is that, that's Livermore
9 today. So, Paul, do you have any update on --

10 MEMBER ZIEMER: On Lawrence Livermore,
11 there's nothing to report since the last time I
12 reported. They are still doing the data capture
13 there.

14 DR. NETON: I can provide it.

15 CHAIRMAN MELIUS: Yes.

16 DR. NETON: This is Jim Neton. I can
17 provide a little bit more of an update on Lawrence
18 Berkeley.

19 We are still in the process of coding
20 a very large cache of air monitoring data to fill
21 in some gaps with a variety of radionuclides that
22 were potentially exposure sources at Lawrence
23 Berkeley.

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1 And the last project schedule that I
2 reviewed I think has the data coding not being
3 completed until the May time frame.

4 CHAIRMAN MELIUS: Kansas City Plant,
5 we're going to have an update tomorrow. LANL.
6 Los Alamos, Josie?

7 MEMBER BEACH: Yes. So, I didn't
8 catch it. I was thinking of something else.
9 Okay, so LANL.

10 I was going to ask LaVon, LaVon went
11 back the first week of November. SC&A joined him.
12 And so the Work Group will be getting a document
13 from LaVon, and he can just tell us when and what
14 to expect.

15 MR. RUTHERFORD: Yes, I don't know if
16 I can give you a when for sure, because we will be
17 waiting on LANL to release the documents that we
18 identified.

19 But we did have a good meeting out at
20 Los Alamos. We retrieved a number of documents to
21 help support the post-1995 period.

22 We interviewed their internal
23 dosimetrist, their RadCon manager. Went through

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1 and, Joe, Joe Fitzgerald and I, and actually got
2 an understanding of their whole program post-1995.

3 And I think we got a pretty good path
4 forward. As soon as we get those documents back,
5 we'll be able to finalize our report to the Work
6 Group. And I'll get a better date soon.

7 MEMBER BEACH: Okay. And then beyond
8 that, once we receive the report and review it,
9 we'll plan a Work Group call. I'm sure we can cover
10 it in a call. And then report to the full Board.

11 CHAIRMAN MELIUS: Good. Josie,
12 you're still on. Mound?

13 MEMBER BEACH: Okay, so Mound, when I
14 looked through the work coordinating documents it
15 said our last TBD we were expecting occupational
16 external dose was due last month. But I don't
17 think we've seen that yet.

18 So all the TBDs have been updated as of
19 2013. SC&A has not reviewed any of them. And
20 we're waiting for that last one.

21 But can we task SC&A to start on some
22 of those reviews? I wasn't sure why, what the
23 hold-up was on that.

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1 CHAIRMAN MELIUS: I don't see why not.

2 MEMBER BEACH: So I think there's five
3 altogether, and the last one. So the first four
4 they can, we can go ahead and task, you're saying?
5 Is that --

6 CHAIRMAN MELIUS: Yes.

7 MEMBER BEACH: Okay. So then you're
8 tasked. And then of course maybe you can let us
9 know where that other one is that's --

10 MR. RUTHERFORD: I was asking the
11 person --

12 MEMBER BEACH: In charge?

13 MR. RUTHERFORD: Well the --

14 CHAIRMAN MELIUS: Talk about pass the
15 buck here.

16 MR. RUTHERFORD: Yes, the problem we
17 have right now is --

18 CHAIRMAN MELIUS: That's what happens
19 with low bid, you know. Is they pass the buck,
20 delay reports.

21 MR. RUTHERFORD: Yes, he's very low
22 bid. Now, the problem we have is Tim is spread
23 about a million miles. And Tim's working on that

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1 issue. And so --

2 CHAIRMAN MELIUS: The spread or the --

3 MR. RUTHERFORD: Yes. So as soon as
4 Tim can carve out some time between his SEC
5 evaluations at Argonne and INL, we'll get that one
6 knocked out. We'll give you a date, Josie --

7 MEMBER BEACH: Okay.

8 MR. RUTHERFORD: -- as soon as we can.

9 MEMBER BEACH: No problem.

10 CHAIRMAN MELIUS: NTS, Brad?

11 MEMBER CLAWSON: We've just got some
12 Site Profile issues. I think the last thing, some
13 of the last things that we had, SC&A gave me kind
14 of a punch list on them.

15 But I think we had a, one of them was
16 a neutron and I think we took care of that when did
17 that at Pantex, Stu. Is that correct, Stu? On
18 Nevada Test Site. There was neutron --

19 (Laughter)

20 CHAIRMAN MELIUS: Big site out near Las
21 Vegas, you know.

22 MR. HINNEFELD: I have a vague
23 recollection of spending about a month driving

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1 around there one day.

2 I am a bit at a loss on NTS. It seems
3 to me we had some -- there was Site Profile stuff
4 there, right?

5 MEMBER CLAWSON: It's all Site
6 Profile.

7 MR. HINNEFELD: It's all Site Profile
8 stuff and I can't remember, sitting here, what it
9 is. And I'll try to get some intel on that and
10 maybe tell the Board tomorrow. Because right now
11 I don't --

12 CHAIRMAN MELIUS: Okay.

13 MR. HINNEFELD: -- it's 5:30 at home.

14 CHAIRMAN MELIUS: I made a note to
15 remind you tomorrow, so. Oak Ridge X-10. Gen?

16 (Laughter)

17 DR. TAULBEE: I'll give an update here
18 because I failed to update Dr. Roessler about our
19 progress here.

20 What we're following up here was exotic
21 radionuclides under an 83.14 with Oak Ridge
22 National Laboratory. We have made some progress
23 this past several months.

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1 Primarily we requested from the
2 Department of Energy, their bioassay cards for
3 select years, 1960, '65 and '70, to look at them.
4 And we were initially comparing them with the
5 electronic database.

6 And we found significant problems with
7 their electronic database. To where now we're
8 looking to code these cards and use that from a
9 coworker standpoint.

10 Interestingly, one of the things that
11 we found was on some of these cards, the initial
12 code that went into the database was like a gross
13 beta analysis. When you look at the card itself,
14 it will actually identify the radionuclide, like
15 sulfur-35.

16 So it's identifying some of these
17 exotic radionuclides we were looking at. And we
18 had no way of actually categorizing that they were
19 doing monitoring for some of these exotics that we
20 didn't know about.

21 We have currently requested all the
22 bioassay cards from the Department of Energy, down
23 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.

23 CHAIRMAN MELIUS: Okay. Pantex?

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1 MEMBER CLAWSON: Pantex. We're still
2 just working on Site Profile issues. They're
3 coming to an end.

4 And this one we had the neutron/photon
5 ratio. There was some problem with that. And I
6 think that we worked through that. They were going
7 to build one for each one of the sites instead of
8 one size fits all.

9 DR. NETON: Yes, the Pantex neutron,
10 it's not a neutron/photon ratio at Pantex actually,
11 it's a coworker model using the neutron doses that
12 were out there.

13 MEMBER ANDERSON: Okay.

14 DR. NETON: And that's been completed.

15 MEMBER ANDERSON: Okay.

16 DR. NETON: That's done.

17 MEMBER ANDERSON: Has SC&A reviewed
18 that?

19 MR. STIVER: We're in the process.
20 We've reviewed the OTIB-86 --

21 (Off microphone comment)

22 MEMBER ANDERSON: Okay.

23 CHAIRMAN MELIUS: Pinellas, I think we

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1 already heard about.

2 MEMBER SCHOFIELD: Yes, we did.

3 CHAIRMAN MELIUS: And we'll hear more
4 in March. But the Work Group will meet before the
5 March meeting.

6 MEMBER SCHOFIELD: Right.

7 CHAIRMAN MELIUS: Yes.

8 MEMBER SCHOFIELD: Once we get the
9 paper from DCAS.

10 CHAIRMAN MELIUS: And, Phil, while
11 you're up. Portsmouth, Paducah, K-25.

12 MEMBER SCHOFIELD: We're still looking
13 at the neutron issues for K-25 and Portsmouth. As
14 far as I know those have not been settled. The
15 neutron/photon ratios. Unless I'm unaware of
16 something. Okay, so once we get those settled, I
17 think we can close, pretty much close those out.

18 CHAIRMAN MELIUS: Rocky Flats we'll
19 hear about tomorrow. Sandia, I think LaVon, Dr.
20 Lemen isn't here, but I think LaVon basically
21 updated us. Do you want to pursue this in terms
22 of, trying -- mainly thinking if there's any
23 tasking to be done or where we are.

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1 MR. RUTHERFORD: No, I think -- I know
2 that SC&A has been involved with us when we've done
3 data captures and stuff.

4 CHAIRMAN MELIUS: Yes.

5 MR. RUTHERFORD: So right now we're
6 still in the process of getting documents to
7 support a final closeout.

8 CHAIRMAN MELIUS: Okay. Good. Santa
9 Susana?

10 MEMBER SCHOFIELD: Nothing new there
11 yet on Santa Susana recently. So.

12 CHAIRMAN MELIUS: LaVon, can you
13 remind us? Jim? Pass the buck.

14 DR. NETON: Yes, we are still working
15 on the co-worker models at Santa Susana. It's a
16 fairly complex site. There's a couple sites
17 involved.

18 It's difficult to determine which site
19 the bioassay data was collected from and that sort
20 of thing. So we're still working that, that issue.

21 CHAIRMAN MELIUS: And we still have
22 that one-year issue on the --

23 DR. NETON: That's correct.

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1 CHAIRMAN MELIUS: Okay. Is that tied
2 to the coworker models or is that -- okay.

3 (Off microphone comment)

4 CHAIRMAN MELIUS: Okay. Savannah
5 River?

6 MEMBER CLAWSON: Well, we've just got
7 access back to the data. And I just found out today
8 that they've gone back and they've --

9 Savannah River has been a difficult
10 one. We've processed through, but we somewhat
11 lost our access to get the data about a year to a
12 year and a half ago.

13 And so as Tim told us earlier today,
14 they've regained access and they're starting to
15 process our two year old requests. To get it
16 brought up. But it has been out there a long time.

17 CHAIRMAN MELIUS: Okay. We'll do
18 that. And we still have co-worker model issues
19 there, which are the ones that concern me.

20 DR. TAULBEE: With regard to the
21 co-worker, that is what the team has primarily
22 focused on right now. We do have all of the data
23 that we need, or we believe we do, to give you the

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1 first two examples, using Jim's new draft
2 implementation guidance.

3 And the team is currently targeting to
4 where we can present those first two by the March
5 4 meeting, is our current projections for them.

6 CHAIRMAN MELIUS: So when, maybe
7 you'll be a little bit more specific on the time.
8 Just think in terms of the Work Group meeting.

9 DR. TAULBEE: I'll have to get back to
10 you on that.

11 CHAIRMAN MELIUS: Okay.

12 DR. TAULBEE: I can't remember whether
13 it is late February, early March time frame that
14 that's projected to be completed. Those first two
15 models. To give you the examples.

16 My question is, which Work Group would
17 it go to? The Coworker Work Group or SRS or both?

18 CHAIRMAN MELIUS: Well, that's what
19 I'm asking. I think, certainly the co-worker,
20 since they're examples. Whether we do -- Jim?

21 DR. NETON: We can do a joint meeting.

22 CHAIRMAN MELIUS: I was thinking a
23 joint meeting. That might be a way of more

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1 efficiently using people's time and so forth.

2 DR. TAULBEE: Okay, I'll try to get you
3 a date as to when we are currently projecting for
4 that to be completely finished.

5 CHAIRMAN MELIUS: Okay. And then we
6 can set up --

7 DR. TAULBEE: First --

8 CHAIRMAN MELIUS: Yes. I just think
9 -- I keep hearing lots of talk about work group
10 models. And we sort of left off finalizing, you
11 know, coworker models. That we sort of have left
12 off as sort of trial and our criteria on coworker
13 models pending looking at some examples.

14 And I just get worried that we,
15 meanwhile work needs to go on and so forth. So
16 these are critical and, you know, thank you for
17 being the guinea pig. But --

18 DR. TAULBEE: Yes. No, these are very
19 in the front of our minds. And that is what --

20 CHAIRMAN MELIUS: Yes.

21 DR. TAULBEE: -- our main focus with
22 Savannah River right now is. Is those two --

23 CHAIRMAN MELIUS: Yes.

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1 DR. TAULBEE: -- coworker models, in
2 order to give you the examples so that you can
3 provide feedback as to whether these would be
4 adequate.

5 CHAIRMAN MELIUS: Yes. Good. Okay.
6 Anything else you want to add, Brad, or --

7 MEMBER CLAWSON: Well, I just want to
8 make sure that we get time to be able to look at
9 these and also so SC&A can look at them. But this
10 really has been out there a long time. We really
11 need to get aboard on this.

12 CHAIRMAN MELIUS: I agree. Science
13 issues. Dave's not here, so --

14 (Off microphone comment)

15 CHAIRMAN MELIUS: Okay. Special
16 Exposure Cohort issues, we've talked about.
17 Subcommittee, subcommittee.

18 I think TBD-6000 has done enough work,
19 but I don't know if you have any more to report,
20 Paul?

21 MEMBER ZIEMER: Yes, I do, in fact.
22 The other item on our plate for TBD-6000 is Joslyn.
23 And that's Appendix J, is the Site Profile.

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1 And there were a couple White Papers
2 that NIOSH had issued to deal with some findings
3 on Appendix J. SC&A has reviewed those. I think
4 NIOSH is still working on one of the responses.

5 My recollection, and I believe Dave
6 Allen is handling this, but my recollection is that
7 NIOSH expected to have their response by something
8 around mid-December. So once that occurs we'll
9 set up a Work Group meeting to deal with the
10 Appendix JJ issue. Or Appendix J, I mean. It's
11 J. That's it.

12 CHAIRMAN MELIUS: Okay, thank you for
13 a lot already. Henry?

14 MEMBER ANDERSON: We have not met.
15 But I think we've had Westinghouse Electric -- has
16 been sent to us.

17 CHAIRMAN MELIUS: Yes.

18 MEMBER ANDERSON: So I'm not sure
19 where, I think that's been sent to SC&A. Wasn't
20 it?

21 CHAIRMAN MELIUS: Correct. SC&A.
22 And we are requesting us. I haven't --

23 MR. STIVER: Yes, we have completed our

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1 review and delivered it.

2 CHAIRMAN MELIUS: Okay.

3 MEMBER ANDERSON: Was that --

4 MR. KATZ: So we're waiting on NIOSH to
5 --

6 MEMBER ANDERSON: Yes, right. That
7 came in, was that the July one? July? Or I think
8 it was --

9 MR. STIVER: I think it was September.
10 I think. I can't exactly --

11 MEMBER ANDERSON: I don't, yes, I --
12 sort all my paperwork here. Yes.

13 MR. STIVER: Just after.

14 MEMBER ANDERSON: Yes. So we're
15 waiting for NIOSH to respond and then I think we'll
16 get together. Hopefully we'll get that by March.

17 CHAIRMAN MELIUS: Surrogate data, no
18 activity. Weldon Springs, Dr. Lemen isn't here.
19 I'm not sure if there's any activity there.

20 Worker Outreach, can you --

21 MEMBER BEACH: No, no activity.
22 Nothing new.

23 CHAIRMAN MELIUS: I would just point,

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1 related to Worker Outreach, and I didn't mention
2 it in presentation, but one of the issues that's
3 sort of has always been outstanding in terms of our
4 dose reconstruction reviews is dealing with the
5 interview process as part of that. And we've dealt
6 with it separately when NIOSH did the revisions on
7 the interview.

8 But it seems to me it's going to come
9 up again in terms of the kind of information and
10 quality information we collect as it's relevant to
11 certain parts of the dose reconstruction process.

12 Are we collecting the right information
13 that is, you know, parallels and satisfies the
14 needs, types of information that's needed for the
15 dose reconstruction process. And I think that may
16 be something that we'll want to think about as we
17 go forward on that.

18 MEMBER BEACH: It's not a bad idea.

19 CHAIRMAN MELIUS: Yes.

20 MEMBER BEACH: Can I ask about new Work
21 Groups? Livermore comes to mind.

22 CHAIRMAN MELIUS: We'll have an
23 update. And we don't have a report, right?

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1 MEMBER ANDERSON: We'll send the
2 report in --

3 CHAIRMAN MELIUS: In March. So I
4 think it will be at the time we appoint the --

5 MEMBER BEACH: Yes, get the, okay.

6 CHAIRMAN MELIUS: Appoint that. I'm
7 not sure there's any other -- I'm trying to think,
8 are there any Site Profile -- I just have a feeling
9 we're sort of at a rate-limiting step in terms of
10 available resources and so forth.

11 I'd hate to start, I mean obviously on
12 Livermore we'll do something with the -- we'll see
13 what the SEC report is. But other than that, I
14 think we're sort of at capacity, if not beyond
15 capacity, in terms of the amount of work that needs
16 to be done.

17 But we should, I think maybe for our
18 next meeting, next Board meeting is just to at least
19 systematically go through and see are there other
20 Site Profile Reviews that we've, or the document
21 reviews we need to be taking up.

22 MEMBER ANDERSON: Any of them that are
23 pressing I guess is the --

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1 CHAIRMAN MELIUS: Well, I think --

2 MEMBER ANDERSON: I think lots of them

3 --

4 CHAIRMAN MELIUS: I think we've taken
5 the ones that are pressing.

6 MEMBER ANDERSON: Yes.

7 CHAIRMAN MELIUS: But it doesn't hurt
8 to look again and see if it's something that --

9 MEMBER ANDERSON: Have some in the
10 wings, I think.

11 CHAIRMAN MELIUS: Yes. Yes.

12 MEMBER ANDERSON: Resources --

13 CHAIRMAN MELIUS: Yes. So we're a
14 little bit early on our break, but that will be
15 fine. And we'll reconvene promptly at 3:30 this
16 afternoon.

17 We have Idaho. We may have petitioners
18 on the line for that thing, so if we can be prompt.
19 But we should do it as scheduled at 3:30.

20 In terms of Board work session, I think
21 all we, a little bit of correspondence, but most
22 of that's by referral, I think. It's not really,
23 but we'll talk about that. We have a little bit

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1 of time tomorrow. But we might be able to get done
2 a little bit early.

3 MEMBER KOTELCHUCK: Question?

4 CHAIRMAN MELIUS: Yes.

5 MEMBER KOTELCHUCK: I had written down
6 was the Idaho National laboratory at 3:45. Which
7 is a little long for our break. But I was just
8 concerned that there maybe people on the line that
9 --

10 CHAIRMAN MELIUS: It says 3:30.

11 MEMBER KOTELCHUCK: Okay, I must have
12 the slightly older --

13 CHAIRMAN MELIUS: Yes, it's scheduled
14 at 3:30.

15 MEMBER KOTELCHUCK: Fine. I may --
16 good. As long as it's scheduled.

17 CHAIRMAN MELIUS: Well, mine has the
18 official Ted Katz seal of approval.

19 MEMBER KOTELCHUCK: Yes, that's good.

20 CHAIRMAN MELIUS: But it probably has
21 changed. A bunch of the stuff did change.

22 MEMBER KOTELCHUCK: Yes, there's a
23 cushion with change.

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1 CHAIRMAN MELIUS: Yes, yes. And I had
2 to go through and -- I had like three versions of
3 it when I was getting ready to come out here. And
4 --

5 MEMBER KOTELCHUCK: And so I just
6 wanted to make sure that --

7 CHAIRMAN MELIUS: No, no, thank you,
8 Dave.

9 MEMBER KOTELCHUCK: -- the general
10 public was promptly --

11 CHAIRMAN MELIUS: You had me fearful
12 that I had spent the whole day going through the
13 wrong schedule.

14 MEMBER KOTELCHUCK: No.

15 (Whereupon, the above-entitled matter
16 went off the record at 2:44 p.m. and resumed at 3:32
17 p.m.)

18 MR. KATZ: So we are about to get
19 started. Let me check on the line and just see that
20 we have our Board Members who have been with us on
21 the line at least.

22 (Roll call)

23 CHAIRMAN MELIUS: Okay. We will now

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1 have a presentation, talk about the Idaho National
2 Laboratory and we have an SEC petition and a number
3 of other reviews going on right now.

4 So I think we'll start with Tim Taulbee
5 to present and then I think John Stiver has a
6 presentation following that. And I'll just add
7 the Work Group did meet last week. Okay.

8 DR. TAULBEE: Thank you, Dr. Melius,
9 Members of the Board. I am going to give an update
10 on where we are with the Idaho National Laboratory
11 SEC update.

12 We have been following along with the
13 previous proposed Class Definition, and so I'll
14 give you an update of what we have found since then.

15 So I'll go over that Class Definition
16 again and then give you the NIOSH update with where
17 we are with regards to data gaps, dosimetry, a
18 monthly report comparison, and then the review of
19 NOCTS claims, and then I'll give an update of where
20 we are overall with INL/ANL-West, kind of an
21 activity timeline.

22 And then, as Dr. Melius mentioned, I
23 believe after I get done speaking, then SC&A will

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1 talk about where there are with their update.

2 So to remind everyone, the proposed SEC
3 Class Definition that we proposed back in July,
4 well, we originally proposed a Class Definition in
5 March and then we revised it in July at the Board
6 meeting, and so this Class Definition has not
7 changed since your July meeting.

8 And it is all employees of the
9 Department of Energy, its predecessor agencies and
10 their contractors and subcontractors who worked at
11 the Idaho National Laboratory in Scoville, Idaho,
12 and a) who were monitored for external radiation
13 at the Idaho Chemical Processing Plant, CPP, for
14 example, at least one film badge or TLD dosimeter
15 from CPP between January 1, 1963, and February 28,
16 1970, or who were monitored for external radiation
17 at INL, again, at least one film badge or TLD
18 dosimeter between March 1, 1970, and December 31,
19 1974, for a number of work days aggregating at least
20 250 work days occurring either solely under this
21 employment or in combination with the work days
22 within the parameters established for one or more
23 other Classes of employees in the Special Exposure

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1 Cohort.

2 So one of the questions that was posed
3 to NIOSH during the March Board meeting was does
4 NIOSH have all of the dosimetry data. And so
5 remember this was an issue with the Mound SEC that
6 was proposed where the dosimetry, or the tritium
7 bioassay was used to identify the Class and then
8 after the fact we found that there was about a year
9 of bioassay logbooks that were missing.

10 So over the past several months NIOSH
11 has looked at this, we've looked for data gaps
12 within the dosimetry and then we also compared the
13 number of dosimeters reported in the monthly health
14 physics reports versus the number of people listed
15 on the badge reports that we obtained from the site.

16 So a review of the dosimetry gaps, back
17 in July, I reported that there were three months
18 that we're currently missing that we were following
19 up on.

20 Since then there is only one month and
21 this is December of 1970 that is missing. It is
22 interesting to note that the cycle end date for this
23 particular dosimetry report was December 25, 1970,

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1 and so this would be the date that they were to
2 produce this printout of the dosimetry report, and
3 so it looks like nobody hit print on that particular
4 day, on Christmas Day.

5 We don't view this as significant since
6 the annual reports are available for 1970. What
7 we did was, and during this time period from March
8 of 1970 through December 31, 1974, a single badge
9 anywhere on site is what we are defining as part
10 of the Class, so this falls within that
11 all-monitored time period.

12 And so if an annual summary exists, that
13 would indicate that there could be, that there was
14 a dose during that period and this would enter them
15 into the Class.

16 We did check these to make sure that the
17 doses from that December did make it into the
18 electronic database, which is an IBM system, and
19 so we took several workers and we looked at the sum
20 of their dose from January through November and
21 then we looked at their annual total.

22 We selected workers that purposely had
23 kind of monthly constant type of an exposure and

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1 what we found is that annual dose did make it into
2 the database and just that printout was produced,
3 or at least the site can't retrieve that single
4 printout.

5 But the doses are there, so an annual
6 dose during that year would indicate that they were
7 monitored during that year, so they would be part
8 of the Class.

9 So we do feel that this is encompassing,
10 so this one-month data gap is really not
11 significant and nobody should be excluded as a
12 result of it.

13 The temporary badge reports, which I
14 pointed out before, none appear to be missing.
15 NIOSH has temporary badge reports for every month
16 between 1959 and 1976.

17 What I couldn't report to you the last
18 time was the CX dosimetry reports. If you recall
19 we had not received those from DOE yet.

20 The following month, in August, we did
21 receive them and we had to go back and do some
22 follow-up with the site as well because there was
23 about a 3-month period that was missing from the

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1 initial set that was sent to us.

2 They went back to the box of records and
3 there was about 25 pages that hadn't been scanned.
4 They re-scanned them and sent them to us.

5 So at this time there is no gaps or
6 missing data in the CX dosimetry reports, and
7 remember CX is the construction side.

8 So it's interesting from what we are
9 missing here is the month of December for the
10 operations folks at INL, but not the construction,
11 the construction we have the complete complement.

12 So our next comparison was the monthly
13 health physics reports versus what's on the CPP
14 dosimetry and the goal here is that, if the site
15 indicated they processed 500 dosimeter badges in
16 a month, do we have 500 dosimeter results in these
17 printouts, and if we do, then we can be fairly
18 certain that we actually do have all of the data
19 that was taken for that site.

20 So we reviewed 1963 through 1970 and we
21 found very good agreement between the monthly
22 reports and the dosimetry printouts, and this is
23 an illustration of that and I have added the CX

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1 dosimetry here to the bottom of this particular
2 graph.

3 And what you will see is that the CX
4 dosimetry designator was used early on in the 1950s
5 and actually into the late '50s and then it wasn't
6 used for a time period and it picked up again in
7 April of 1964.

8 Now you'll see a drop there off of the
9 prime CPP dosimetry reports and we looked to see
10 if those construction workers were part of the
11 operations report and it turns out they were.

12 If you go to that operations report, you
13 will see these workers who worked for HK Ferguson
14 listed on the main production CPP dosimetry reports
15 until April of 1964, then they start showing up
16 under their own designation as construction,
17 again, during this time period.

18 The other large drop that you'll see in
19 1967, this is the result of TLD monitoring where,
20 instead of monthly film badges issued to people
21 they were given a TLD to wear for three months, so
22 you do see a big decrease in the number of
23 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.

23 By going through the dosimetry

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1 printouts and counting up the number of names and
2 dosimeter readings that we have we have 46,723, or
3 a surplus of about 436.

4 And so some of this is -- when you do
5 a month-by-month comparison you will see that one
6 month might be a little low and another month high,
7 generally adjacent to each other, where you are
8 seeing differences in report cutoff times with
9 months from that comparison.

10 But overall over this 7-year time
11 period, we are seeing a slight increase of number
12 of names on those dosimetry reports. Some of those
13 are actually handwritten on those dosimetry
14 reports so they probably didn't make it into the
15 monthly report.

16 So the final thing that we were
17 reviewing is all of the INL claims within NOCTS that
18 we have received to date.

19 Our first cut of this review was to
20 determine whether the employment period was within
21 the proposed SEC and what we found was 872 claims
22 did not work during the proposed SEC time period,
23 881 claims do have employment during the SEC.

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1 So the second component of this review
2 is to take those 881 INL claims and determine if
3 there is indication of CPP work and do we see this
4 dosimeter result in there.

5 And so we looked at the
6 Computer-Assisted Telephone Interview, the dose
7 reconstruction report, and the DOE file in order
8 to make a determination of where this person worked
9 and can we place them in the Class there at CPP.

10 In July I reported that there were 32
11 claims that needed following up of that 881. After
12 we received the CX dosimetry files that dropped
13 down to ten claims that needed following up.

14 By October, we re-evaluated this
15 particular ten claims to make a request to the
16 Department of Energy site, we found that three of
17 them actually are already part of the Class due to
18 their dosimetry in the 1970s monitored anywhere.
19 So we are actually down to seven that NIOSH is
20 following up on.

21 We submitted a request for these seven
22 claims and we sent this to the site on October 5th
23 and we are waiting to receive back this

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1 information.

2 SC&A in their review of our
3 methodology, identified 11 additional claims and
4 these were also sent to the site on October 13th
5 for follow-up.

6 So right now in total there is 18 claims
7 of the 881 that are being followed up, or about 2
8 percent. We do expect to receive the supplemental
9 dosimetry on these 18 claims by the end of this
10 month.

11 We expect to provide a summary of the
12 claims to the Work Group by the end of the year,
13 and there is planning for an INL Work Group
14 conference call for the second week of January in
15 order to discuss these results.

16 So in summary there is no significant
17 data gaps that we have identified. There is good
18 comparison between the periodic reports and the
19 dosimetry data.

20 The follow-up between NIOSH and SC&A
21 has been reduced to 18 of 881 claims, or 2 percent.
22 Thus, the current Definition works for at least 98
23 percent of the claims that we have in NOCTS.

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1 So now let me give an update on where
2 we are with the ANL-West petition. Actually,
3 before I go on to there is there any questions on
4 this first part?

5 MEMBER MUNN: Well done.

6 DR. TAULBEE: No?

7 CHAIRMAN MELIUS: Go ahead. Let's
8 wait, maybe after John we'll open it up in general.
9 I think it's a little easier, yes.

10 DR. TAULBEE: Okay, that sounds good.
11 Okay. I had hoped to present to you the ANL-West
12 SEC petition at this Board meeting. I mentioned
13 that back in July.

14 We ran into some difficulties that now
15 it's going to be delayed to late January or early
16 February to be sent to the Board and we do plan to
17 present this in March at the next Board meeting.

18 What we found kind of at last minute was
19 the discovery of some bioassay data, urine and
20 fecal results for ANL workers that was located at
21 ANL-East.

22 In the past, ANL-East has indicated
23 that they did not have any ANL-West data, bioassay

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1 or dosimetry. INL had indicated that they felt
2 they had all of the ANL-West data at their site.

3 And so what we did was we conducted a
4 test of the dosimetry and so we sent eight claims
5 to both INL and ANL-East and asked for what do you
6 have on these workers.

7 And we did a mix of people who started
8 out working at ANL-East and then went to work at
9 INL, so we knew they should have data in both
10 places, some of it from ANL-East work and some from
11 INL, and some that only worked at INL.

12 And what we found is, of the initial
13 test of eight people, all eight had bioassay
14 records at ANL-East, and so this caused a pause in
15 our current thinking for the ANL-West petition and
16 so we've been doing follow-up on that.

17 That follow-up is what has really
18 delayed the previous supplemental dosimetry
19 request, because this was going to be a large
20 request to both sites, INL and ANL-East, and so we
21 requested records from 42 additional workers.

22 And we didn't receive all of those until
23 the last week of October and at that time the site

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1 started following up on that supplemental
2 dosimetry that we requested back in October.

3 So our current projections for the
4 ANL-West SEC petition is to present it to you all
5 by the March Board meeting and, again, we hope to
6 get that out the end of January, beginning of
7 February.

8 While we were waiting on this follow-up
9 at the site, because there are two groups that are
10 working on records at INL, one is the EEOICPA group
11 that actually pulls dosimetry records, and then the
12 other group pulls survey records and air sample
13 data and the information for follow-up on the
14 reserve sections of the SEC.

15 And so while the one group was working
16 on all of these claims we went back out to the site
17 the first, or the week of October 19th, and then
18 the second data capture the week of November 2nd,
19 in order to review records out there and make a
20 request from the other group so that we weren't
21 going to be losing any time here for the evaluation
22 of those reserve sections.

23 And so that was conducted and we have

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1 made our request and they are currently being
2 reviewed by the site.

3 We did identify through these data
4 captures that we need to conduct a couple of
5 additional interviews and we've been coordinating
6 with SC&A and the Board to conduct some interviews
7 in January and we hope to be able to incorporate
8 those into our reserve sections evaluation here.

9 Our goal is currently, again, for
10 February and beginning of March, and that I don't
11 have an exact date as to whether we're going to
12 actually meet this one or not for these reserve
13 sections, but we don't see where we've actually got
14 any loss of time due to the shift that we did a
15 couple of weeks ago while we were waiting on those
16 supplemental requests.

17 So we are still projecting to present
18 both ANL-West and the reserve sections of INL
19 during that Board meeting. I can't promise it.
20 ANL-West I can promise, this one I can't.

21 Once we do complete both of these,
22 ANL-West and the reserve sections, we'll be working
23 with the Advisory Board and SC&A to resolve

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1 findings and issues, concerns with all three of
2 these reports that we are currently working on.

3 We did meet a couple weeks ago, or last
4 week for INL, and SC&A raised several issues and
5 we will be following up on those but not until we
6 get these things closed out.

7 The same staff that are working to close
8 these out are also the ones that will be responding
9 to SC&A's comments and concerns. So with that,
10 I'll be happy to answer any questions. Thank you.

11 CHAIRMAN MELIUS: Any questions now?

12 (No response)

13 CHAIRMAN MELIUS: And we'll have time
14 for other questions after John Stiver has
15 presented, because I -- particularly on the
16 petition part, the earlier part of Tim's
17 presentation, some of this will, I won't say become
18 clearer, but there is additional information
19 that's relevant.

20 I'll just add, I'm not sure if the
21 petitioners are on the line for the Idaho, but if
22 they are, they will be given an opportunity to make
23 comments a little bit later after some of these

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1 presentations and the Board have had a chance to
2 ask questions.

3 You're not required to make comments,
4 but I just wanted to make sure you understood that
5 if you are on the line, you weren't being forgotten.

6 MR. STIVER: Good afternoon, Dr.
7 Melius and Members of the Board. My name is John
8 Stiver, I am with SC&A, and today I'd like to
9 provide you all with an update on where SC&A stands
10 on several different issues.

11 If you recall back in April we were
12 tasked to review the dosimetry-based CPP Class
13 Definition, which Tim has just explained, and the
14 follow-on to that, the Revision 1, which opens up
15 the dosimetry requirement from March 1970 up
16 through December 31, 1974.

17 In addition to that we were tasked to
18 begin looking at some of the areas, times, and
19 activities for which NIOSH believes that they can
20 reconstruct doses.

21 In total we had about six different
22 reports, which I have tried to condense into
23 something that's manageable in about a half hour's

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1 time frame.

2 I think it was Mark Twain that once said
3 that if I had more time I could've written a shorter
4 story, and that's kind of where we are right now.
5 But, with that, let's go ahead and get started.

6 This, again, is just kind of a repeat
7 of the timeline of the Work Group discussions for
8 SEC-219 and the Advisory Board meeting and as you
9 know we had a meeting last Tuesday on INL where six
10 of our presentations were discussed in quite a bit
11 more detail than we'll do today.

12 This is going to be the 10,000-foot
13 view, or maybe the 30,000-foot view. But, anyway,
14 let's start out by looking at the evaluation, the
15 Class Definition.

16 And our goal was really to evaluate if
17 a revised Class Definition may unintentionally
18 exclude certain workers from the Class due to the
19 dosimetry requirements who might otherwise be
20 included.

21 We looked at all currently available
22 claimants with at least 250 days of covered
23 employment and we really took an approach of

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1 looking at the two different periods, the later
2 period and then back to the earlier period.

3 And we investigated the claimants who
4 did not meet the SEC dosimetry requirement to
5 determine the potential for internal exposure to
6 alpha-emitting contaminants at CPP.

7 At the time of the review we identified
8 almost 900, 898 claimants with covered employment
9 who worked in one or both periods, and I just kind
10 give you a breakdown of the different categories.

11 This is all laid out in detail in Bob
12 Barton's report and I'd like to just take some time
13 right now to thank the people who really did the
14 heaving lifting, which is Bob Barton, Ron Buchanan,
15 Amy Meldrum, John Mauro, the whole crew, Steve
16 Ostrow, so we had quite a group of people working
17 on this that really put in a lot of good quality
18 work.

19 This just shows you the total claims
20 evaluated in the later period. About 85 percent
21 were monitored, about 15 percent weren't, and about
22 77 percent met the SEC requirement.

23 I have really three observations

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1 related to this later period, first being that we
2 felt that at least in our approach we were looking
3 for any evidence of monitoring during the later SEC
4 period, not just an external dosimeter, but say a
5 location file card, internal dosimetry, things of
6 that nature.

7 The second observation follows for that
8 we did find one claim that contained an in vivo
9 dosimetry related to CPP but did not have external
10 dosimetry and we recommended that should be
11 included in NIOSH's follow-up.

12 And then we also, this was an
13 observation that was clarified at last week's
14 meeting, is how temporary or visitor badges were
15 going to be used, and Tim indicated that they'd be,
16 those types of badges as well as location file cards
17 would be adequate for inclusion in the SEC as long
18 as the 250-day requirement was met.

19 That said, we do believe that
20 observations one and two do raise concerns about
21 a Class implementation at a practical level.

22 And now we're taking a look at the
23 earlier period. We looked at a total of 219

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1 claims. Again, 67 of those, or about 30 percent,
2 met the SEC requirement.

3 Twenty-six percent were, or -- excuse
4 me, 11, almost 12 percent were not monitored and
5 this 11 percent and the other category includes the
6 11 that we, that Tim mentioned earlier that we
7 identified for further follow-up as well as some
8 others.

9 I think there was five that had a
10 categorization called CADRE and we weren't quite
11 sure what that meant. There was some evidence that
12 it might be related to CPP, but other evidence that
13 it could have just been a subcontractor and so
14 forth, and that's something that NIOSH, I believe,
15 is looking into.

16 This is the observation for regarding
17 CADRE, which I just mentioned. Further
18 evaluation, NIOSH, as you know, there is seven that
19 they are following up on. We are following up on
20 11 of 23, and that's really kind of the long pole
21 in the tent.

22 Like I said this is, or that Tim had
23 mentioned earlier, we are reviewing these claims

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1 in hopes of having a resolution and be able to
2 understand what happened or what is the situation
3 with these 18 claims in time for a January
4 discussion before the Board teleconference.

5 The next thing I would like to go over
6 is our dose reconstructability or gap analysis.
7 Like I said, I think this is something you have
8 seen, at least at the July INL Work Group meeting.

9 We looked at two components of the
10 horizontal analysis and then kind of looked at
11 certain areas within the site that we felt might
12 be productive in terms of this initial review for
13 reconstructability.

14 Reactor modeling and the fission and
15 activation product indicator bioassay,
16 radionuclides were kind of horizontal, meaning
17 they span the entire site.

18 You'll see that this idea of using
19 strontium-90 or cesium-137 bioassay in conjunction
20 with OTIB-54 or TBD-5 to look at ratios and to use
21 those indicator radionuclides to determine the
22 intakes of other fission and activation products
23 as well as actinides.

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1 It kind of spans -- it was a common
2 thread throughout the entire process of
3 reconstructability. It applies to Test Area
4 North, Central Facilities, burial grounds is a
5 little bit different, the Chemical Processing
6 Plant pre-'63.

7 Both of those last two are actually
8 pending and we'll be reviewing those again after our
9 January data capture trip.

10 Looking at the test reactor area, we
11 tried and looked at some of the big production
12 reactors. We didn't look at some of the smaller
13 low-power reactors.

14 In fact, that was a tasking that came
15 out of the Work Group meeting last week was to
16 compile a prioritized list of reactors that we have
17 not looked at at this point.

18 And, once again, you know, the issue
19 here is does OTIB-54 ratio method provide
20 sufficiently accurate and claimant-favorable dose
21 assignments or intake assignments for workers
22 based on who have basically gross gamma and beta
23 bioassay.

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1 And, also, you know, to have often
2 operating scenarios have been identified and those
3 are also addressed in the reports, including TAN.

4 This kind of lays it out. Air sample
5 and urinalysis data to mix fission products and
6 activation products are available only in the form
7 of gross beta or gross gamma activity attributed
8 to specific net radionuclides.

9 And OTIB provides the guidance on
10 assigning these using ratios of cesium and
11 strontium-90 and the goal in the OTIB is really to
12 reduce a large amount of reactor fuel data and to
13 simply a representative set that dose
14 reconstructors can use, and they're actually
15 looking at actual claimant cases.

16 Table 5.1 of the ER lists eight TRA
17 reactors. Only the first three are high-power,
18 high-flux reactors. These are the ones that we
19 looked at, the Advanced Test Reactor, Materials
20 Test Reactor, and Engineering Test Reactor.

21 As far as the ATR goes OTIB-54 modeled
22 the ATR using ORIGEN scale and as expected we didn't
23 find any material instances based on the modeling

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1 exercise of the ATR operating outside of its design
2 envelope, so we had no problems with that.

3 As far as the Materials Test Reactor,
4 we feel that as long as it was operating with the
5 uranium core it would be adequately represented by
6 the modeling exercise.

7 With that said, in 1958 and then again
8 in the 1970's the MTR was one where the
9 plutonium-239 cooler -- And so the question remains
10 is how much different were the plutonium operations
11 and would those differences be radiological
12 significant from a dose reconstruction standpoint.

13 ETR, again, as with MTR operations, the
14 OTIB-54 methodology should also adequately envelop
15 the ETR considering internal exposures.

16 As far as the path forward here we need
17 to resolve the issues of the applicability of
18 OTIB-54 to the MTR operating with plutonium fuel,
19 and as I said earlier we are to prepare a
20 prioritized list of other reactors that may fall
21 outside the envelop of OTIB-54.

22 The next thing we looked at was Test
23 Area North. There was all kinds of activities,

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1 very -- excuse me, I jumped ahead -- Of a very unique
2 nature, this was taken right out of the TBD.

3 It just goes to show you that there are
4 lots of different activities, experiments,
5 one-of-a-kind experiments going on in Test Area
6 North.

7 So it called into question whether you
8 can use sort of a one size fits all ratio method
9 to adequately address what was going on at TAN.

10 We went to three different areas. One
11 thing we looked at was the completeness of the
12 external dosimetry data that's been captured to
13 date.

14 We looked at the applicability of
15 OTIB-54 and TBD-5 for the performance of internal
16 DR, as we had done at several of the other sites,
17 and then we also took a look at the unique
18 circumstances of the airborne nuclear propulsion
19 system, which really are not addressed in OTIB-54.

20 As far as the external dosimetry goes,
21 although the data represented is just a sampling
22 from the site, as NIOSH indicated at the meeting
23 last week, they nonetheless believe they can

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1 reconstruct doses based on this incomplete
2 dataset, so we felt that it was still worthwhile
3 to take a closer look at it.

4 We looked at the SRDB, these are all
5 records that have been captured by NIOSH. We found
6 a lot of information, 12,000 plus pages, 180,000
7 plus beta gamma readouts, and almost 7000 neutron
8 readouts, or badge exchanges.

9 We feel that the external dosimetry for
10 TAN appears to be pretty complete from '55 through
11 '70. There is a small gap, but then again we don't
12 know whether that data still exists out there.

13 Likewise, for the neutron dosimetry
14 data there may be more out there that would fill
15 these gaps.

16 Based on the review to date though we
17 feel that it's not really possible, there's not
18 enough granularity to look at each of these
19 sub-areas of TAN and create coworker models if it's
20 deemed necessary to do that.

21 At present I don't believe NIOSH is
22 planning to create coworker models, external
23 coworker models for TAN, but if the Board were to

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1 determine a full completeness study would be
2 warranted additional data capture would be needed.

3 Now we looked at OTIB-54 to reconstruct
4 external doses. This goes to show there are a lot
5 of different types of source terms there. Again,
6 this is all laid out in the TBD.

7 What did we do here? What we did was
8 we used the approach of using ORIGEN simulations
9 to look at a couple of things, what are the
10 inventories of reference fission products in
11 OTIB-54 reasonable, and, likewise, with Tables
12 5.22 and 5.23.

13 There's a little caveat here that the
14 ORIGEN simulations and the tables in TBD-5 are not
15 considered appropriate for workers handling ANP
16 fuels because of the unique characteristics, which
17 is also laid out in our report, and I'll get into
18 that in a minute.

19 What did we conclude based on this
20 analysis? Well, the ORIGEN modeling in
21 conventional reactor fuel was generally claimant
22 favorable when the fuel is highly enriched,
23 maintains its integrity following burn up, and is

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1 at a high power level, roughly 200 megawatts.

2 However, a caveat to that is our work
3 underscores the importance of limiting our
4 observations to general trends.

5 For example here dose estimates were
6 based on a 200-day burn model typically
7 overestimate doses for actinides. However, the
8 modeling exercise here doesn't comport well in some
9 cases with our analysis of actual measurements,
10 which we'll get into in a minute where we looked
11 at the, you know, here we are looking at the
12 modeling exercise, you know, basically the same
13 thing what was done to create these tables in
14 OTIB-54.

15 It's all based on computer models that
16 haven't really been benchmarked against actual
17 data, so we did our best to, you know, to come
18 through SRDB to find actual data as kind of a
19 beginning benchmarking analysis if you will.

20 ANP, this is a little bit different
21 animal here. These heat transfer reactor
22 experiments were conducted to test the viability
23 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
23 of this November 10th meeting.

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1 Recommendations, observations, SC&A
2 back in 2003 did a -- and contracted CDC, did an
3 independent analysis of the airborne emissions and
4 revealed that the DOE had significantly
5 underestimated the emissions for the IET's largest
6 airborne emissions.

7 So we feel that the outdoor exposures
8 associated with the ANP, particularly the IET-10,
9 need to consider the results of the CDC
10 investigation, and so there will be challenges
11 associated with reconstructing outdoor onsite
12 exposures associated with these releases.

13 The next thing we did was once again we
14 looked at OTIB-54's applicability to Central
15 Facilities. This is a site that handled a lot of
16 different types of materials from all over the site
17 so there is a potential for exposures to the whole
18 gamut of mixtures and radionuclides that could have
19 existed.

20 This is kind of a background slide here.
21 At the July 8 meeting we kind of prepared an initial
22 review trying to determine what we needed to look
23 at, do it a little bit more vertical.

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1 However, we recommended that the survey
2 data that was available both during operations and
3 prior to D&D should be evaluated to take a look at
4 the actinides, ratios, and compare those to the
5 tables and also to OTIB-54.

6 As you can see these are the things of
7 concern, missed intakes of uranium, potentially
8 thorium, plutonium, are of particular interest to
9 us.

10 Once again, you know, you see the same
11 type of approach being taken, kind of the
12 one-size-fits-all approach. So what did we look
13 at?

14 We looked at the survey data, we looked
15 throughout the SRDB, we found for a couple of years
16 in the mid-1950's contamination surveys, the hot
17 laundry and chemical engineering lab, also some
18 post-D&D soil samples from the excavation of a
19 contaminated sanitary sewer line on the north side
20 of Building CFA-669.

21 As far as the survey data go, once again
22 only beta, gamma, and alpha results greater than
23 background levels were considered. There were 85

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1 survey results that met the criteria.

2 Six smears were not included in the
3 analysis because they weren't consistent with
4 other results and may have been transposed.

5 Maybe the biggest obstacle we ran
6 across is we didn't have actual measurements in
7 activity.

8 We had results in cpm and we found some
9 limited counter-efficiency information that we
10 used to kind of estimate what the activities might
11 have been, but that's certainly an area that will
12 need to be reviewed for a more complete, robust
13 dataset.

14 As far as the soil samples we had 19
15 samples from the sanitary sewer line. We looked,
16 they were obviously analyzed for the alpha and
17 gamma spectrum and strontium-90.

18 U-234 were not significantly different
19 from an environmental level, so at least in this
20 situation it doesn't look like that was a problem.

21 As far as the summary the smear data and
22 the soil samples show general agreement, the
23 magnitude, the contamination ratio, the maximum

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1 ratios in Tables 5.22 and 5.23.

2 There are lots of limitations of the
3 data here. It's very limited from the period of
4 early operations. We don't have actual
5 activities.

6 We would like to see characterization
7 service prior to D&D and we're hoping to actually
8 look a little bit more carefully at this and see
9 if we can find some more data in the January data
10 capture trip.

11 Now we'll move on to looking at the
12 actual measurements. This is the indicator
13 radionuclide study. There are actually four
14 different aspects of it, or really four primary
15 cornerstone assumptions that would form the basis
16 of NIOSH to reconstruct internal doses.

17 First, regarding the actual FAP
18 bioassays. If you have sufficient worker records
19 you can actually reconstruct strontium and
20 cesium-137 intakes.

21 Even if you don't have results for the
22 particular worker at a particular time there is
23 enough data there that you could build a coworker

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1 model.

2 Second, except for special situations,
3 all the significant FAP intakes are directly tied
4 to an indicator radionuclide, either strontium-90
5 or cesium-137.

6 Item C as far as actinide intakes, the
7 same type of thing. You can use a ratio method
8 using Tables 5.22 and 5.23 of TBD-5.

9 And then finally for special
10 situations, you've got personnel involved in
11 operations with actinides that were not directly
12 tied to a fission or activation product in a ratio.

13 NIOSH is assuming that these people
14 were adequately monitored and that the results will
15 be available in the workers records and as a result
16 of that doses will be reconstructable.

17 We looked at -- actually did two
18 different reports. Item A we looked at separately
19 from Items B through D and what we did here is we
20 just did a random sample, actually we call it a
21 semi-random sample because it was kind of biased
22 towards employment periods which kind of weighted
23 more towards the construction trades, people that

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1 had, you know, multiple periods of employment.

2 What we were looking at were all the
3 workers monitored, are the records complete, and
4 are coworker models appropriate, other than those
5 that are already designated, which NIOSH, as you
6 saw Tim's nice presentation with the change in 1967
7 where it went to -- going from monthly or quarterly
8 or semi-annual monitoring which would then call in
9 to question the need for a coworker model.

10 Let's see. There were 973 claimants
11 who are covered in employment during the evaluated
12 SEC period. This is not just the proposed SEC
13 period, but in the actual petition.

14 So we got about 10 percent that we
15 randomly selected. More than 60 percent were
16 trades workers, as I mentioned earlier. Mainly,
17 the summary concluding recommendation, this is
18 based on our review of the claimants, we felt that
19 fission and activation product is generally
20 available for a wide variety of job titles.

21 We don't believe there are completeness
22 issues with the datasets that would preclude its
23 use in developing coworker models. So we believe

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1 coworker models can be developed for all periods
2 in question.

3 We didn't see any indication either
4 that specific job titles were systematically
5 excluded. However, we do believe that these
6 coworker models should be evaluated and developed
7 for each relevant site area beginning with the
8 start of rad operations for each individual
9 location and that we feel there are periods where
10 a lot of workers were not monitored even prior to
11 1967.

12 I believe about only 30 percent that we
13 looked at had complete monitoring records overall.

14 So where do we go from here? We
15 discussed this in the November meeting and NIOSH
16 agreed with us that these models may be appropriate
17 and they are going to assess the requirements and
18 feasibility for applicable site areas in years
19 prior to 1967.

20 Now looking at Items B through D, we
21 tried to evaluate the ratios using actual
22 measurements. Again, the same approach being
23 discussed here.

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1 We are concerned that the ratio values
2 are derived mostly by computer simulation without
3 any kind of benchmarking against actual data by
4 virtue of the fact that a lot of that data was not
5 retained.

6 We looked at three different sources,
7 NOCTS, SRDB, and the electronic database, the INL
8 database, and we did find about 42 samples, nasal
9 swabs, some urinalysis, fuel element scales from
10 I believe Brookhaven, fuel storage contamination
11 swipes, and air samples.

12 Four main results here, we determined
13 that the FAP intakes assigned using OTIB-54 based
14 on strontium-90 are generally equal to or greater
15 than those derived from actual measurements, so
16 NIOSH is okay on that in most cases we're all right
17 as long as long as we're using strontium-90.

18 Probably the biggest thing that jumped
19 out at us from this review is that the cesium to
20 strontium ratios are not always 1:1 as assumed in
21 OTIB-54 and TBD-5.

22 We thought, you know, if you've got a
23 -- you know, if the measurements are within a factor

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1 of two are probably good, sometimes we're seeing
2 variations of factor of ten, you know, or more.

3 So that brings into question the
4 validity of using an indicator radionuclide when
5 deriving these intakes because that cesium to
6 strontium ratio of 1:1 is one of the fundamental
7 cornerstones for the ratio method at INL.

8 As far as actinide intakes based on
9 strontium-90 intake values, they are sometimes
10 significant -- and cesium, are sometimes
11 significantly less than those derived from actual
12 measurements.

13 And as far as special bioassays it's
14 really kind of difficult to evaluate when the
15 special bioassays were needed if they were
16 performed, or if they are indicated as such in the
17 bioassay records.

18 As far as what to do from here, to
19 determine from the records of analysis the
20 dissolver, that this would be really be great if
21 we could find that of the fuel elements, preferably
22 for a variety of reactors, and also fuel elements
23 from offsite reactors that found their way to

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1 Idaho.

2 If we can find that that would really
3 go a long way to helping to verify this approach.
4 Obviously, we've got to conduct further document
5 search, research, to evaluate the recommended
6 ratios.

7 Hopefully records can be found that
8 have quantitative radionuclide analysis in
9 addition to what's already in the SRDB.

10 We need to determine if these special
11 or non-routine bioassays were associated with
12 special exposure events, as assumed in the ER or
13 if the term special or non-routine might just be
14 applied to the priority of processing, so we really
15 need to determine whether they were taking
16 bioassays at a time when they weren't even, didn't
17 even have internal dosimetry models to calculate
18 the organ doses or the CEDEs.

19 Our data capture trip in January, we are
20 really hopeful that we'll bear fruit in this regard
21 and after that the report will be revised based on
22 our findings.

23 Now these are the two sections that are

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1 being pended, burial grounds in CPP pre-1963. I
2 believe we've got enough time to go through this
3 really quickly.

4 CHAIRMAN MELIUS: Yes, three minutes.

5 MR. STIVER: Three minutes, okay.

6 CHAIRMAN MELIUS: Yes.

7 MR. STIVER: I'll see what we can do.

8 This kind of outlines our concerns whether it was
9 a strict contamination control program, if there
10 might have been some conflict of interest with the
11 burial ground people also being health physicists
12 who were supposed to be in charge of health and
13 safety.

14 Robustness of the program, this
15 so-called defense in depth approach, whether that
16 was actually applied. As you can see there is
17 quite a few things that we are really concerned
18 with.

19 We are going to look in detail in the
20 January time frame when we do our data capture trip.
21 We are also going to be conducting interviews with
22 former burial grounds workers and, you know, it
23 just kind of gives you a highlight of the focus of

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1 the data capture.

2 This is all laid out in our data capture
3 plan. The key word analysis, I believe Joe was out
4 there a couple of days ago at INL doing an EDMS
5 search on these very things.

6 More things that we're interested in,
7 obviously, evaluating the dose assessment
8 feasibility with all these different types of
9 things that we'd normally do in a completeness and
10 adequacy analysis.

11 CPP pre-1963 our concerns are that, you
12 know -- NIOSH made a determination that about 1963
13 was when the contamination control really got out
14 of hand to the point where I felt that it was a
15 concern that we wouldn't be able to reconstruct
16 doses for actinides that were not tied to some sort
17 of an indicator radionuclide.

18 We need to characterize the temporal
19 changes and source terms and exposure potential.
20 We got started reviewing site records that were
21 available on the SRDB and we kind of did a
22 preliminary claimant survey, but it became pretty
23 obvious pretty soon that we were going to have to

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1 do worker interviews and more data capture to
2 really produce any kind of meaningful report on
3 this issue.

4 We need to look at the contamination
5 surveys, particularly the alpha surveys, incident
6 reports, reporting practices for radiation safety
7 units, source and exposure potential documentation
8 for alpha emitters.

9 Again, this January trip is really
10 going to be loaded. We've got a lot of things to
11 look at there and a lot of people to interview, so
12 we'll probably be spending a full week there
13 sunrise to sunset.

14 And that's all I have to say at this
15 point. Questions, comments? Any detailed
16 questions I've got the crew on board if you are
17 interested in details.

18 CHAIRMAN MELIUS: Questions or
19 comments on either presentation?

20 (No audible response)

21 CHAIRMAN MELIUS: Okay. Phil, do you
22 want to do a quick update from the Work Group
23 perspective and then --

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1 MEMBER SCHOFIELD: From the Work Group
2 perspective there is a number of issues that we
3 thought we were going to be voting on the, to make
4 a recommendation on the CPP. We're not ready to
5 do that.

6 Two groups that stand large in the
7 questions is the security people and the fire
8 department and how they were handled when there was
9 emergency responses at the CPP because, you know,
10 they weren't all badged for the CPP.

11 Some of them evidently were and some
12 were not, so how we are going to handle those is
13 a big open question.

14 So there are a number of things and we
15 don't really have a timeline of when we're going
16 to have recommendation on the CPP at this point.

17 MR. STIVER: Yes, that's a good point,
18 Phil. I forgot to bring that up. That was
19 something else we discussed at the November 10th
20 meeting.

21 CHAIRMAN MELIUS: And just so that's
22 something that has to be explored and Tim is aware
23 of it also.

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1 DR. TAULBEE: Oh, yes, yes.

2 CHAIRMAN MELIUS: I mean, it's not a
3 new issue it's just given all of the, what did you
4 call it, data needs or data demands on the site it
5 even, some of this issues are going to take time
6 to address.

7 I think what the Work Group agreed to,
8 at least while I was there, maybe you guys changed
9 your mind after I left, but was that we will get
10 the report from NIOSH, sort of clarification on the
11 current set of I guess you call questionable cases,
12 I don't know what you want to call them, and before
13 our January call if we'll have a Work Group meeting
14 and if, let's look at those results and make the
15 determination if it makes sense to go forward or
16 not on the current SEC's recommendations or do we
17 change.

18 I think it's parted and I mean I,
19 personally I have concerns about these. You
20 referenced Mound, Tim, that is -- and LaVon or
21 somebody can correct me, but that is I think the
22 only existing site with a Class Definition based
23 on monitoring or should be monitored.

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1 MR. RUTHERFORD: It's the only one I
2 could think of that's based on having a tritium
3 bioassay.

4 CHAIRMAN MELIUS: Yes, yes.

5 MR. RUTHERFORD: Having some type of
6 specific --

7 CHAIRMAN MELIUS: Yes, that's
8 specified in -- so those have not worked well and
9 the more complicated it gets the more harder it is
10 for DOL to implement and I think that's -- so while
11 it can make sense on sort of a general scientific,
12 whatever you want to call it, basis to actually go
13 ahead and implement it we have to take into
14 consideration also, which has been our experience,
15 you know, as we know with many of these Class
16 Definitions.

17 So we'll continue to be wrestling with
18 this for a while in terms of what to do and so forth
19 with that.

20 I don't know if the petitioners are on
21 the line and have any comments? You don't have to
22 so --

23 MR. ZINK: Can you hear me?

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1 CHAIRMAN MELIUS: Yes. Now I can,
2 yes.

3 MR. ZINK: Yes, this is Brian Zink. I
4 am the authorized representative for [identifying
5 information redacted] and most of the SC&A
6 narrative was being blocked out by some other folks
7 that were talking on the phone system so I didn't
8 hear a lot of that, but it sounds like there is work
9 to be done before this gets proposed as something
10 to be accepted by the Board, is that correct?

11 CHAIRMAN MELIUS: That's correct.

12 MR. ZINK: Okay.

13 CHAIRMAN MELIUS: And, again, I'm not
14 sure what was blocked, but the Board will consider
15 this. We're having a Work Group meeting before our
16 January call, before our January Board call.

17 MR. ZINK: Okay.

18 CHAIRMAN MELIUS: And the Work Group
19 agreed that if we are ready after our Work Group
20 meeting to make a recommendation we could do it at
21 the January call.

22 It may be at the March call, but there
23 is a lot of work to do on this site and I think as

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1 Tim has laid out and John Stiver, so it's going to
2 be -- it's a work in progress and it's hard to give
3 hard and fast deadlines on this.

4 MR. ZINK: Okay, thank you.

5 CHAIRMAN MELIUS: The slides for these
6 presentations should be available on the DCAS
7 website and if you need sort of further information
8 to fill you in on what you might have missed on the
9 phone, you can contact NIOSH and we'll work to fill
10 you in on what you might have missed. We apologize
11 for that.

12 MR. ZINK: That's all right, thank you.

13 CHAIRMAN MELIUS: Thank you. Any
14 other questions or comments from the Board on this?
15 This is a complicated site and I, sort of, don't
16 know where to start and end with it and it's easy
17 to get lost in the details of it.

18 MR. ZINK: Can I ask one question?

19 CHAIRMAN MELIUS: Sure can.

20 MR. ZINK: The one part I heard of the
21 SC&A report was a reference to 15 percent
22 unmonitored workers and I couldn't quite grasp
23 whether that 15 percent was in total or was that

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1 in reference to the proposed year Class that NIOSH
2 had set forth?

3 CHAIRMAN MELIUS: John, do you want to
4 clarify that?

5 MR. STIVER: Yes. That 15 percent was
6 just of all the claims that would fall into that
7 time period. In other words, of how many were
8 monitored, how many weren't.

9 MR. ZINK: Okay.

10 MR. STIVER: And I think 85 percent
11 were monitored. Now what we looked for were
12 claimants who were monitored and, you know, would
13 be within that time frame, those people would be
14 in the SEC.

15 What we were concerned with is how about
16 the ones who would be, you know, have 250 days of
17 employment, aren't monitored, but there is other
18 evidence that might have placed them there at CPP.

19 So really looking at -- and kind of
20 taking this definition for a road test and see, you
21 know, does it really hold up under scrutiny.

22 MR. ZINK: Okay. That's kind of what
23 I was getting out is that, because as an authorized

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1 representative it's often times where a claimant
2 will say but I was in the building, I was in that
3 area during this job or that job and then it becomes
4 an issue with the strict definition of having to
5 have the badged evidence.

6 CHAIRMAN MELIUS: And we want to just
7 make sure -- this is Dr. Melius. We just want to
8 make sure that if we are going to use the badge as
9 evidence that it will properly cover the people
10 that should be eligible for the SEC and the more
11 complicated that gets the harder it is to implement
12 that.

13 So when there is an exception, even
14 though they may be monitored in some other way,
15 which is what John Stiver was referring to, well
16 is the Department of Labor going to have access to
17 that information readily?

18 Now they may, they may. This site had
19 good records but we need to make sure that it will
20 be workable.

21 MR. ZINK: Okay. Thank you.

22 CHAIRMAN MELIUS: Yes, thank you.
23 Board Members on the phone, do you have any

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1 questions? I don't want to ignore you.

2 MEMBER ZIEMER: No questions from
3 Ziemer.

4 MEMBER VALERIO: This is Loretta, no
5 questions.

6 CHAIRMAN MELIUS: Okay, very good.

7 (Off the record comments)

8 MR. FROWISS: The petitioner for
9 Livermore is on the line.

10 MEMBER BEACH: He just said petitioner
11 for Livermore.

12 CHAIRMAN MELIUS: Oh, okay. I'll do
13 that. Then --

14 (Off the record comments)

15 CHAIRMAN MELIUS: Well, but let's go
16 ahead and do the presentation first.

17 Okay, we didn't want to start the
18 presentation unless you were available on the line.

19 We'll do the presentation now on the
20 Livermore site and then you'll have an opportunity
21 to, after the Board has had a chance to ask
22 questions we will give you an opportunity to
23 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
23 something that was uncovered during the

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1 evaluation.

2 Lawrence Livermore has actually, we
3 have done two petition evaluations. The first
4 petition evaluation was a Class which Dr. Melius
5 was just talking about where we had a January 1,
6 1950, through December 31, 1973, and it was
7 originally for badged individuals.

8 Ultimately, we recognized an issue with
9 that and we had to modify that Class -- And it was
10 a great lead in for you, wasn't it?

11 CHAIRMAN MELIUS: Yes, yes, yes.

12 MR. RUTHERFORD: Yes. We had to
13 modify that Class to --

14 CHAIRMAN MELIUS: You don't think I'd
15 let you get away without doing that. I mean that
16 --

17 MR. RUTHERFORD: We had to modify that
18 Class Definition to make it all employees because
19 of issues we had noted with that current Class
20 Definition and implementing that Class Definition,
21 so we have a Class currently at Lawrence Livermore
22 from January 1, 1950, through December 31, 1973.

23 Our current petition was qualified

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1 December 31, 2014. We actually received the
2 petition before that, so it is pushing up, well it
3 is a year since we've had the petition.

4 We do expect to complete this petition
5 evaluation and present it, or complete it in
6 February and present it at the March Board meeting.

7 Our focus has been, as with a lot of the
8 National Labs, the exotic radionuclides is what we
9 like to call them, so that's the reason why the
10 petition qualified and it's been a real focus of
11 our evaluation.

12 Now one thing I will say, the reason why
13 we have taken so long on this petition evaluation
14 is many reasons, but the biggest part of this
15 petition, or biggest reason is the fact that this
16 is a -- most of the work that occurs at Lawrence
17 Livermore is classified and so actually getting
18 information out of there during the data captures
19 and doing all that is difficult because everything
20 goes through classification reviews and a lot of
21 the information that is classified is not going to
22 be released.

23 Additionally, the interviews we have

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1 done, a lot of interviews that have been classified
2 interviews and as well some of that information
3 will not be released.

4 I think Lawrence Livermore has been
5 very cooperative with us. They have worked very
6 well in getting us in, access, and getting people
7 available for us to interview. The DOE office
8 locally and headquarters both have been also very
9 helpful.

10 We have done eight data captures,
11 actually we have one data capture going on this week
12 and then we have one more data capture scheduled
13 in December in support of this evaluation, so
14 that's ten data captures for the year.

15 As I had mentioned, a large number of
16 these involve classified interviews and classified
17 documents that will likely always remain
18 classified, which also means that difficult in
19 writing this report will be we have to write it in
20 a way that the classified information, if we need
21 to use any of that information, it's not, it's
22 written in a manner that is acceptable to be
23 released to the public.

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1 Again, a large volume of the data was
2 captured to add the information previously
3 collected for the TBD development and SEC
4 evaluations.

5 So we had collected a lot of information
6 previously during the previous evaluation TBD
7 efforts and now, additionally, under our current
8 evaluation.

9 The substantial body of unclassified
10 information that was recently provided has created
11 a delay, so we've gotten, what we did was we went
12 through these data captures, a lot of the
13 unclassified information was recently released to
14 us on disks and it's a significant amount of
15 information that you can read in here.

16 We actually received 7400 new
17 individual documents and from what we had had
18 originally in the SRDB that was a 62 percent
19 increase of information, so it's a lot.

20 The information obtained from the
21 classified interviews and material reports will be
22 developed into an unclassified materials for use
23 in the Evaluation Report, similar to the Hanford

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1 approach.

2 You know, Sam actually, Dr. Glover, who
3 had worked on the Hanford review is also, has been
4 the lead up to this point on the Lawrence Livermore
5 review.

6 As you know, as we have discussed, Dr.
7 Glover is leaving and so we have a new individual
8 that will transition into this and Dr. Glover will
9 give support on this in this transition and
10 whenever we need him, we hope.

11 MEMBER CLAWSON: Not the low bidder?

12 MR. RUTHERFORD: I guess we were the
13 low bidder. NIOSH, ORAU, and ATL worked with the
14 unions and also Lawrence Livermore to further focus
15 on workers who we felt like had not been represented
16 well on previous interviews.

17 So we've got electricians, plumbers,
18 and other trades workers and subcontractors that
19 have been involved in that. Many of those are
20 unclassified and are being reviewed by the site for
21 release to NIOSH.

22 We also, as Stu had mentioned, we had
23 an outreach effort last night, November 17th, and

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1 discussed the dose reconstruction, the SEC
2 process, and gave a brief presentation on our
3 current evaluation.

4 SC&A has participated in almost every
5 data capture effort and because most of the -- we
6 did this for, the main reason the fact that these
7 are classified, a lot of classified data captures
8 and interviews. We don't want to overburden a site
9 with trying to go back and doing these things twice.

10 And that's typically not done during an
11 SEC evaluation, we normally stay separate. We do
12 our independent evaluation and the Board and SC&A
13 would review that.

14 But in this case because of the burden
15 of the classified interviews and the classified
16 document review it's more appropriate to do them
17 together.

18 One issue that was noted, that came up
19 during this, ORAU had noticed a discrepancy between
20 the expected data identified in the logbooks of in
21 vivo accounting and actual data provided in our
22 case files.

23 Basically, we had a logbook of in vivo

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1 monitoring data that was, actually a few cases we
2 looked at, compared that data to their existing
3 claim that we had and NIOSH, and we noticed it was
4 missing, that data was missing.

5 So ultimately ORAU and Lawrence
6 Livermore reviewed original case files at Lawrence
7 Livermore and determined that the data did indeed
8 exist and that it had not been included and
9 submitted -- packet for the case file.

10 So ORAU has undertaken the effort to use
11 the in vivo accounting logbooks, and there are 300
12 to 400 per year, to identify cases with missing
13 information.

14 And this process is ongoing as Lawrence
15 Livermore is providing more recent logbooks and
16 supplementing log books which had been, had -- wow.

17 (Laughter)

18 MR. RUTHERFORD: A lot of words here.

19 (Off the record comments)

20 MR. RUTHERFORD: So ultimately what we
21 are doing is we're going back and we're looking at
22 all of the existing claims that we had and we are
23 comparing the logbooks with in vivo monitoring data

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1 to ensure that that data gets put into the claim
2 file.

3 And then in cases where we determine it
4 was not in the claim file we would have to probably,
5 we will have to redo that dose reconstruction.

6 Okay. So to date we have identified
7 186 of those claims with missing data. And thank
8 goodness, questions?

9 CHAIRMAN MELIUS: Any questions for
10 LaVon?

11 (No audible response)

12 CHAIRMAN MELIUS: So you said there
13 were many reasons why this was delayed. Are you
14 counting each one of those 7400 new documents as
15 a separate reason?

16 MR. RUTHERFORD: Well, again, it's a
17 good idea.

18 CHAIRMAN MELIUS: Yes.

19 MR. RUTHERFORD: Yes. You know, we
20 originally, we had one individual that was
21 reviewing the documents, the classified documents,
22 and that put a pretty heavy burden on that
23 individual.

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1 Greg Lewis has worked, and done a great
2 job of correcting that situation, so that was one
3 major issue that we had.

4 CHAIRMAN MELIUS: So now we have two
5 reasons.

6 MR. RUTHERFORD: Yes, two, and 7400.

7 CHAIRMAN MELIUS: 7400, yes, yes.
8 Yes, okay. Board Members on the phone with any
9 questions?

10 MEMBER ZIEMER: No questions here.

11 MEMBER VALERIO: No questions here.

12 CHAIRMAN MELIUS: Okay, thank you.
13 Now I will say that it's good to see that you were
14 able to identify an issue and follow up on it even
15 while the evaluation was under way, because I think
16 that's --

17 MR. RUTHERFORD: Oh, yes. Yes, I
18 agree.

19 CHAIRMAN MELIUS: You know, these take
20 a while and we can understand that. The one other
21 thing I would mention, maybe not as a complaint but
22 more as suggestion, is that if you're going to do
23 an outreach meeting in conjunction with a Board

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1 meeting it might have been helpful to, you know,
2 sort of ask if any Board Members wanted to join or
3 SC&A join on that simply because, just --

4 (Simultaneous speaking)

5 MR. RUTHERFORD: Yes, it makes sense.

6 CHAIRMAN MELIUS: But future
7 reference. I'm glad you did because of the nature
8 of the site and how disperse the worker population
9 is.

10 MR. RUTHERFORD: Okay.

11 CHAIRMAN MELIUS: But, yes, and we'll
12 find someone to volunteer for the meeting.

13 MEMBER BEACH: So I am curious, how was
14 the turnout last night?

15 MR. RUTHERFORD: Well, I think you
16 said, I think we had 12 to 15 somewhere around
17 there.

18 CHAIRMAN MELIUS: Yes.

19 MR. RUTHERFORD: Yes, and it was nice
20 because, I mean not that the number was as high as
21 we would like, but they were very, you know,
22 involved, so it was good.

23 MEMBER BEACH: Yes.

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1 CHAIRMAN MELIUS: No, that is good.

2 MEMBER MUNN: You can interact with
3 them much better at that level.

4 CHAIRMAN MELIUS: Good, good. Rather
5 in front of a Board meeting.

6 MEMBER MUNN: Yes.

7 CHAIRMAN MELIUS: Yes. Okay. No
8 further comments? Oh, Dave?

9 MEMBER KOTELCHUCK: Roughly how many
10 people work at that site, are we talking hundreds,
11 thousands?

12 MEMBER MUNN: Hundreds.

13 MR. RUTHERFORD: You know, I would say
14 hundreds myself, but I don't know for sure. That's
15 something I didn't look into. I am sure if Dr.
16 Glover was here he could tell that. He didn't --
17 but I can get you that information, how's that.

18 CHAIRMAN MELIUS: When you debrief him
19 maybe --

20 (Laughter)

21 MR. RUTHERFORD: Yes.

22 (Simultaneous speaking)

23 MEMBER KOTELCHUCK: If it's different

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1 than hundreds tell us.

2 MR. RUTHERFORD: Yes.

3 MEMBER KOTELCHUCK: Otherwise, then --

4 MR. RUTHERFORD: Okay, yes.

5 CHAIRMAN MELIUS: Good. Okay. No
6 further questions, why don't we take a short break.
7 I'd rather --

8 (Off the record comments)

9 CHAIRMAN MELIUS: Oh, excuse me, I'm
10 sorry, yes. I apologize, does the petitioner wish
11 to make any comments now?

12 MR. FROWISS: Just very briefly, Dr.
13 Melius.

14 CHAIRMAN MELIUS: Yes.

15 MR. FROWISS: This is Albert B.
16 Frowiss, F-R-O-W-I-S-S, Sr.

17 CHAIRMAN MELIUS: Yes.

18 MR. FROWISS: I am an advocate and I am
19 the authorized rep for my co-petitioner,
20 [identifying information redacted], who is in
21 Washington D.C. today so he is unable to be here.

22 But, you know, I just wanted to get my
23 name in the record, my P.O. Box [identifying

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1 information redacted].

2 CHAIRMAN MELIUS: Okay.

3 MR. FROWISS: My phone number is
4 [identifying information redacted]. And that's
5 basically it. I'll sit back and wait for you to
6 finish your work.

7 CHAIRMAN MELIUS: Okay. And you just
8 heard by March there should be report.

9 MR. FROWISS: Thank you.

10 CHAIRMAN MELIUS: Good. Okay. Sorry
11 to jump the gun, but let's take a break for about
12 15 minutes. At 5 o'clock we'll start the public
13 comment period.

14 (Whereupon, the above-entitled matter
15 went off the record at 4:44 p.m. and resumed at 5:03
16 p.m.)

17 CHAIRMAN MELIUS: Okay. We're going
18 to start our public comment period. And let me have
19 Ted Katz give the instructions.

20 MR. KATZ: Right. So for folks on the
21 line and in the room who have public comments, just
22 an understanding of the situation with your
23 comments, your comments become part of the record,

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1 the transcript of this meeting. And all of the
2 Board meetings are transcribed. And those
3 transcripts are publicly available on the NIOSH
4 website.

5 So everything you say will be available
6 for public scrutiny. The exception to that is if
7 you discuss other individuals. Their personal
8 information will be redacted to the extent to
9 protect their privacy.

10 So you're free to say whatever you might
11 want to say about your own personal situation,
12 interests, et cetera. But we will protect the
13 privacy of other people you may identify in your
14 talk. That's not to keep you from identifying
15 them. And that's it.

16 CHAIRMAN MELIUS: Okay. And I think
17 our first speaker, Scott, is it Yundt, or what? I
18 can't --

19 (Off the record comments)

20 MR. KATZ: So someone on the line has
21 not muted their phone. Please press * and 6,
22 everyone on the line right now mute their phone,
23 press * and 6. I think that did it. Thank you.

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1 Okay.

2 CHAIRMAN MELIUS: Okay.

3 MR. YUNDT: Hi. My name is Scott
4 Yundt.

5 CHAIRMAN MELIUS: Yundt. Well, it's
6 Yundt, okay.

7 MR. YUNDT: And I'm with Tri-Valley
8 CAREs, CAREs is an acronym that stands for
9 Communities Against a Radioactive Environment.
10 I'm the staff attorney there. Since the year 2000,
11 we have organized a sick worker support group for
12 Livermore Lab and Sandia, California, employees.
13 We have about 250 members.

14 Well, I should say we have had that
15 amount over the years. Many of them have passed
16 away. But some of them have survivors who stay
17 involved.

18 So I come to speak a little bit on behalf
19 of the support group and on behalf of myself in terms
20 of this work. I do do some authorized
21 representative work when people really need it, but
22 for the most part, I help workers take care of their
23 own claims on a pro-bono basis.

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1 I am appreciative of the Advisory
2 Board's work and you guys being out here. So thank
3 you for being here.

4 I wanted to -- I just caught a question
5 before we took a break which was how many employees
6 are at Livermore Lab. According to their own
7 website it's 5,800 staff members, and then there's
8 typically between 1,500 and 2,000 additional
9 subcontractors there at any given time. And it's
10 been higher in the past. They've had up to 10,500
11 staff members at times, you know, especially at the
12 height of the Cold War in the '80s and 70's.

13 So regarding the Special Exposure
14 Cohort, I'm obviously not an employee and can't
15 speak directly to the conditions there, however I
16 have met and spoken with hundreds of employees and
17 many dozens from the period of the extension.

18 And they have -- I often get reports from
19 them of how surprised they are at their dose
20 reconstructions. They are surprised at how low
21 they are. They have memories of not turning in
22 dosimeters, of being told to not turn in dosimeters
23 which, you know, should result in a higher dose

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1 reconstruction for that period coming back. But I
2 just wanted to forward the dismay that many of the
3 employees from this period have at how low their
4 dose reconstructions are.

5 You know, Livermore Lab is a somewhat
6 unique facility in that there're 600 buildings in
7 one square mile in very close proximity. And many
8 employees work in multiple sites and go into lots
9 of different areas in the course of their
10 employment. And so also, many have expressed to me
11 that their job descriptions that are used are not
12 accurate to what they were actually doing in their
13 work days.

14 I also wanted to mention a couple of
15 specific things. One is that they've had a couple
16 of employees who've had appendix cancer over the
17 years and gotten denied. And there was a recent
18 clarification that, for purposes of Special
19 Exposure Cohorts, appendix cancer will now be
20 considered part of the colon.

21 I know this may be out of purview of the
22 Board, but I just thought it was important to
23 mention, because I have now heard also that it's

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1 become colloquial or legend that you don't get
2 covered if you had appendix cancer.

3 So the change has not gone
4 well-documented. When you look at information
5 online, you don't see that appendix cancer is a
6 covered cancer. I'm just bringing that to light,
7 because I can't correct that rumor all on my own.

8 CHAIRMAN MELIUS: I think that could be
9 corrected on the NIOSH website, the list of covered
10 cancers, I believe.

11 MR. HINNEFELD: Well, we generally
12 don't publish interpretations. You know, there's
13 a listed set. And there's no reason why we couldn't
14 put something up. We'll have to figure out how to
15 organize it so it could be found.

16 But, you know, there's a specified list
17 of cancers in the statute, and that's what we use.
18 Now, the Department of Labor will interpret, you
19 know, what do these words in the statute translate
20 into in terms of actual diagnoses. You know, the
21 Department of Labor makes those interpretations.
22 And if we know about it, we could put some
23 information on our website about it if we can figure

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1 out where to put it where it would be found.

2 CHAIRMAN MELIUS: And we've had, I hate
3 to digress here, but with the World Trade Center
4 cancer, we actually, we had issues. Because rare
5 cancers are covered under that. And, well, what's
6 a rare cancer? You know, a lay person's not going
7 to understand that and, you know, varying
8 definitions. And so putting out clarification on
9 that's important.

10 And it also is, you know, diagnoses are
11 not always clear in terms of, you know, subtypes of
12 cancers and so forth. So the lay person isn't going
13 to understand them. And I think people are
14 reluctant to file if they don't think they're going
15 to be covered.

16 MR. YUNDT: Precisely.

17 CHAIRMAN MELIUS: Basically, yes.

18 MR. YUNDT: It's helpful that rule
19 clarification occurred in EEOICPA Transmittal
20 Number 15-06 in June of 2005.

21 I also wanted to just mention a fairly
22 recent study that I'm sure you know of by David
23 Richardson called "Risk of cancer from occupational

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1 exposure to ionising radiation, retrospective
2 cohort study of workers in France, the UK and the
3 United States." I'm curious how the Advisory Board
4 and how the program will consider this study.

5 And I think I'll leave my comments
6 there. Thank you guys so much.

7 CHAIRMAN MELIUS: By the way, Dr.
8 Richardson is a member of the Board.

9 MR. YUNDT: Oh, okay. Sorry for not
10 knowing that.

11 CHAIRMAN MELIUS: So he hasn't shared
12 the study with us yet.

13 (Off the record comments)

14 MR. KATZ: Excuse me, there's someone
15 on the line, not muted and speaking. Please mute
16 your phone on the line.

17 CHAIRMAN MELIUS: One thing that would
18 be helpful, I know you listed your contact
19 information here on the, when you signed in for
20 public comment. But one thing that would be
21 helpful is, if you could help both NIOSH and then
22 when the Board and through our contractor goes to
23 review the SEC Evaluation Report, to help us put in

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1 contact with workers.

2 I mean, one of the hardest things to do
3 is to track down workers that can provide
4 information on a particular time period, or a
5 particular exposure or something. And struggling
6 with the nature of sort of classified information
7 at these sites and so forth, it's sort of even more
8 critical at a site like Lawrence Livermore. So if
9 you wouldn't mind.

10 And then again, it's obviously
11 voluntary on the part of the person. But having a
12 contact, and understanding what's happening at a
13 site and being able to, you know, get more
14 information directly from the workers is really
15 helpful.

16 MR. YUNDT: Sure, I'd love to help with
17 that. And I do have some people in mind who I'll
18 speak to. The people who would have been the best
19 already died.

20 CHAIRMAN MELIUS: And that's
21 unfortunate but --

22 MR. YUNDT: Which is a difficult part of
23 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?

23 (No audible response)

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1 CHAIRMAN MELIUS: If not, then I have
2 one person signed up on the, who signed up ahead of
3 time for the phone. And that's Dr. Dan McKeel.
4 Dr. McKeel, are you on the line?

5 DR. MCKEEL: Yes, I am, Dr. Melius.
6 Can you hear me?

7 CHAIRMAN MELIUS: Yes, we can.

8 DR. MCKEEL: Okay.

9 CHAIRMAN MELIUS: And we've received
10 your written comments today. And Ted Katz has
11 distributed them to the Board Members.

12 DR. MCKEEL: Thank you very much.
13 There were a couple of papers attached that I wanted
14 people to be sure they had. So that helps me a lot.

15 CHAIRMAN MELIUS: Okay.

16 DR. MCKEEL: All right?

17 CHAIRMAN MELIUS: Yes, go ahead.

18 DR. MCKEEL: I'll say good afternoon to
19 the Board. I'm Dan McKeel. I'm a Triple-SEC
20 co-petitioner for the General Steel industries,
21 GSI, Dow Madison and Texas City Chemicals AWE sites.

22 I'd like to make a few remarks about the
23 Dow Madison site. The current Board chair at the

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1 11/6/14 ABRWH meeting tasked SC&A to review Dow
2 Madison PER 058 and my review paper of the same
3 report. SC&A never did that.

4 The current Board chair also indicated
5 to me he would decide whether the Procedures Review
6 Subcommittee would review Dow PER 058, which was
7 based on Appendix C, Rev 1, after the next Board
8 meeting. That would be in January. This
9 intention also was never fulfilled.

10 My White Paper critiquing Dow PER 58 was
11 based on FOIA information. And that paper has
12 never been acknowledged or discussed, even, by the
13 SEC Issues Work Group, including the SC&A and DCAS,
14 NIOSH Members or the full Board, all of whom were
15 sent copies a while back and now.

16 The focus of my PER 58 review was to make
17 an XY plot of the pre-PER 58 and PER 58 total
18 radiation dose and the PoC percentage values of the
19 80 Dow Madison claimed in that PER. I wanted to
20 test the assertion in the PER 58 that is as follows.

21 It says, I quote, "Together these result
22 in at least some increased dose for all cases in the
23 operational and residual periods." This

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1 statement, that's the end quote, this statement
2 turned out not to be true. Less than half of the
3 80 Dow total radiation doses were increased. No
4 PoC equaled or exceeded 50 percent. And notably,
5 there were numerous examples when total dose and PoC
6 percentages went in different directions. The
7 scatter in the dose versus PoC percentage data was
8 very wide, and it's my feeling that PER 58 needs to
9 be scrutinized and probably revised.

10 And a few remarks about General Steel
11 Industries, and I note that Dr. Ziemer omitted an
12 important paper of mine, the November the 2nd, 2015,
13 critique of SC&A's review of the David Allen 7/10/15
14 White Paper, during today's TBD-6000 workgroup
15 session. And I re-circulated a copy of that Paper.

16 At this juncture, I feel there have been
17 massive delays in revising the GSI Site Profile
18 documents, TBD-6000 and Appendix BB. And it
19 concerns me greatly that GSI claimants have been
20 financially harmed by postponing their
21 compensation unduly.

22 Appendix BB, Rev 0 was issued 6/25/2007.
23 SC&A reviewed Rev 0 and issued 13 findings. But Rev

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1 0 was not revised until Rev 1 was issued on June the
2 6th, 2014, almost seven years later, despite
3 massive influx of new petitioner and site expert
4 worker dose reconstruction information.

5 SC&A's ten major Appendix BB, Rev 1
6 findings were not closed until the November 3rd,
7 2015, TBD-6000 Work Group meeting. The full Board
8 is now being asked at this meeting to approve
9 closing Appendix BB, Rev 1 findings to allow NIOSH
10 to generate Appendix BB, Rev 2. And as we know,
11 that was done earlier today.

12 It is unclear whether Rev 2 will have the
13 overall effect of being claimant-favorable or
14 claimant-adverse. The TBD-6000 workgroup chose to
15 overrule my many scientific and procedural concerns
16 about resolution of Appendix BB, Rev 1 findings
17 during their February and November 2015 meetings.

18 GSI PER 57 was issued on March the 11th,
19 2015. This PER was groundbreaking, because it
20 included 196 previously denied Part B claims. The
21 PER 57 dose reconstruction development summary
22 reports, which I obtained through a FOIA request,
23 confirmed that 100 PER 57 PoCs equaled or exceeded

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1 50 percent.

2 At least 79 of these 100 probably
3 compensable GSI claims have thus far reached NIOSH
4 for DRE work. Eleven remain at NIOSH as of last
5 Monday. And DOL statistics by state indicate 20 of
6 the 100 PER 57 or 20 percent have actually been paid
7 by DOL in the intervening eight months.

8 This pace seems very slow to me,
9 especially since the reworked DRs of the third dose
10 and PoC calculations done by NIOSH/DOL.

11 Sadly, 13 percent of the 100 GSI PER 57
12 approved claims, probably compensable claims, are
13 attributed to deceased persons with no known
14 survivors. And these 13 claims may lapse.

15 Like Scott Yundt just did, we have
16 offered DOL, if they will provide the names to us
17 of those dead persons with no known survivors, we'd
18 be glad to help try to find them.

19 GSI SEC 105 qualified in May 2008 and was
20 denied by the Board on a nine to eight vote on
21 December the 11th, 2012. The TBD-6000 workgroup
22 and NIOSH assured the full Board that external and
23 internal dose reconstruction was feasible and all

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1 13 SC&A Appendix BB, Rev 0 findings were closed or
2 placed in abeyance awaiting a first revision of
3 Appendix BB, Rev 0.

4 The GSI SEC 105 petitioners filed an
5 administrative review request with HHS on April the
6 17th, 2013. We cited 44 specific errors NIOSH had
7 made in recommending that SEC 105 be denied.

8 This administrative review is still
9 pending under Section 8318 which makes it so that
10 the petitioners cannot know the names, job titles,
11 credentials, meeting dates or content of the three
12 member independent HHS ad hoc review panel as Dr.
13 Jones reviewed this morning.

14 On April the 10th, 2014, I filed a CDC
15 FOIA request for the GSI SEC 105 records that had
16 been sent to the three member HHS review panel for
17 the SEC 105 Administrative Review.

18 FOIA officers then subdivided this FOIA
19 request into a PSC HHS portion, a CDC main portion
20 and a portion they sent to DOE headquarters which
21 headquarters then delegated further to the legacy
22 management component. That last part of the FOIA
23 extension was just acknowledged this week after an

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1 18 month delay.

2 To date, I have received about 1,700
3 pages of interim records. But the majority of
4 those do not appear on first review to be truly
5 responsive to my straightforward FOIA request which
6 was to provide me with copies of the same material
7 the HHS independent reviewers were given way back
8 in January of 2014.

9 I regard these responses as evidence of
10 censorship. I petition this Board and NIOSH to
11 urge Congress to amend the SEC Administrative
12 Review process to make it more open and transparent.

13 And finally, I have some parting or last
14 remarks to make concerning the dose reconstruction
15 reviews that were discussed today. This comment is
16 in reference to the workgroup meeting held on
17 November the 5th, 2015. A statistical summary
18 covered 334 dose reconstruction reviews conducted
19 by the Board representing 0.9 percent of completed
20 DRs to date.

21 What struck me the most when I obtained
22 the statistical report was the gross disparity in
23 DOE and AWE Site Reviews to date. Four GSI cases

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1 were included and none from Dow Madison or Texas
2 City Chemicals, all AWE sites. Seemed to me that
3 well over 95 percent of the 334 cases were larger
4 DOE sites that comprise only about a third of all
5 covered EEOICPA sites.

6 This background raises the serious and
7 concerning question, do NIOSH and the Board
8 consider AWE sites to be unimportant? What are the
9 reasons between the gross disparity of the DOE/AWE
10 site nine-to-one ratio for completed DR reviews, a
11 fact that would disturb any statistician interested
12 in representative data sampling?

13 One possibility for this disparity is
14 that the scientific basis and validity of dose
15 reconstructions performed by NIOSH, ORAU and many
16 AWE sites rests almost entirely on surrogate data.
17 This is certainly the case at all three of my AWE
18 sites.

19 The GSI petitioners cited improper use
20 of surrogate data as their Error Number 20 of 44 in
21 their GSI SEC 105 Administrative Review
22 application. The Board surrogate data criteria
23 were first formulated and evaluated --

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1 CHAIRMAN MELIUS: Dr. McKeel, you need
2 to wrap up please.

3 DR. MCKEEL: I am. I've got two more
4 sentences. The Board surrogate data criteria were
5 first formulated and evaluated at the Dow Madison
6 and Texas City AWE sites. And neither of those two
7 sites had any film badge data.

8 These factors, inability to reach to the
9 2.5 percent DR review goal in 13 years, non-random
10 selection of dose reconstruction, gross
11 oversampling of DOE compared to the majority AWE
12 small sites, all severely compromise the utility of
13 the entire dose reconstruction review process.
14 Thank you for letting me address the Board.

15 CHAIRMAN MELIUS: Are there any other
16 people on the phone who wish to make public
17 comments?

18 MS. JESKE: Yes, I do. This is
19 Patricia Jeske. I'm the petitioner.

20 CHAIRMAN MELIUS: Go ahead.

21 MS. JESKE: Okay. You know, I'm not
22 scientifically involved. And I think everybody
23 knows that. If it hadn't been for Dr. McKeel and

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1 [identifying information redacted], this SEC would
2 have died a long time ago.

3 But I do want to talk from my personal
4 experiences. And I am -- I have a claim with GSI
5 SEC with siblings. There's 11 of us actually on one
6 claim. And I represent another relative. I just
7 want to talk a little bit about what's happened
8 there.

9 We had a -- I've been trying to get a dose
10 reconstruction development report. And I
11 contacted NIOSH first by certified mail. And I was
12 called rather quickly by Nancy. I waited a while
13 before I returned her call, but I did return her
14 call.

15 And she didn't seem to think that I knew
16 what I wanted. And I told her that I wanted it
17 because we want to help people. You know, there
18 might be something in there somehow that we can help
19 people.

20 She said, well, everything, the way we
21 do it is all on the website, that we could go there
22 and get the information that we needed there. But
23 she said I would have to go through Department of

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1 Labor to get that, that they had recommended
2 compensation on both claims and that they were done
3 at that point.

4 She talked a little bit further. She
5 was very thorough and helpful. But she said that
6 she didn't feel we needed the SEC now, that we have
7 75 percent of the GSI claimants are now being paid.
8 And as Dr. McKeel said, most of them haven't, just
9 20 percent. But they're being recommended to be.

10 She said something that bothered me.
11 Now, if they only have something like prostate,
12 well, that's a different matter, because lots of
13 people get prostate. And those people may very
14 well not be compensated. Well, prostate cancer on
15 the relative that I represent started out with
16 prostate and ended up with leukemia. So to say that
17 just kind of concerns me.

18 And that particular case, the PoC with
19 the leukemia and the prostate, before this last dose
20 reconstruction, before all the changes were made
21 for Appendix BB, Rev 1, it was 15.9. And it raised
22 to 68.8 after the new dose reconstruction, you know.
23 So that tells me that with prostate it can develop

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1 into more, because it developed into more for him.

2 And I went through, when he got the
3 leukemia I had to get all kinds of doctors' reports
4 and hospital reports. And I just can't begin to
5 tell you, I had to threaten them with HIPAA, because
6 they weren't releasing things. It was just very
7 drawn out.

8 But I had Dr. McKeel to lead me through
9 this. The public doesn't have that. I did have
10 that. I was very fortunate to have someone like
11 that to assist me through it. Otherwise I wouldn't
12 have -- and I'm the petitioner. I would not have
13 known, you know, what to do. So yes, I'm a little
14 concerned about people that have prostate cancer,
15 it becoming more than that.

16 Then the other -- so then I called one
17 of the claims managers at DOL to ask for this
18 developmental dose reconstruction, developmental
19 report. She said she'd have to have it in writing.
20 So I put it in writing. And it was received on the
21 9th of November. And that may not be time enough
22 to get back to me. But so far I have not heard
23 anything on that.

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1 Can anyone tell me if that's, if I am
2 wrong and should not have that report, as my, you
3 know, as being a claimant myself on one and then the
4 representative on the other? Am I asking for
5 something that's forbidden here? I didn't think I
6 was.

7 (No audible response)

8 MS. JESKE: No one knows? Okay, well
9 that's fine.

10 CHAIRMAN MELIUS: Stu, do you want to
11 ask the -- I didn't know what --

12 MR. HINNEFELD: Well, this is Stu
13 Hinnefeld. And I'm not familiar with the dose
14 reconstruction developmental report. Is that
15 something that, you know, you say you'd contacted
16 the Department of Labor, and they apparently are the
17 ones who prepare that?

18 MS. JESKE: Well, NIOSH, from what I
19 understand, NIOSH should have it and so should
20 Department of Labor. But it is now closed through
21 NIOSH, so she says.

22 MR. HINNEFELD: Well, you know, we
23 complete something called a Dose Reconstruction

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1 Report, but that would have been sent to you. And
2 that would have been then sent on, and we also send
3 that to the Department of Labor. And then they do
4 some things in order to arrive at a recommended and
5 ultimately final decision.

6 So I guess I don't know what you're
7 asking. If it's something that the Department of
8 Labor prepares in the process of going from our dose
9 reconstruction report to a recommended and final
10 decision, that's something I'm not familiar with.
11 And so I don't know. And it would be a Department
12 of Labor question about whether --

13 DR. MCKEEL: Mr. Hinnefeld, this is --

14 MR. HINNEFELD: -- it could be made
15 public or not.

16 DR. MCKEEL: Mr. Hinnefeld, this is Dan
17 McKeel. May I please comment that I have been sent
18 80 of those dose reconstruction development reports
19 for PER 058 for Dow and 194 of them for PER 057 for
20 GSI. And they are reports called by that name
21 prepared by NIOSH, by your division.

22 MR. HINNEFELD: Okay. Now I
23 understand --

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1 DR. MCKEEL: So that's --

2 MR. HINNEFELD: Okay. Now I
3 understand the document we're talking about.

4 DR. MCKEEL: Okay.

5 MR. HINNEFELD: I will have to look into
6 Ms. Jeske's request and see what happened there.

7 DR. MCKEEL: Thank you very much.

8 MR. HINNEFELD: So I'll look into that.

9 MS. JESKE: Okay. All right. I
10 probably explained it incorrectly. I am sorry --

11 DR. MCKEEL: I apologize then.

12 MR. HINNEFELD: No, I just didn't
13 understand the term that apparently we use for that,
14 for that document.

15 DR. MCKEEL: I apologize for
16 interrupting. Thank you.

17 CHAIRMAN MELIUS: Okay. Anybody else
18 on the line wish to make public comments?

19 MR. REAVIS: Yes, can you hear me?

20 MS. LUDWIG TALBOT: Yes, please.
21 Hello?

22 MR. REAVIS: Yes. There's a couple of
23 people on the line. Go ahead, ma'am.

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1 MS. LUDWIG TALBOT: Okay. Is it okay
2 to speak?

3 CHAIRMAN MELIUS: Yes. Go ahead and
4 identify yourself.

5 MS. LUDWIG CALBOT: Okay. My name is
6 Cathy Ludwig Calbot. And I'm a claimant from the
7 Pinellas Plant on my father. Thank you for letting
8 me listen. This is my first conference. It was
9 very informative.

10 Just a couple of things that I want to
11 note. Dr. Melius and the Advisory Board, I'm not
12 sure that you recognize my name. I have sent a
13 letter to yourself and to Dr. Melius. I have a
14 couple of questions, and I'm hoping you can point
15 me in the right direction.

16 My father's re-work is under its third
17 dose reconstruction at NIOSH. And there's a lot of
18 reasons for that. And one thing I want to point
19 out, I've become a voice for a lot of Pinellas Plant
20 workers.

21 Just some statistics that I'm sure
22 you're all aware of, 648 cases, 102 approved.
23 We're approaching 500 deceased employees. We've

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1 applied four times for the SEC. It's not even
2 gotten past the review process. We're working on
3 that right now. We hope to do better on the next
4 one.

5 I have a couple of things that I want to
6 make public knowledge. Back on October 13th of
7 2011, SC&A did a Work Group update. And we are, as
8 a group, concerned about the site interviews that
9 were conducted.

10 Notes were taken by DOE, classification
11 and redacted material was sent back to SC&A. SC&A
12 was supposed to finalize the notes and return to the
13 interviewees for their input. That never
14 happened. That's sitting out there, you know, in
15 never-never land.

16 I'm just a layman, so you'll have to
17 pardon my passion. I'm a bit emotional on this,
18 approaching my father's 20th anniversary of his
19 death. His dose reconstruction is being done under
20 a directive from national. I can't tell you how
21 much I appreciate Jeff Kotsch and Rodney's help on
22 this.

23 I have climbed up every ladder I

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1 possibly could to make sure that this dose
2 reconstruction is done to statute, and to
3 regulation and on a level playing field. What they
4 left -- my father's dose reconstruction came in at
5 43.8.

6 And they left out his additional
7 employment at Sandia Lab, his temporary plant
8 exposure, his photofluorography exposure, his
9 Heather Project exposure, deconstructive testing
10 which is still up in the air, neutron doses and metal
11 tritides, among a lot of other things.

12 If you can imagine if I were a scientist,
13 or I were on the Board and I was a health physicist,
14 what my father's dose reconstruction would come
15 back -- if all the information was done and pulled
16 from the records.

17 I have to interject here about the
18 Department of Labor. I did not know until about six
19 months ago that I could file for my father's medical
20 and employment history through the Freedom of
21 Information Act.

22 A lot of the things that were put on the
23 burden of proof on myself, and on my brother and on

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1 my mother before she passed away in '09 were in those
2 files.

3 Now that the dose reconstruction is
4 being done, I have found out that the Department of
5 Labor was aware and had those very same files.
6 Because my case examiner told me word for word, "Oh
7 yes, that's in the file. I found that." So
8 they're asking me to prove some X-ray information.
9 I put that disk in there and X-rays pop up.

10 So I would like very much to have a
11 conversation with someone. And I don't know under
12 what cover, Dr. Melius, Advisory Board, that that
13 comes under. A Working Group, the last time they
14 did a Working Group on the Pinellas Plant was 2012.
15 There are so many things out there pending that
16 didn't seem to be completed.

17 And again, as just a daughter trying to
18 make it right for her father and for 500 employees
19 who can't speak for themselves anymore, I know
20 that's a disturbing factor, it really is. It's
21 disturbing to me because I grew up at that plant.
22 Those people were like my family. And I feel like
23 I have the right to be emotional and to be expected

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1 to understand this.

2 Again, like the lady on the phone before
3 me, I'm not a scientist. But I'm highly educated,
4 and I understand a lot of this. And I've spent the
5 last 18 months digging for stuff that the Department
6 of Labor already had.

7 So I am just -- I sat through this whole
8 meeting from the East Coast so I could at least get
9 some concerns out there. I am concerned that my
10 case examiner is the same one who has not been
11 forthcoming with me, or my brother or my mother when
12 she was alive. And my mother was a 70 year old woman
13 who couldn't navigate a digital phone, let alone a
14 rotary, I mean a rotary phone, let alone a digital.

15 So I don't know what these people do out
16 there. I thank God for advocates, and I thank
17 Heaven for people like Jeff Kotsch, and Rodney and
18 even Wendell Perez in FAB who helped me navigate
19 this and gave me the time to research it. There's
20 a lot of things at the Pinellas Plant, and I listen
21 to all the large companies.

22 CHAIRMAN MELIUS: Ma'am, can you please
23 wrap up. Your time's about up.

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1 MS. LUDWIG CALBOT: Sure. I would be
2 happy to. I would just like to know how to get a hold
3 of the Advisory Board. Because my emails are not
4 being answered. How's that for one last wrap-up?

5 CHAIRMAN MELIUS: Well, your email was
6 from last week. And I will tell you that the
7 Advisory Board has received it.

8 MS. LUDWIG CALBOT: Okay.

9 CHAIRMAN MELIUS: It was addressed to
10 many other people. And the Advisory Board, as a
11 matter of policy, does not comment on ongoing dose
12 reconstructions.

13 MS. LUDWIG CALBOT: Okay, okay.

14 CHAIRMAN MELIUS: And we will
15 communicate that back to you officially.

16 MS. LUDWIG CALBOT: That would be
17 wonderful. I don't know the process. I'm just
18 learning it.

19 CHAIRMAN MELIUS: No, that's fine. I
20 understand.

21 MS. LUDWIG CALBOT: I'm just trying to
22 copy everybody, you know, that that's what you guys
23 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
23 2000. Do you folks know about that Board? And I

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1 might correct --

2 (Off the record comments)

3 CHAIRMAN MELIUS: We're the Board.

4 The Board has not been appointed yet.

5 MR. REAVIS: Oh, it has not been
6 appointed?

7 CHAIRMAN MELIUS: No.

8 MR. REAVIS: Let me ask you, when that
9 Board is appointed, what's going to be the purpose
10 of the Board?

11 CHAIRMAN MELIUS: It will be advising
12 the Department of Labor.

13 MR. REAVIS: Okay. Now, will it be
14 over or under the DOL?

15 CHAIRMAN MELIUS: It would be parallel,
16 provides advice to the --

17 MR. REAVIS: Parallel, okay.

18 CHAIRMAN MELIUS: -- Department of
19 Labor.

20 MR. REAVIS: Yes, okay. Thank you.

21 CHAIRMAN MELIUS: Yes.

22 MR. REAVIS: Is it -- one more question.
23 Is it going to be comprised of just scientists, or

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1 who's going to be on that Board?

2 CHAIRMAN MELIUS: There's a, the
3 legislation that set up the Board set up a whole
4 series of criteria for how many people are on the
5 Board and what their qualifications are. So
6 there's a mixture of people.

7 MR. REAVIS: Okay. Not necessarily
8 scientists, because that's what I had been told
9 before.

10 Now in regards to Blockson, I would like
11 to talk about, and maybe the Board is aware of this
12 one-page document. It was created in 1963. And it
13 was used to back up Blockson's SEC from 1962 to 1960.
14 Are Board Members aware of that document? Have
15 they seen it, any of the Board Members?

16 CHAIRMAN MELIUS: Well, the Board dealt
17 with Blockson quite a while ago, so --

18 MR. REAVIS: Quite a while ago, yes.
19 And I've been dealing with the Board and Blockson
20 and everybody else for quite a while myself.

21 But this document, it's a one page
22 document. Nobody seems to know where it came from,
23 who it was addressed to, who received it, anything

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1 about that document. They don't know who generated
2 it.

3 They used that one-page document to undo
4 years, about ten years of work on Blockson that were
5 -- Department of Energy, Stokes, other companies
6 used documents stating, they all state that
7 Blockson's production ended in March 31st of '62.
8 This one document undid all of that.

9 It's a document that, I think it's been
10 in question for quite a while. It looks like it's
11 computer generated. Back in 1963, it certainly
12 wouldn't have been computer generated. It would
13 have been typed.

14 And I was just wondering if anybody
15 would want to take a good look at that document,
16 maybe have a document examiner since there's so much
17 credence been on that document. Maybe somebody
18 should take a good look at it, get a typewriter
19 document examiner to look at it to see if it was,
20 in fact, typed in 1962. What's the Board's feeling
21 on that?

22 CHAIRMAN MELIUS: Well, I think we're
23 just taking comments now. We're not going to be

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1 able to respond to specific requests like that.

2 MR. REAVIS: Yes, okay. Well, that's
3 good enough for now. I appreciate again your time.
4 And perhaps later some of the Board Members can take
5 a little time to look at that one page document.
6 It's a very important document. With that
7 document, there was 23 people that didn't get paid
8 at Blockson. Thank you very much for your time.

9 CHAIRMAN MELIUS: Okay, thank you.
10 Anybody else on the phone wish to make public
11 comment?

12 MS. PADILLA: Yes. My name is Judy
13 Padilla from Rocky Flats.

14 CHAIRMAN MELIUS: Hello.

15 MS. PADILLA: Yes?

16 CHAIRMAN MELIUS: Go ahead.

17 MS. PADILLA: On October 28th of 2015 at
18 the telephone conference call, Ms. Wanda Munn made
19 a comment about the Board being pilloried for time
20 delays. I agree. You should be. Rocky Flats has
21 been shut down now for ten years. It has been 25
22 years since the FBI raid and 23 years since the Rocky
23 Flats federal grand jury verdict. It has been a

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1 decade since the first Rocky Flats SEC was submitted
2 and four years for the latest, Number 192.

3 When Rocky Flats SEC Number 227 was
4 filed in 2015, it did not qualify on the grounds that
5 the information had already been provided. If the
6 information was there, why has it taken so long for
7 you knowledgeable, educated people to read and
8 understand it?

9 Are you confused about the evidence it
10 takes to indict a contractor for criminal activity?
11 Do you have a problem understanding a grand jury
12 report which plainly states that a contractor,
13 Rockwell International, lied and put the public and
14 workers at risk? What part of criminal malfeasance
15 is confusing?

16 How many of the other nuclear plants
17 have been indicted, tried by a federal grand jury
18 and found guilty of crimes against the environment
19 and humanity? Isn't the Flats the one and only?

20 In order to help you familiarize
21 yourselves with the grand jury report, I will quote
22 from some of the pages of Federal Judge Sherman
23 Finesilver's 23 page report. And I quote, Page 3,

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1 "The grand jury now renders to the court this report
2 regarding ongoing, organized criminal activity at
3 the Rocky Flats plant in this federal judicial
4 district of Colorado. This report is based on
5 preponderance of the evidence considered by the
6 grand jury.

7 "For 40 years, federal, Colorado, and
8 local regulators and elected officials have been
9 unable to make DOE and the corporate operators of
10 the plant obey the law. Indeed, the plant has been
11 and continues to be operated by government and
12 corporate employees who have placed themselves
13 above the law and who have hidden their illegal
14 conduct behind the public's trust by engaging in a
15 continuing campaign of distraction, deception and
16 dishonesty."

17 Page Number 4, and I quote, "Number 1,
18 the government agencies failed repeatedly in their
19 duty to protect the public's interest. Number 2,
20 Colorado Department of Health, the Department of
21 Energy and the Environmental Protection Agency did
22 not perform adequately their oversight and
23 regulatory function.

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1 "Number 3, DOE managed the plant with an
2 attitude of indifference. Number 4, DOE's plant
3 manager made false written statements with
4 knowledge of the falsity of his statements or with
5 a disregard for knowing whether his statements were
6 false."

7 Page Number 5, and I quote, "DOE
8 officials either ignored such notices from
9 Rockwell, joined with Rockwell in rationalizing
10 such conduct or actively participated in plans to
11 shield Rockwell from attack and conceal potentially
12 damaging information from being disclosed to the
13 public or regulatory agencies.

14 "Since this grand jury cannot indict a
15 federal agency for violating the laws, DOE is
16 identified in this report and the grand jury's
17 presentments of evidence to this court of criminal
18 misconduct as an unindicted co-conspirator with
19 Rockwell, EG&G and certain individuals in an
20 ongoing conspiracy to violate certain laws of the
21 United States.

22 "In this sense, the DOE has become a
23 self-regulating agency which is above the law and

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1 without accountability except to this grand jury.
2 DOE did not attempt to review critically, verify
3 independently or evaluate systematically any data,
4 information, analysis, recommendation or
5 conclusion which Rockwell provided to DOE."

6 These are all direct quotes from the
7 grand jury report. Page Number 6, and I quote, "The
8 government's inspectors have tended to overlook
9 obvious health hazards and environmental crimes
10 committed at the plant because their focus was too
11 narrow."

12 Page Number 9, and I quote, "The root
13 of the problem at the plant was and continues to be
14 the negligent mismanagement of waste at the Rocky
15 Flats plant originating with DOE's aggressive
16 efforts to place the plant and its operators above
17 the environmental law by which all other companies
18 must abide.

19 "The grand jury believes that the DOE
20 feared the regulators would discover Rockwell's
21 mismanagement of hazardous waste and radioactive
22 mixed waste at the plant. Yet Congress enacted
23 criminal penalties in RCRA, the Clean Water Act and

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1 other federal laws which have been violated at the
2 Rocky Flats plant with the express intent to stop
3 negligent practices.

4 "It is an elementary principle of law
5 that ignorance of the law is no excuse for criminal
6 conduct. The jury specifically rejects the notion
7 that government employees should be allowed to hide
8 behind the ill-reasoned logic of a government
9 attorney at the plant and other DOE attorneys in
10 Washington, D.C., whose objectives seem to be to
11 thwart attempts to subject Rocky Flats plant to the
12 rule of law."

13 On Page 18, "In 1988 DOE performed an
14 internal audit on the risks which its various
15 facilities posed to public health. At the time,
16 DOE rated the extensive contamination of
17 groundwater at Rocky Flats as the number one
18 environmental hazard among all of DOE's facilities
19 in the United States.

20 "The DOE reached its conclusion because
21 the groundwater contamination was so extensive,
22 toxic and migrating towards the drinking water
23 supplies for the cities of Westminster and

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1 Broomfield, Colorado."

2 Page 19, "Rockwell controlled all of the
3 material, information, data and analysis regarding
4 matters at the plant. Since Rockwell often failed
5 to disclose all of the relevant facts to DOE's
6 employees, Rockwell and its managers were able to
7 consistently manipulate and control DOE policy to
8 assure that DOE endorsed Rockwell's illegal conduct
9 in pursuit of very large bonuses and contract fee
10 awards, to the extent to which DOE may have
11 authorized Rockwell to break the law.

12 "DOE acted more often than not at
13 Rockwell's direction and after Rockwell had
14 independently formed intent to break the law.
15 Rockwell conspired with certain DOE officials over
16 a period of years" --

17 CHAIRMAN MELIUS: Excuse me. You're
18 going to need to wrap up, please.

19 MS. PADILLA: Yes, I'm almost finished.

20 CHAIRMAN MELIUS: Well, you need to
21 finish.

22 MS. PADILLA: -- "to hide its illegal
23 acts and the illegal acts of its employees behind

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1 the sovereign immunity of a department of the
2 federal government, DOE. Some DOE employees
3 likewise become a law unto themselves and attempted
4 to immunize themselves from prosecution by hiding
5 behind the sovereign immunity of the U.S.
6 government."

7 CHAIRMAN MELIUS: Thank you for your
8 comments.

9 MS. PADILLA: These are the words of the
10 federal court concerning the management of Rocky
11 Flats.

12 CHAIRMAN MELIUS: Excuse me, but I
13 think you need to wrap up please.

14 MS. PADILLA: Okay. That is all that I
15 wish to say. My name is Judy Padilla. I worked at
16 Rocky Flats from 1983 to 2005 when it closed. And
17 I'm a cancer survivor.

18 CHAIRMAN MELIUS: Okay.

19 MS. PADILLA: Thank you very much.

20 CHAIRMAN MELIUS: Thank you. Anybody
21 else on the phone that wishes to make public
22 comments?

23 (No audible response)

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1 CHAIRMAN MELIUS: If not then we'll wrap
2 up and adjourn the meeting. Thank you all.

3 (Whereupon, the above-entitled matter
4 went off the record at 5:55 p.m.)

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