

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

+ + + + +

114th MEETING

+ + + + +

WEDNESDAY
NOVEMBER 30, 2016

+ + + + +

The meeting convened at 8:30 a.m.,
Mountain Time, in the Hilton Santa Fe Historic
Plaza, 100 Sandoval Street, Santa Fe, New Mexico,
James M. Melius, Chair, presiding.

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PRESENT:

JAMES M. MELIUS, Chair
HENRY ANDERSON, Member
JOSIE BEACH, Member
BRADLEY P. CLAWSON, Member
R. WILLIAM FIELD, Member
DAVID KOTELCHUCK, Member
JAMES E. LOCKEY, Member*
WANDA I. MUNN, Member
JOHN W. POSTON, SR., Member*
PHILLIP SCHOFIELD, Member
LORETTA R. VALERIO, Member
PAUL L. ZIEMER, Member*
TED KATZ, Designated Federal Official

REGISTERED AND/OR PUBLIC COMMENT PARTICIPANTS

ADAMS, NANCY, NIOSH Contractor
ANIGSTEIN, BOB, SC&A*
BARRIE, TERRIE
BURGOS, ZAIDA, NIOSH
CRAWFORD, FRANK, DOL*
EVASKOVICH, ANDREW
FIFER, ROBERT*
FITZGERALD, JOE, SC&A
FROWISS, AL*
GRIFFON, MARK
HAND, DONNA
HINNEFELD, STU, DCAS
HUGHES, LARA, DCAS
JERISON, DEB
KINMAN, JOSH, DCAS
LEWIS, GREG, DOE
LIN, JENNY, HHS
RUTHERFORD, LAVON, DCAS
STEPHENS, HUGH
TOMES, TOM, DCAS*
STIVER, JOHN, SC&A

*participating via telephone

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

2 (8:30 a.m.)

3 **Welcome and Introduction**

4 CHAIR MELIUS: Hello. Hello first,
5 and welcome to the 114th meeting of the Advisory
6 Board on Radiation and Worker Health. We'll have
7 a number of Members here and, obviously, we also
8 will have a few calling in, some not for the entire
9 time, but some for, we expect to be in the entire
10 meeting. So you'll hear us refer to them also.

11 So let me turn it over to our Designated
12 Federal Official, Ted Katz who will do the --

13 MR. KATZ: Thank you, Jim. Yes,
14 welcome everyone here in the room, from the area,
15 and on the line joining us today. So some
16 preliminaries. For folks in the room, the
17 presentation materials you'll find on the back
18 table. You're welcome to them.

19 For people joining us on the telephone,
20 the agenda and the presentation materials are on
21 the NIOSH website under this program's portion of

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1 the website, schedule of meetings, today's date.
2 You can go there, get the agenda, see what you're
3 interested in and follow presentations that way if
4 you wish.

5 There's also, this is also available
6 online through Live Meeting. And on that agenda
7 for folks on the line, you can find the connection
8 information so that you can get on Live Meeting if
9 you want to -- all that will do for you is allow
10 you to see the slides as they're presented. But
11 you can do just as well, I think, just pulling the
12 documents up on the website. Whichever you like.

13 So Board roll call, I am going to,
14 because it's I think simpler, I'm going to run
15 through roll call but before I do I'll cover --
16 well, I'll just do it in real time. As Members
17 speak, we'll have some Members on the line that will
18 be with us for portions of the meeting and not
19 others, but I'll address their conflict of interest
20 as I go.

21 So roll call, I'll do this

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1 alphabetically both for the folks on the line and
2 for our Board Members that are on the phone, I mean
3 in the room and on the phone.

4 (Roll call)

5 MR. KATZ: Okay, so we have more than
6 a quorum which is super. And let me just note for
7 sessions where we have recusals because of
8 conflicts of interest, for Savannah River Site we
9 have Ms. Valerio will be recused from that,
10 although it's not an action item. And for the LANL
11 SEC, we have recusals from Mr. Schofield, Ms.
12 Valerio, and Dr. Poston. So those are the only
13 conflicts that relate to today's meeting. Josie,
14 is there -- am I missing something? Oh, okay.

15 Alright, so that takes care of roll call
16 I think. And let me just then last note for folks
17 on the line, everyone but the Board Members should
18 mute your phones.

19 We do have a public comment session that
20 begins at 5:00 p.m. this evening and we'll start
21 with people that are in the room, but then we'll

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1 move to people on the line. And for that you of
2 course can have open lines because we'll be
3 welcoming your comments too.

4 But during the meeting, everyone on the
5 line who's from the public, please mute your phone.
6 If you don't have a mute button, just press *6 to
7 mute your phone, leave it on mute please because
8 then it will improve the audio. You'll be able to
9 hear the meeting better.

10 And also Board Members, when you're not
11 -- that are on the line, when you're not speaking
12 to the group, please try to mute your phones when
13 you can too to help for that. And Dr. Melius, it's
14 your meeting.

15 CHAIR MELIUS: You want to mention
16 signing up for --

17 MR. KATZ: Oh, yes. So we do have some
18 people here now already. So for people here in the
19 room, there's a sign-in sheet for attending the
20 meeting and there's another sign-in sheet for
21 making public comments. So please do, if you

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1 intend to make comments this evening, at some point
2 today sign your name to the sign-up sheet for
3 comments.

4 CHAIR MELIUS: Okay. Thank you, Ted.
5 And we'll start with Stu, NIOSH Program Update.

6 **NIOSH Program Update**

7 MR. KATZ: While Stu is getting ready,
8 can I just ask someone, Paul or someone on the line,
9 can you hear us well?

10 MEMBER LOCKEY: I hear you very fine.

11 MR. KATZ: Okay, super. Thanks.

12 MR. HINNEFELD: Thank you, everyone.
13 Stu Hinnefeld again and my normal update on the
14 program progress. I usually go through a few news
15 items here such that I can to kind of get you up
16 to date on things that are going on in the program.

17 First comment about budget, I don't
18 have any inside knowledge on the budget. I only
19 know what is expected to happen. Right now, we are
20 operating on a continuing resolution that runs
21 through December 7th or 9th, one of those two days.

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1 And the current expectation from NIOSH
2 OD is that the Congress during its lame duck session
3 will pass another continuing resolution into the
4 first part of next year. I think the date I heard
5 was probably through March. And then the new
6 Congress would take up the actions upon the
7 Government for the remainder of next fiscal year.

8 I don't have a lot of insight about, of
9 course no one has much insight about what will
10 happen speaking about the budgeting process from
11 last year. There were appropriations committees
12 or appropriations subcommittees I guess from each
13 House that submit what they call a markup, what they
14 believe the budget should be for various agencies.
15 And our item, our line item was left unchanged from
16 this year in both of those markups.

17 So that's an indication and we're
18 hopeful that we'll be able to continue on as we have
19 been with the same level of funding. But like I
20 said, that's more of a hope than any inside
21 knowledge.

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1 Other items I wanted to address is that
2 we've been working with our partners at Department
3 of Energy to obtain access to two reporting systems
4 that we think will be helpful for us in our
5 evaluation of sort of recent year activities at
6 those sites.

7 One is the non-compliance, it's not
8 Nevada Test Site, it's non-compliance tracking
9 system, NTS. I should have checked that slide a
10 little more carefully. Non-compliance Tracking
11 System which unimportantly has the same initials,
12 and the Occurrence Reporting and Processing
13 System.

14 Non-compliance Tracking System is a
15 database where DOE contractors voluntarily enter
16 non-compliances with the regulatory scheme. When
17 I was working for DOE it was only 10 CFR 835 which
18 was the radiation protection regulation. There
19 are other regulations also now that are included
20 in the Non-compliance Tracking System.

21 And so they, we believe that having

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1 access, that we need to investigate those items to
2 evaluate how sites were behaving in the more recent
3 era. And it would be from, like, roughly 1995
4 forward.

5 In addition, the Occurrence Reporting
6 and Processing System which is not a voluntary
7 system, which is a mandatory system gives, there
8 are quite a lot of criteria that would require
9 people to write what we call the ORPS report.

10 A number of those are radiological
11 related and so we want to make sure we do a thorough,
12 as thorough an investigation as we can with the
13 sites, what's been identified at these various
14 sites about compliances and to determine whether
15 that doesn't have an effect on our judgement about
16 our ability to do dose reconstruction and how does
17 reconstruction should be, could be performed.

18 The next item is strictly
19 administrative. It has to do with either CDC or
20 HHS deciding that Live Meeting is probably not
21 going to be supported anymore and we're going to

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1 have to switch platforms for the meetings we've
2 been using to something called Skype for Business.

3 I think we're going to have some
4 training sessions on that coming up, and I think
5 we're going to start with probably Subcommittees
6 or Work Groups to try that out. I believe it's
7 going to work much the same. We'll just, it will
8 just -- we'll just have to learn the nuances of
9 that.

10 Covering quickly our outreach
11 activities since our last meeting. We did in fact
12 have in September with the systems of our outreach
13 contractor, ATL International. We did conduct our
14 annual Dose Reconstruction Special Exposure Cohort
15 Workshop.

16 We had a number of representatives.
17 Most of the representatives that come to these are
18 representatives from local labor unions at the
19 covered facilities. Although we do have other
20 interested folks as well sometimes.

21 And in that, we spend a couple days to

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1 kind of go through somewhat in depth dose
2 reconstruction process, SEC process and really get
3 them acquainted with our website and where to look
4 for various kinds of information on our website.

5 We did participate with Joint Outreach
6 Task Group Meeting and two meetings in Iowa, one
7 in Burlington and one at Ames. And the Joint
8 Outreach Task Group Annual Meeting was held on
9 November 14th. That's typically an in-person
10 meeting, but it's a two hour meeting so we opted
11 to call in rather than fly in for a two hour meeting.

12 A that meeting we oftentimes set our
13 Joint Outreach Task Group agenda for the next year,
14 and this time we didn't. No one really offered up
15 a lot of sites they wanted to go to. I think
16 there's some feeling we might go to California,
17 possibly go to California if there's an SEC change
18 to Santa Susana. But other than that, there were
19 no other sites selected.

20 Okay, I'll get on to the statistics now.
21 I think you probably all have these in your packages

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1 so I won't dwell on these. We're up to 46,000 cases
2 from Labor so far. However, 44,000 have been
3 returned, various breakdowns with the ones
4 submitted and the ones where DRs are pulled.

5 The number of cases we have in our shop,
6 we typically have on the order of 200, 300 then are
7 in the hands of the claimants, that's draft dose
8 reconstruction in the hands of the claimants at any
9 given time.

10 Probability of Causation summary, I
11 think that remains pretty much at 28 percent
12 successful, or 28 percent with PoCs greater than
13 50 percent based on dose reconstruction. When you
14 add in the SEC, the numbers, the overall percentage
15 of compensable claims is higher than 28 percent.

16 These are the -- this was the records
17 request information from DOE that we reported, we
18 report at every meeting. This is somewhat
19 typical. It's somewhat higher and the total
20 outstanding is somewhat higher than the last
21 meeting and more than 68 for somewhat higher.

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1 There's no particular site that really
2 is contributing too much of this, although at
3 Pantex there have been some personnel changes that
4 may have held up the issue a little bit. But it's
5 not like we have a lot of outstanding cases from
6 any given site.

7 And as we were doing our summary of our
8 first 20,000 as opposed to 5,000 or 10,000 and this
9 is how they break down. Most of the claimants are
10 back to DOL. A certain number, you know, most of
11 the claims with us are with us because they're
12 administratively closed and because the claimant
13 didn't complete, didn't sign the OCAS-1 form.

14 And so those, our statistics, the way
15 we do this tally, they show up as with us because
16 they were closed when they were with us. And if
17 any of those claimants would return, you know, the
18 OCAS-1, then that case would be reopened and would
19 proceed.

20 And then all the ones that are, have DRs
21 waiting are returns, they've been returned to us

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1 fairly recently. So I believe that's it for me.
2 If anyone has any questions, I'll be happy to try
3 to answer any questions.

4 CHAIR MELIUS: Questions for Stu? I
5 have an important one. Is this the new official
6 DCAS slide format for this meeting?

7 MR. HINNEFELD: Well, we have some
8 acceptable formats from CDC. And we're allowed to
9 choose among about two or three or four acceptable
10 formats. And the person who makes the slides can
11 exercise his or her creativity among those, among
12 those formats.

13 MEMBER BEACH: Nice change.

14 CHAIR MELIUS: So did you go first and
15 others are following, or what's the --

16 MR. HINNEFELD: I suspect not. I
17 suspect my numbers, my reports since these numbers
18 are as of, generally they're as of the end of
19 October because, you know, we were going to start
20 on November 30th. So my information was available
21 pretty early. And so I think there's a little more

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1 time to be creative with my presentation than with
2 others.

3 CHAIR MELIUS: Just checking. Any
4 other important questions for Stu? Unimportant
5 ones? On the line?

6 MEMBER SCHOFIELD: I've got a question
7 for him.

8 CHAIR MELIUS: I'm sorry, go ahead,
9 Phil.

10 MEMBER SCHOFIELD: Stu, I got a
11 question for you. On the occurrence reports, is
12 that going to be available to you for all facilities
13 or just selective ones?

14 MR. HINNEFELD: What we're working on
15 is access in some fashion to all the facilities,
16 or what we want to see. It may be that the
17 Department of Energy will just provide them to us.
18 We'll say we want all the ones from this. And my
19 understanding is they'll be available for all the
20 facilities.

21 Now I haven't asked this specific

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1 question about ORPS. I asked the specific
2 question about NTS. NTS, the database
3 administrator says there is no classified
4 information in the NTS system.

5 So we should be able to just get those.
6 And in fact, we have staff Members and our
7 contractors and SC&A has staff members who have
8 access to the Non-compliance Tracking System
9 Database.

10 ORPS has a different -- it's in a
11 different organization, has a different
12 credentialing requirement in order to get access.
13 And so heretofore they've only credentialed DOE
14 employees and contractors. They've not
15 credentialed other federal employees even, or
16 other federal contractors.

17 So it's an open question about what kind
18 of access that we'll get, although our counterparts
19 at ORPS -- at DOE have, are committed to providing
20 us the kind of access that will allow us to do the
21 search we need to do.

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1 Now if there's classified information,
2 we won't get that. I don't know if ORPS has it or
3 not. But it should be for all facilities.

4 MEMBER SCHOFIELD: Okay, thanks.

5 CHAIR MELIUS: Any Board Members on the
6 line have questions? Okay, Stu. Give Stu a
7 second and it's -- Greg, you're jumping the gun a
8 little bit.

9 MR. HINNEFELD: That's okay, I just
10 didn't know who was next.

11 CHAIR MELIUS: Jeff, DOL. A little
12 interagency war here. This is --

13 MR. CRAWFORD: This is Frank Crawford
14 on the line for DOL. I believe Stu is changing
15 slides for me. Thanks very much for that, Stu.

16 MR. RUTHERFORD: Actually, it's Mr.
17 Rutherford.

18 MR. CRAWFORD: Ah, LaVon, great. I
19 will move through this --

20 CHAIR MELIUS: But don't worry, we'll
21 keep an eye on it.

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1 **DOL Program Update**

2 MR. CRAWFORD: That's very good. I am
3 watching through Live Meeting so I can at least see
4 the slides. We'll move through here fairly
5 quickly. All of these slides are available on the
6 Board's website portion on the DCAS website. So
7 if you don't see the numbers for very long, you can
8 always look them up. Next slide.

9 And I think we have to hit a button to
10 get the numbers to come up. There we are. So
11 almost \$10 billion in total compensation for Part
12 B and E combined. If you add in the medical bills,
13 next slide, you will see that we're at \$13 billion
14 in total compensation at this point.

15 Next slide. So we see where the cases
16 are. There are some dollar figures on this too,
17 LaVon, if you want to hit the key. There we go.
18 And the next slide. There's quite a discrepancy
19 between the cases currently at NIOSH.

20 Part of this is due to the data capture
21 date. Ours is November 6th. I think Stu said his

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1 would be October 31st or thereabouts. And there
2 are usually other reasons for these discrepancies.
3 NIOSH shows a little over 1,200 cases active at
4 their site. Next slide.

5 And there should be a pie chart. Here
6 we are. So we're running about 35 percent
7 approvals in cases with dose reconstructions and
8 final decisions. Next slide.

9 And this information doesn't change
10 quickly. Next slide. Yes, there will be a pie
11 chart here. Yes, here I believe the SECs are
12 included, and we see that we have 52 percent
13 approvals under that.

14 And the next slide. Top four work
15 sites, no surprises here. Lawrence Livermore is
16 fairly high for what is essentially a
17 non-production site. It's more of a research
18 establishment. But I think the SEC numbers are
19 fairly substantial there.

20 MR. KATZ: Chris, can I just, this is
21 Ted. If you would just actually orally speak the

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1 key points to your slides. Otherwise the
2 transcript, people are going to have to refer to
3 the slides to know actually what you're trying to
4 tell them.

5 So the top four slides here, Hanford,
6 Savannah River Site, Y-12, and Lawrence Livermore.

7 MR. CRAWFORD: Of course.

8 MR. KATZ: Thanks.

9 MR. CRAWFORD: I'll do that. Since
10 you just mentioned those, I'll go onto the next,
11 but I'll pull in more detail. The next slide shows
12 the chart of the monthly percentages of the new
13 cases with DOE versus AWE sites broken out.

14 These are fairly steady, as you see. And
15 I think we can go on to the next slide. Now next
16 slide is SEC petition site discussions. Those are
17 site discussions that are expected to be brought
18 up at this meeting.

19 And what we're showing here are the
20 number of cases per site with the number of DRs
21 already completed. Number of final decisions,

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1 approvals, and that sort of thing. I don't think
2 there are any real surprises here.

3 There are quite a few sites under
4 discussion, Carborundum in Niagara Falls, Savannah
5 River Site, Los Alamos Area 4 on this slide. You
6 can see that Savannah River and Los Alamos are by
7 far the largest here.

8 Next slide, please. And then we have
9 Hooker Electrochemical, a relatively small AWE
10 site with 383 cases, of which 180 have been returned
11 by NIOSH with a DR. We have, however, final
12 decisions in 363. There is, I believe, an SEC that
13 would account for the difference.

14 But the approvals are 73. And next
15 slide, please. For the DEEOIC outreach events, we
16 have the list of the FY2016 events. I won't go
17 through those individually. Next slide, please?

18 This is constant information on the Joint
19 Outreach Task Group and its members. Next slide
20 please. This is the beginning of the list of the
21 FY2016. I won't go through these, as I said,

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1 individually. Next slide.

2 And next slide. And next slide please.

3 Now here I have no details except as you see here,
4 there's one scheduled at the moment, one joint
5 outreach event at Simi Valley San Bernardino.

6 Our budgets, like NIOSH, is under
7 review let's say. So we have been unable to make
8 concrete plans at this point, but I am sure we'll
9 have quite a few meetings this year once the budget
10 is straightened out.

11 The next slides are all standard
12 handout slides with some information about the
13 program. But I won't go through those
14 individually. So that concludes the
15 presentation. Now if there are any questions, I
16 would be happy to answer them if I can.

17 CHAIR MELIUS: Anybody, Board Members
18 have questions? Board Members on the phone with
19 questions?

20 MEMBER LOCKEY: I'm good.

21 CHAIR MELIUS: Okay.

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1 MEMBER ZIEMER: Well, this is Ziemer.

2 Let me make one comment if I might. So Frank didn't
3 actually give this slide details in most of the
4 cases. And I am concerned about the transcript in
5 this case because people reading the transcript
6 don't necessarily have access to the slides.

7 I'm just wondering how we can
8 incorporate that information into the transcripts?
9 That said, do you have any advice?

10 MR. KATZ: Paul, so we do actually
11 leave these, we leave these documents posted on the
12 NIOSH website with the transcript.

13 MEMBER ZIEMER: Oh, I know that. I
14 know that.

15 MR. KATZ: Yes.

16 MEMBER ZIEMER: It's just --

17 MR. KATZ: So people can in the future
18 download the presentation as well as the
19 transcript. Does that -- Paul, does that address
20 your concern?

21 MEMBER ZIEMER: Well, I was just

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1 concerned about the transcript's own, sort of,
2 viability that forces people to go to outside
3 documents to supplement it. That was just a
4 concern.

5 MR. CRAWFORD: Dr. Ziemer, this is
6 Frank Crawford.

7 MEMBER ZIEMER: Yes, Frank?

8 MR. CRAWFORD: Like Stu's slides, ours
9 are filled with numbers. So I was a little
10 reluctant to read all the numbers.

11 MEMBER ZIEMER: Yes, I understand
12 that. Just a concern about completeness of
13 transcripts. I'm not sure how to find a happy
14 medium on that. But that's fine.

15 CHAIR MELIUS: Thank you. Thank you.
16 Any more questions or comments. Okay. Thank you.
17 And Greg, now you can. I know you're anxious.

18 MR. LEWIS: I was already ready.

19 CHAIR MELIUS: Maintain that
20 adrenaline rush and the focus.

21 **DOE Program Update**

1 MR. LEWIS: Alright, good morning,
2 everyone. I'm Greg Lewis from the Department of
3 Energy, the Office of Worker's Screening and
4 Compensation Support which is within the Office of
5 Health and Safety at DOE.

6 Pat Worthington is also listed up here.
7 She was planning to come but at the last minute had
8 to, actually is traveling for another meeting. So
9 I'm sure she'll be at the next meeting. But you've
10 got me instead.

11 And actually before I get into this,
12 I'll just address two of the items that Stu brought
13 up in his presentation. One was the gaining access
14 to the ORPS database.

15 It's been a bit challenging just
16 because, you know, I think Stu kind of alluded to
17 it, the folks that administer the ORPS database
18 weren't really familiar with the program. They
19 also hadn't given access to another federal agency
20 or other federal contractors.

21 That's not to say they can't, but it was

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1 just kind of unfamiliar to them so they had a lot
2 of questions. And they're also in the middle of
3 working on new, their new regulation for ORPS. So
4 they've been, you know, pretty busy with that. So
5 it's been hard to get their attention.

6 I think they just finished that up, and
7 I know we just had a conference call with them
8 yesterday, those folks. So I'm hopeful that we'll
9 be able to settle that and get either full access
10 or enough access to meet NIOSH's needs shortly.

11 And then the other item, the number of
12 late claims, I believe it was 20 and 300-something
13 that are outstanding that are in play, and then 20
14 of those are late. I believe, I actually believe
15 that the bulk of those are Pantex. I could, at
16 least a significant number are Pantex.

17 And we are working with them. We've
18 gotten federal management down there involved. The
19 challenge there was the change in contract, the
20 contract for both Y-12 and for Pantex is now a
21 single contract managed by a single federal office.

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1 So everything changed down there with that.

2 And oddly enough, one of the sites that
3 we had to work with quite a bit last year on late
4 claims was Y-12 and we've gotten those resolved.
5 But now of course we're having some issues with
6 Pantex.

7 And as Stu said, a lot of it is staff
8 changeover because they're kind of reorganizing
9 things and moving around who does what. The person
10 in the group that was responsible for EEOICPA is
11 handing it off to another group, and that handoff
12 has been a bit slow which is why we've engaged the
13 federal leadership at the site office down there.

14 So we believe we're on the way toward
15 resolving that and we'll continue to monitor it
16 closely.

17 So as many of you have heard before, our
18 core mandate is to work on behalf of program
19 claimants to ensure that all available worker and
20 facility records are provided to DOL, NIOSH, and
21 their respective advisory boards.

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1 And we do this in three ways. We do the
2 individual claims when someone applies to the
3 program. DOL or NIOSH will request their records
4 from us and we try to provide them as quickly and
5 completely as we can.

6 We also work with DOL and NIOSH on large
7 scale site characterization projects. And then we
8 also work on research into facility coverage,
9 primarily for the smaller AWEs, but you know,
10 whatever comes up we'll try to do some research and
11 get the answer.

12 I've revised this a little bit, you
13 know, for those of you scoring at home. These
14 numbers are slightly different than the numbers
15 that have been on for a while. I probably actually
16 should have updated this a while ago. You know,
17 as you can see, this is about 18,000 and it used
18 to be about 16,000.

19 A lot of that is because of SERT and how
20 SERT counts things. Everything that goes over and
21 back is counted. So these are supplemental

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1 requests, these are requests where, you know, like
2 at Oak Ridge, things often go to all three sites
3 because we're not sure if there was crossover
4 between the three.

5 So I don't know that we're actually
6 seeing overall a larger volume of requests, we're
7 just counting it a little bit more precisely. So
8 I don't want to say it's a larger workload. But
9 this is the numbers in SERT and so I want to stick
10 by that.

11 And then because of the SERT system,
12 which I think I've spoken about before but I should
13 clarify, that's our Secure Electronic Records
14 Transfer system.

15 So I want to say about three years ago
16 now, maybe even four, time flies, we set up a system
17 that instead of sending, you know, we started
18 sending paper way back when and then we moved to
19 sending CDs with that on it over to DOL and NIOSH.

20 Then we moved to encrypted thumb
21 drives. And then the final step was to set up an

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1 electronic system where everyone can log on
2 securely through, you know, encrypted measures
3 with two factor authentication and all the cyber
4 security requirements.

5 And, you know, DOL, NIOSH, and DOE can
6 send our records back and forth. The requests come
7 over to us on SERT and we respond on SERT. And the
8 primary reason was, you know, for data security,
9 for transparency, and for quickness.

10 But one of the byproducts of that is we
11 have a lot more data and can count things. So now
12 that we're a number of years into the SERT system,
13 we've been trying to set up some different measures
14 and metrics.

15 And one of those that we've been able
16 to do is the size of the records packages. And
17 we've always, kind of anecdotally, you know, from
18 the subcontractor employees that were there for a
19 brief period of time we may not have any records
20 on. And then I've personally seen packages that
21 were over 3,000 pages. So we knew we had a wide

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1 range.

2 But this actually can, you know, can put
3 a little bit better number on that in terms of
4 averages. So for employment verification, the
5 average number of pages is 14. And even that's a
6 little misleading because the original request is
7 probably something like five pages and we, you
8 know, fill that out and then attach some other
9 additional pages.

10 So you know, it's probably in terms of
11 what we add, it's probably eight or nine pages on
12 average. For a NIOSH request it's 50 pages. And
13 the for a DAR for the Department of Labor, it's 150
14 pages. And then if you add that up for your typical
15 individual that has all three types of requests,
16 we're providing just over 200 pages of information
17 on average. Again, that's, you know, it can vary
18 significantly.

19 And one word of caution, some of that's
20 duplicative. You know, in the DAR we're providing
21 some of the same dosimetry information that was in

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1 the NIOSH and probably, you know, a few of the pages
2 that were in the employment verification.

3 So you know, that's not 200 original
4 pages on each individual. But, you know, the DAR
5 is pretty reflective of providing at least on
6 average 150 pages per person typically.

7 And then for individual records,
8 claimants often worked at multiple sites, multiple
9 contractors. They could have been a fed
10 contractor or subcontractor throughout their
11 career. So we have to go to quite a few different
12 places, different sites.

13 You know, you could have to check up to
14 40 different sources for an individual,
15 particularly if they had a 30-year career, multiple
16 different entities. And that kind of plays into
17 the we could respond with zero pages or up to 3,000.
18 It really depends on the employee's circumstance.

19 And then response time. I just used
20 FY16 numbers so this would be through September
21 30th of '16. We responded to 17,674 out of 18,621

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1 records requests in under 60 days. So we have a
2 95 percent on-time response rate.

3 And again, that five percent is
4 typically within a few sites, and it's not always
5 the same. You know, it's kind of rotating
6 depending on what's going on, what kind of issues
7 we're running into.

8 The bulk of the sites actually have
9 little to no responses outstanding or that are late
10 at any given time. So if you see last year, you
11 know, I put a couple examples there. K-25, six
12 late out of 2,112. Richland, six late out of
13 1,564. And Savannah River, zero out of 1,316.

14 So some of the sites have a very good
15 response rate, and then others that we're trying
16 to work on to get back where they should be. But
17 overall, we have a 95 percent on-time response
18 rate.

19 And then the large-scale research
20 projects. You know, here's a few that we've been
21 responding to. Some of these are more active than

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1 others. But you know, here are some of the sites
2 that we were then working with NIOSH on recently
3 for SEC and/or Site Profile updates, things like
4 that.

5 And actually, I could read these off if
6 you would like. We've got Hanford, PNNL, Savannah
7 River, Nevada Test Site, or currently the Nevada
8 National Security Site, Los Alamos National Lab,
9 Sandia National Lab, Idaho National Lab, Lawrence
10 Livermore National Lab, Oak Ridge National Lab, and
11 the Area IV of the Santa Susana Field Lab.

12 And then we do document reviews. And
13 I always point out that, you know, we review final
14 NIOSH products and documents, papers, things like
15 that in which we have a very consistent review time.

16 We also review the source documents
17 that come out of the DOE sites which is not as
18 consistent because, you know, it can vary widely
19 in terms of the volume, the level of difficulty,
20 whether they're very dense documents with quite a
21 bit of classified information or lighter documents

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1 that are assumed to be unclassified but we need to
2 check just in case.

3 So our document reviews out at the sites
4 vary, you know, a little more widely. But in terms
5 of the final NIOSH products, we do them typically
6 eight working days.

7 And then I've just got a little note on
8 our facility research. Our database can be found
9 at the link that's shown on the page. And you know,
10 every year we do typically around five or so sites
11 or between five and ten we'll be reviewing for site
12 coverage.

13 And again, these are typically the
14 smaller atomic weapons employers that did work back
15 in the '40s and '50s. And I think both Stu and
16 Chris mentioned the outreach that we're doing.

17 We did participate in the annual JOTG
18 meeting. And I think as Chris said in his DOL
19 presentation, the next meeting is tentatively
20 scheduled for the Los Angeles area, for Area IV,
21 but we don't have a specific time frame on that.

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1 It's somewhat dependent on the SEC progress.

2 And I'll mention that my office and Pat
3 Worthington participated in the National Day of
4 Remembrance earlier this year at the end of
5 October. We participated in an event in Las Vegas
6 but there were events around the country
7 celebrating the work that nuclear weapons workers
8 did and their contribution they made to this
9 country.

10 There was Senate Resolution 560, and
11 I'm not going to read the text. But again, this
12 is the eighth year, I think, or ninth. Anyway,
13 it's been going for quite some time now and it's
14 always something that our office takes pride in
15 participating in, an opportunity to thank the
16 workers for their service and their contribution.

17 And then I'll mention our Former Worker
18 Medical Screening Program. It serves all former
19 workers at all DOE sites. That's federal,
20 contractor and subcontractor workers at all DOE
21 sites.

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1 It provides a free medical screening to
2 try to identify occupational illnesses in their
3 early stages that lead to successful treatment.
4 And for this area, the Johns Hopkins program would
5 typically cover most workers, but we also have a
6 supplemental screening program and a building
7 trade screening program for construction workers
8 who could cover folks as well.

9 Information can be found at our
10 website, and we have a brochure and an annual report
11 that I posted a link to on our PowerPoint as well
12 for your information. And that's it. Are there
13 any questions?

14 CHAIR MELIUS: Dave?

15 MEMBER KOTELCHUCK: Just a comment
16 that --

17 CHAIR MELIUS: Dave?

18 MR. KATZ: I just have a note from
19 someone in the public on the line that they're
20 having a hard time hearing when other people speak,
21 so speak right into the mic, please.

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1 MEMBER KOTELCHUCK: Thank you. That
2 fifth slide about the size of the record packages
3 is, I don't believe you've shown it before, and it
4 was useful, and thanks for doing that.

5 MR. LEWIS: Yes, that was new. That's
6 kind of a because of the SERT system we have some
7 increased reporting ability. And there's a few
8 other things that we're working on too, so we may
9 be adding as well. But I can keep that one on
10 there.

11 MEMBER KOTELCHUCK: Yes, that one was,
12 it's helpful for us Board Members. And also you
13 might want to consider doing it by the median rather
14 than the average just so you don't weight it by some
15 very, very large reports.

16 MR. LEWIS: Yes. Well, and by a lot
17 of, you know, there's unfortunately some zeros in
18 there as well. So I'll see. I'm honestly not
19 certain if we can do that. I don't see why we
20 can't, but I'll ask the folks that administer the
21 database if they can pull that as well.

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1 CHAIR MELIUS: Any other Board Member
2 questions? Board Members on the phone, questions
3 or comments? Are you just plugging yourself in,
4 Brad?

5 Well, I'll bring this up. We continue
6 to have delays at Savannah River, getting
7 information. This is not on cases but on, I guess,
8 what you would call bigger projects. And I just
9 want to make sure that that's getting attention and
10 being addressed.

11 MR. LEWIS: Well, I'll, you know, I
12 talked with someone about that yesterday. I know
13 there was an issue getting, I think it was Joe,
14 access to a site database, something that he had
15 access to and it lapsed or they had to redo it or
16 something like that. And I guess that took a
17 little bit longer than expected.

18 Honestly, other than that, I haven't
19 been directly engaged. So if there's, you know,
20 requests that are outstanding or overall slowness,
21 I would be happy to get involved and see what I can

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1 do to pick up the pace. But I hadn't really been
2 directly approached or engaged, so I would be happy
3 to get involved.

4 CHAIR MELIUS: Well, we have a
5 presentation later on Savannah River where it
6 appears that either somebody was overly optimistic
7 about their timing or was -- there are continued
8 delays because it appears to be delaying some of
9 our reports that DCAS is preparing.

10 So I mean, I don't want to get into the
11 details or whatever right now. But if you could
12 consult with NIOSH and SC&A and just make sure we
13 can, doing what can be done to expedite this.

14 I mean, it may be great that they have
15 100 percent compliance with individual requests,
16 but you know, some of those could very well go for
17 naught given that there's an SEC under
18 consideration there. Multiple SECs. And so
19 we're providing data that may not really be
20 necessary.

21 MR. LEWIS: Yes, absolutely. You

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1 know, the SEC's very important to us and we will
2 see what we can do to remove any delays or
3 impediments to getting the information out.

4 CHAIR MELIUS: Okay, thank you.

5 MEMBER BEACH: I have a question about
6 -- I know Sandia, it's on. Sandia's a lower
7 priority site. But how are things moving there?
8 I know that there was some trouble with cooperation
9 there. Can you update on that at all?

10 MR. LEWIS: You know, my understanding
11 is I haven't really been engaged very much at all
12 at Sandia. That's not to say that, you know,
13 typically I get approached when something is not
14 running smoothly.

15 You know, as long, either if there
16 aren't any requests or if the requests are flowing
17 back and forth and everyone's satisfied with the
18 speed, the completeness, the performance of our
19 sites, I'm typically not involved.

20 So I have not been approached or
21 involved on Sandia. So if there is an issue, I

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1 would be happy to get involved. But I'm not aware
2 of too much.

3 CHAIR MELIUS: I think LaVon has an
4 update on that that he'll present.

5 MR. HINNEFELD: Well, LaVon just told
6 me that we've not had any issues recently with
7 Sandia.

8 MEMBER BEACH: Okay.

9 MR. HINNEFELD: You know, there were
10 some previously, but not lately.

11 CHAIR MELIUS: We have some dates,
12 actually coming up.

13 MEMBER BEACH: Okay.

14 CHAIR MELIUS: I always read LaVon's
15 report very carefully. It's the first one I read,
16 just before the plane landed. Okay. Anyway,
17 nothing else? Thank you very much, Greg.

18 MR. LEWIS: Thank you.

19 CHAIR MELIUS: Okay. We now turn to,
20 this is a review of the Hooker Electrochemical Site
21 Profile. Henry?

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1 **Review of Hooker Electrochemical Site Profile**

2 MEMBER ANDERSON: So our Committee has
3 been working on the Site Profile for Hooker
4 Electrochemical Company in Niagara Falls for some
5 time. And we're now at a point to be able to ask
6 the Board to approve our reports and close it out.

7 So just to go through very quickly, we,
8 Hooker operation, they processed C-2 slag from
9 electrometallurgical company from the period of
10 July 11th, '44 through January 15th, '46.

11 That was a byproduct of bomb reduction
12 at Electromet and Hooker treated the slag to
13 increase uranium content, and then upgraded slag
14 was returned to Electromet. So you can see it was
15 a two-year span in there, or less than two years
16 that this activity was ongoing.

17 As far as our Site Profile, you can see
18 the first Appendix AA was in 2007. It was,
19 TBD-6001 was issued at that time. And then in
20 2010, an SEC Petition Evaluation Report was issued
21 by NIOSH. And in September of 2010, SC&A presented

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1 a review of the Appendix AA at that time.

2 And then in January of 2011, it provided
3 a focused review on other parts of that site review.
4 In April, a tech TBD revised Revision 00 for Hooker
5 was issued. And it was at that point that the Site
6 Profile replaced Appendix AA and went out of the,
7 what is it? And TBD was then, we had a Revision
8 1 in 2011.

9 Thirteen, then, when that revision came
10 out, asked SC&A to review that revision, and they
11 came back to us in 2013 with six findings that our
12 committee then discussed.

13 In December 2015 NIOSH issued Revision
14 2 of that TBD. So you can see it's been under
15 review for some time, but it's been sitting out
16 there and we wanted to see if we couldn't close it
17 out as quickly as possible.

18 In June of 2016, we had a review of
19 Revision 2 to the TBD again by SC&A. July, our Work
20 Group reviewed all the findings and determined that
21 three were closed and put two in abeyance pending

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1 the final revision of the TBD and Finding 4 remains
2 open.

3 September, revision three of the TBD
4 was issued. And in November, SC&A reviewed
5 revision three and sent that to our URAWE Work
6 Group.

7 So here's the SEC determination. I
8 won't read this through, but this again goes back
9 to the determination in 2012. And you can see here
10 that the primary problem cited by the review panel,
11 this original review was challenged by employees.

12 It went to a review panel. And that
13 review panel, their concern was the use of
14 surrogate air sampling data to construct internal
15 doses, and the TBD can now be used only to estimate
16 external doses during the operating period for
17 non-specified cancer claims and during the
18 residual period for both internal and external
19 doses for all cancer.

20 Finally, just to go through the
21 resolution of the six findings here, Finding 1,

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1 NIOSH should review assumptions regarding the
2 composition of the slag.

3 You can see here they did that and
4 amended that to change the composition of the slag
5 that was coming in as well as the uranium
6 concentration of the slag going out. And once we
7 got that updated information, we felt we were
8 satisfied that Finding 1 had been resolved.

9 Finding 2 is examining the position
10 that external exposures are based on slag input to
11 the leeching process ten times per month. It's
12 possible that external exposures are understated.

13 Again, NIOSH reviewed this, discussed
14 it with us, and they revised the throughput from
15 ten times per month to eighty-nine times. Based
16 on that revision, the Work Group was satisfied that
17 Finding 2 was resolved.

18 Finding 3, the basis for assuming
19 internal exposure from the slag dust occurred five
20 percent of the time. SC&A felt that needed to be
21 reexamined, as does the assumption that the

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1 concentrate contained two percent uranium.

2 It appears that the exposure time was
3 understated by a factor of five and the amount of
4 uranium in the concentrate was understated by at
5 least a factor of 2.5. Based on the new data, NIOSH
6 revised the assumptions in the TBD. And based on
7 that, we were satisfied that Finding 3 was
8 resolved.

9 Finding 4 was a review of the ingestion
10 intake to ensure that it was calculated in a manner
11 consistent with the calculation of inhalation
12 intake. This was not addressed in Revision 2.

13 And at our meeting, NIOSH agreed that
14 ingestion needed to be addressed, and SC&A
15 addressed Revision 3 of the TBD, the impact of the
16 Finding 4.

17 And Finding 5, we asked that NIOSH
18 confirm that the correct units of measurement were
19 cited in Tables 2 and 3, or Tables 3 and 4 in the
20 NIOSH 2015-B revision. Typographic errors, NIOSH
21 agreed to correct those in the next revision.

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1 And therefore, resolution of the
2 finding is placed in abeyance waiting for the next
3 actual text or written update. But by-and-large,
4 there's agreement between the committee and NIOSH
5 to see how we can move forward.

6 The last finding was Finding 6 that
7 units of measure, the photon dose conversion
8 factors in Table 4, determine if they were correct.
9 Then the companion text needed to be revised to
10 discuss exposure rates rather than dose rates.

11 And we got an email dated July 25th,
12 2016 that confirm that the units of measure in Table
13 4 and the Revision 1 of TBD now Table 5 you can see
14 as we're going through the various revisions and
15 numbers and the phraseology here gets a bit
16 confusing. I'm going through it quickly.

17 But we have sorted it all out. And
18 finding six is in abeyance again until the new
19 revision of the TBD is where I would hope this will
20 be the final revision will be issued. And so SC&A
21 reviewed it and the Rev 3 addresses the impact also

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1 of Finding 6.

2 So that basically here's the set of
3 references. And we're just asking the Board that
4 we've been through this process. You can see it
5 is important to have these documents carefully
6 reviewed as we saw the numbers of the number of
7 cases being reviewed, and the core basis for those
8 risk determinations are based on the TBD.

9 And therefore, even though some of the
10 changes were there and the reviewers knew about
11 them and they have adjusted them, we now feel we
12 will have a TBD that is fully updated and has been
13 very, very carefully reviewed to be corrected.
14 Any questions?

15 CHAIR MELIUS: Yes, I'm a little
16 confused.

17 MEMBER ANDERSON: Well, that's to be
18 expected, James.

19 CHAIR MELIUS: Well, it's pretty
20 obvious too here.

21 MEMBER ANDERSON: Right, yes.

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1 CHAIR MELIUS: This and other
2 meetings.

3 MEMBER ANDERSON: Yes.

4 CHAIR MELIUS: So just on the
5 chronology, so on November 21st, SC&A's review of
6 TBD Revision 3 was submitted as being edited. I
7 don't quite understand how that reconciles with the
8 footnote that you have on, like, for Finding 5
9 addressed in -- I'm just trying to understand, did
10 the Work Group see the final --

11 (Simultaneous speaking.)

12 MEMBER ANDERSON: I think this was in
13 addition to the slide from when I first saw it.
14 Yes, that was a late edition I think.

15 (Off microphone comments)

16 MR. KATZ: Hold on. I don't think that
17 mic's on. Thank you, Craig.

18 MR. STIVER: Okay. We were in the
19 process of finalizing a review, it's going through
20 copy editing, just about we actually ended up
21 sending it out to the Work Group later that day on

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1 the 21st just because the timing was off.

2 And the Work Group hadn't had a chance
3 to see the report. We didn't feel it was
4 appropriate to include our actual findings in this
5 particular presentation. So it was just a matter
6 of, you know, it's now in the Work Group's hands.

7 I would imagine, you know, Jim Neton and
8 his people wanted a chance to look at the Finding
9 4 issue, and then we would have some sort of a
10 teleconference or a technical call to work that
11 out.

12 CHAIR MELIUS: So are we really closing
13 out --

14 MEMBER ANDERSON: It doesn't sound
15 like we are.

16 MR. STIVER: The only thing left is
17 Finding 4 really. And so that's just we can't
18 close it out today, obviously. It would have to
19 be after another Work Group teleconference.

20 CHAIR MELIUS: Does that fit with your
21 understanding, Henry? I'm just trying to --

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1 MEMBER ANDERSON: Yes.

2 CHAIR MELIUS: Okay.

3 MEMBER ANDERSON: There was this
4 last-minute flurry around Thanksgiving.

5 CHAIR MELIUS: Yes, which is --

6 MEMBER ANDERSON: Documents that we
7 haven't had -- so we will not -- sorry. So I'm not
8 asking you to vote anything today. But we are
9 very, very close.

10 CHAIR MELIUS: Well, no. Why don't
11 we, I think we can reach closure, it's up to the
12 Board, on all the findings except Finding 4. And
13 then you have the revision quick meeting or
14 something.

15 MEMBER ANDERSON: Yes.

16 CHAIR MELIUS: And then probably have
17 a conference call. We can just close out Finding
18 4.

19 MEMBER ANDERSON: Sounds good.

20 CHAIR MELIUS: I mean, when that's
21 ready or at a Board Meeting. So yes. So I mean,

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1 let's --

2 (Simultaneous speaking.)

3 MEMBER ADNDERSON: Committee, okay.

4 CHAIR MELIUS: -- all this again. We
5 have a quorum, let's take advantage.

6 MEMBER ANDERSON: Yes, fine. Is that
7 okay with the rest of the --

8 MEMBER CLAWSON: Sure.

9 CHAIR MELIUS: And are there other
10 questions about either the process or about some
11 of the other findings?

12 MEMBER BEACH: Is it just four, or is
13 it four and five for this TBD 3? I'm not quite
14 clear on that. It looks on the slides like four
15 and five are affected by that.

16 MR. STIVER: Actually, only Finding 4.
17 I need to give a spoiler alert, but Finding 5 and
18 6 were in abeyance.

19 MEMBER BEACH: Okay.

20 MR. STIVER: Those have been
21 adequately addressed in revision three. Finding

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1 four is the only outstanding that still needs some
2 discussion.

3 CHAIR MELIUS: Okay. Any other
4 questions? Board Members on the phone, have we
5 thoroughly confused you?

6 MEMBER ZIEMER: No, I think it's clear
7 now.

8 CHAIR MELIUS: Okay.

9 MEMBER ANDERSON: When we have these
10 revisions of slides, we should put revised data
11 somewhere because these changed very recently.

12 CHAIR MELIUS: Yes. But especially
13 with the holiday thrown in.

14 MEMBER ANDERSON: Yes, sorry about
15 that.

16 CHAIR MELIUS: Quick follow up meeting
17 and so forth. Okay. So if not, then can we have
18 a motion? Well, I think we have a motion from the
19 Work Group for everything but, hold off on finding
20 four. Do that. And so motion. And any further
21 comment? I think we can go ahead, I think we can

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1 do it by a voice vote?

2 MEMBER ANDERSON: Yes, yes, sure.

3 CHAIR MELIUS: All in favor say aye.

4 (Chorus of ayes.)

5 CHAIR MELIUS: All opposed?

6 (No response.)

7 CHAIR MELIUS: Abstain?

8 (No response.)

9 **Board Work Session**

10 CHAIR MELIUS: Okay, thank you. So we
11 have a break scheduled coming up. It's 9:30, and
12 we need to start right at 10:15. So what I would
13 propose is we try to get a couple of items done,
14 sort of Board business work session items done.
15 Then we'll break by 9:45, so we'll take our break
16 then. And let's start with the meetings because
17 that's a good time for that to, anybody needs to
18 check their calendars or --

19 MR. KATZ: Yes, please. Of course,
20 do.

21 CHAIR MELIUS: -- correspond with

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1 people that aren't on the phone or whatever.

2 MR. KATZ: Yes.

3 CHAIR MELIUS: So we need a location
4 for the March meeting which, Ted, can you remind
5 us?

6 MR. KATZ: Right. We have a March
7 meeting. I'll give you the date in a second, March
8 22nd and the 23rd. But we don't have a location.
9 We talked about some locations already that are
10 possibilities I think.

11 One is Chicago area for Argonne East.
12 We have a Work Group for Argonne East now. They
13 haven't met yet, and I don't know who's the Chair
14 for Argonne East. Is that Brad?

15 MEMBER BEACH: Brad.

16 MR. KATZ: Brad. So I don't, the
17 status in terms of when we're ready to meet, I don't
18 know who we're waiting on, documents from DCAS or
19 SC&A.

20 (Off microphone comments)

21 MR. KATZ: But I think some of the

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1 thought about Argonne East too was that this is at
2 an early point. Might be a good opportunity to get
3 information from people locally there, and that
4 might be a good argument for going to the Chicago
5 area. Right? That's what we discussed at the
6 last Board meeting.

7 (Off microphone comments)

8 MR. KATZ: Well, we could also arrange
9 for that. Yes, we haven't done one of those in a
10 while. So anyway, that's one option. Another
11 with a big question mark is mostly because it's a
12 warm weather port and we have a lot of work that
13 is ongoing but I'm not sure about pace. We've got
14 just recently a big document from NIOSH but SRS.
15 That would be Augusta area. So that's another
16 option.

17 And then again, LaVon, correct me if I'm
18 wrong but I think Rocky Flats, we have documents
19 coming out for that which --

20 MR. RUTHERFORD: Yes, we have our
21 critical mass lab report coming out within the next

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1 week or so.

2 MR. KATZ: So those are three
3 locations. I don't know, Board Members, whether
4 you have in mind others as well.

5 MEMBER KOTELCHUCK: I would say I was
6 thinking about it. I don't know if we will be able
7 to make a final determination on Rocky Flats for
8 March based on we need another meeting of our Work
9 Group. But certainly by the next meeting, June or
10 something, certainly I believe we will be ready.

11 MR. KATZ: Well, if we have documents
12 coming, are we going to be finished with our
13 documents, with these documents that are coming
14 right now?

15 MR. RUTHERFORD: What I anticipate is
16 we will put our report out. Then SC&A and the Work
17 Group would have a period of time as well as the
18 petitioners to review that.

19 MR. KATZ: Right.

20 MR. RUTHERFORD: And then we would have
21 a meeting sometime early next year to discuss that.

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1 MR. KATZ: So we do have three, you
2 know, three months, two months, three months.

3 MEMBER KOTELCHUCK: The issue to me,
4 Dave, the issue to me is whether we'll have a chance
5 to have a meeting of the Working Group before March.
6 That, because we have to put it on the --

7 MR. KATZ: Right. But we have months
8 to do that. We have a meeting in January or
9 February or early March, right?

10 MEMBER KOTELCHUCK: Right. But I know
11 from our Subcommittee that we're scheduled for --

12 MR. KATZ: Okay, I mean, I think the
13 difference --

14 MEMBER KOTELCHUCK: -- a January
15 meeting. So I'm not sure.

16 MR. KATZ: The difference, Dave, is
17 that Subcommittees, you need to post in the Federal
18 Register 30 days in advance. That slows the
19 process a lot. But Work Group meetings, we can
20 have them whenever. We don't have to notice
21 beforehand.

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1 MEMBER KOTELCHUCK: Okay.

2 MR. KATZ: So we don't have that
3 impediment, or that just slows the process.

4 MEMBER KOTELCHUCK: Very good. Okay,
5 then I think it's possible for us to meet and then
6 we can make a final determination on the SEC
7 application then in the March meeting, in which
8 case Rocky Flats would be a very appropriate place
9 to meet if we want to do that.

10 CHAIR MELIUS: Other comments? I
11 mean, my concern, I'll speak up for Argonne East,
12 is that we haven't been there for years.

13 MR. KATZ: Forever, yes.

14 CHAIR MELIUS: And we've, yes right, it
15 was the Senator Obama site visit. And so we have
16 had, you know, very little input from the potential
17 claimants there. And I think that would be helpful
18 to have that input.

19 MR. KATZ: Right.

20 CHAIR MELIUS: In terms of going
21 forward and that. It's a big site and it sort of

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1 stands out among the laboratories in terms of not
2 having an SEC, which is a little bit concerning.
3 It might still be appropriate, but we need to
4 understand that.

5 So, and then Savannah River is also, I
6 think it's a question of timing. Maybe we put, and
7 we don't have to decide location now. We should
8 decide --

9 MR. KATZ: Well, we do have to decide
10 March location now because we're --

11 CHAIR MELIUS: Right, right now?

12 MR. KATZ: Well, not right this second.
13 But we actually are getting to -- it takes a while
14 to make that machinery work to get contracts for
15 the hotel and all that. So we really should decide
16 about it at this point on location.

17 MEMBER KOTELCHUCK: Chicago's fine.

18 MEMBER MUNN: Well, it's been a while
19 since we've been to Savannah River too. I mean --

20 MEMBER ZIEMER: If we select Chicago,
21 I believe we actually met in Naperville last time

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1 which is closer to the Lab. And it's probably
2 pretty convenient to O'Hare Airport.

3 CHAIR MELIUS: Yes. No, it was
4 Naperville was where we did meet. And even though
5 I had lived in Chicago for ten years, I got lost
6 on the way with John Howard in the car with me.

7 MR. KATZ: I mean, I'm all for that. I
8 think we would like to try to get public
9 involvement. And the earlier in the process is
10 better. So it's just a, I think, we can work with
11 DOL and our agency to try to get people to come.
12 And maybe the Applicants can help with that process
13 too, but try to get a good turn out to get people
14 interested and involved.

15 CHAIR MELIUS: Okay. But if we hear
16 something that changes our mind in the next few
17 days.

18 MR. KATZ: Yes, for sure.

19 MEMBER CLAWSON: I just want to make
20 one thing clear. We haven't even met as a Work
21 Group. We're still in the beginning which I would

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1 really enjoy public comment into it as we go into
2 it because TBD is out there and --

3 CHAIR MELIUS: But we have an SC&A
4 review. Correct? So we would have a list of
5 issues that are of concern.

6 MEMBER CLAWSON: Right.

7 CHAIR MELIUS: Based on the Site
8 Profile. Now there may be more issues that we want
9 to hear about also that we're not aware of or
10 whatever. So I think we could certainly structure
11 it around those issues.

12 MR. KATZ: And that's one thing we can
13 tackle in the Work Group, the first Work Group
14 meeting, whenever we have that.

15 CHAIR MELIUS: Yes. And I think we
16 should try to have a Work Group meeting, you know,
17 before --

18 MR. KATZ: Definitely, definitely.
19 Right.

20 CHAIR MELIUS: Yes. Okay. Meetings
21 after that.

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1 MR. KATZ: Okay. So let me just remind
2 you what we have already on the calendar and then
3 go forward from there. So we just talked about the
4 March 22nd, 23rd meeting. That's face-to-face.

5 Then we have a June 6 teleconference.
6 Then we have a July 25th through 26th face-to-face
7 again, our sort of standard mid-summer meeting.
8 We don't need to talk about --

9 CHAIR MELIUS: What are those dates
10 again?

11 MR. KATZ: I'm sorry, that's the 25th
12 and 26th of July.

13 MEMBER KOTELCHUCK: And when was the
14 teleconference?

15 MR. KATZ: The teleconference is June
16 6.

17 MEMBER KOTELCHUCK: Thank you.

18 MR. KATZ: So going beyond those then,
19 the next teleconference date range that makes
20 sense, works for other things is the week of October
21 22nd or the 30th. So we typically try to, we shoot

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1 for Wednesdays normally, but any day those weeks
2 is good. So for example, the 25th of October, is
3 that --

4 MEMBER LOCKEY: Did you say the 26th?

5 MR. KATZ: The 25th, 2-5.

6 MEMBER LOCKEY: Twenty five, okay.

7 MEMBER BEACH: I'm actually going to be

8 --

9 CHAIR MELIUS: Henry and I can't do
10 that.

11 MR. KATZ: Okay.

12 MEMBER BEACH: I can't do it either.

13 MR. KATZ: Well, can you do that week,
14 any time that week?

15 CHAIR MELIUS: No.

16 MR. KATZ: Oh, okay. Let's move on
17 then from that week. What about the last week of
18 October?

19 MEMBER MUNN: What's wrong with the
20 preceding week?

21 MR. KATZ: Well, I suspect there was

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1 something wrong with the preceding but let me
2 check.

3 MEMBER BEACH: I'm actually out that
4 week, too.

5 MR. KATZ: Oh, okay. Josie's gone
6 that week.

7 MEMBER BEACH: So after the, yes after,
8 the whole month of October/November is not going
9 to work for me for anything.

10 MR. KATZ: Okay, so we don't really
11 have to, we'll miss you for that meeting.

12 CHAIR MELIUS: Both of you?

13 MEMBER CLAWSON: Both of us.

14 MR. KATZ: Oh, that's right, that's
15 right.

16 CHAIR MELIUS: So what are the dates
17 exactly?

18 MEMBER BEACH: For me it's going to be
19 around the 4th of October until mid November.

20 CHAIR MELIUS: And for you?

21 MEMBER CLAWSON: After the first two

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1 weeks --

2 MEMBER BEACH: And the month of
3 October.

4 MEMBER CLAWSON: And the month of
5 October.

6 MR. KATZ: The whole month of October?

7 MEMBER KOTELCHUCK: How about the
8 third week in November, just before Thanksgiving?

9 MEMBER BEACH: That will work.

10 MEMBER ANDERSON: How about the Friday
11 after Thanksgiving?

12 MEMBER BEACH: That will work too.

13 MEMBER MUNN: How about just calling
14 in?

15 MR. KATZ: Okay, well let's, that's --

16 CHAIR MELIUS: We'll let us talk a bit.

17 MR. KATZ: Yes, okay. Let's do some
18 figuring. We'll come back to this. The
19 face-to-face meeting, then the next face-to-face
20 meeting about, it's similar to this timing now. So
21 the week of December 4th, or the 11th. Or we're

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1 moving into January if neither of those work. So
2 why don't you look first at the week of December
3 4th?

4 MEMBER LOCKEY: Ted, that week is not
5 good for me.

6 MR. KATZ: Okay, that's Jim Lockey.

7 CHAIR MELIUS: And it's not good for me
8 either.

9 MR. KATZ: Okay. Well, we need our
10 Chair, and we need Jim. Okay.

11 MEMBER LOCKEY: The following week,
12 how about the following week?

13 MR. KATZ: So the week of the 11th, how
14 does that work?

15 MEMBER BEACH: Good.

16 MEMBER LOCKEY: That's good for me.

17 MR. KATZ: Yes, that's the week of,
18 excuse me, so December 11th we're talking about.

19 CHAIR MELIUS: It's good.

20 MR. KATZ: Does that work for Paul, how
21 about you?

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1 MEMBER ZIEMER: Yes, had to get off of
2 mute here. Yes, I'm good.

3 MR. KATZ: Okay. So shall we say that,
4 then? So that's the week of December 11th. Do you
5 want to do the middle of the week?

6 CHAIR MELIUS: Yes.

7 MR. KATZ: Okay, so that would be the
8 13th and 14th. Does that work?

9 MEMBER KOTELCHUCK: Hanukkah. It may
10 be Hanukkah, but it's not worthy of taking special
11 time off for those of us who are Jewish. I think
12 we can go ahead with it.

13 MR. KATZ: Okay. So let's say the
14 December 13, 14. That's 2017. Where? Andy says
15 where. Alaska.

16 MEMBER CLAWSON: I was thinking
17 Hawaii.

18 MEMBER BEACH: Can we have a site
19 there?

20 MEMBER FIELD: Or somewhere in the
21 Caribbean would work.

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1 MR. KATZ: Okay, that's it for
2 scheduling.

3 MEMBER ANDERSON: Maybe that's our
4 SRS.

5 CHAIR MELIUS: Okay.

6 MEMBER LOCKEY: Ted, Jim Lockey. Is
7 there a meeting in October/November, or is that
8 what happened?

9 MR. KATZ: So we didn't, Jim, we're
10 going to come back to that question of when to do
11 the teleconference.

12 CHAIR MELIUS: It's a teleconference
13 so it's only, probably more of a question of making
14 sure we have a quorum than --

15 MR. KATZ: Yes, we need a quorum and we
16 don't want to, if we do it before, it's going to
17 be very early in the process and then it may not
18 be that useful.

19 MEMBER LOCKEY: Got you, alright.

20 MR. KATZ: So that's the catch. But
21 we'll come back to that later. Maybe tomorrow.

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1 CHAIR MELIUS: Okay. It's 9:45.
2 We'll break. We'll start promptly at 10:15
3 because we may have petitioners on the line.

4 (Whereupon, the above-entitled matter
5 went off the record at 9:45 a.m. and resumed at
6 10:17 a.m.)

7 CHAIR MELIUS: Okay.

8 MR. KATZ: Can I just check before we
9 get started, on the line, maybe Paul, just tell me
10 if you can hear me clearly?

11 MEMBER ZIEMER: Yes, I'm here and I can
12 hear you clearly.

13 MR. KATZ: Okay, thanks.

14 MEMBER POSTON: Ted?

15 MR. KATZ: Yes, that's John?

16 MEMBER POSTON: Yes, I'm here.

17 MR. KATZ: Super. And I can hear you
18 clearly.

19 MEMBER POSTON: I was on mute.

20 CHAIR MELIUS: Anybody else here?

21 MR. KATZ: Well, we should have, let's

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1 see, Paul, John on the phone. No, that's it,
2 right?

3 CHAIR MELIUS: Okay. So we're going
4 to be talking about the Carborundum Company SEC
5 petition and the report from the Work Group on that.
6 Those of you on the line and here, how we do this,
7 since it's a petition, first we'll have the
8 presentation from the Work Group. My
9 understanding is someone from NIOSH will be
10 available on the phone if there are questions for
11 NIOSH, for DCAS about this.

12 We'll have any Board Member questions
13 or comments to be addressed. And then before we
14 take any action, we'll provide an opportunity for
15 the petitioners if they wish to make any public
16 comments about the SEC petition, to do so before.
17 And after that, we will then let the Board
18 deliberate and decide what recommendation to make
19 on this.

20 Unfortunately, in the agenda, Dr. Gen
21 Roessler who is the Chair of the Work Group was

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1 supposed to present. She's not able to be here
2 today, nor her initial substitute, Dr. John Poston
3 who is also not available, I don't think for the
4 entire time, anyway. I'm not sure about John.

5 So John Stiver is going to, from SC&A
6 will do the presentation I think Gen was planning
7 on doing. But, so why don't you go ahead, John.

8 **Carborundum Company SEC Petition**

9 MR. STIVER: Okay, thank you, Dr.
10 Melius. I'm John Stiver from SC&A and we're going
11 to talk about SEC petition 00223 for Carborundum
12 Plant today.

13 Just some pro forma stuff here. This
14 is the Work Group Members. Gen Roessler is the
15 Chair. Brad Clawson, Bill Field and John Poston.

16 A little bit of backdrop on the
17 Carborundum Company. It's located in Niagara
18 Falls, New York, was an Atomic Weapons Employer for
19 two different periods, one way back in 1943 from
20 June to September, and again from 1959 to 1967.

21 So we have to operational periods and

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1 also two residual periods, first from 1943 to 1958,
2 and the second from 1968 to 1992. As a facility
3 listing, from June to September of '43. In June of
4 '43 the Carborundum Company at its Global Plant,
5 Buffalo Avenue locations, they performed
6 experimental grinding of uranium metal using a
7 centerless grinder.

8 The slugs were received in June, and
9 then were shipped back in September 1943. From
10 1959 to '67, Carborundum manufactured uranium and
11 plutonium carbide pellets for an AEC research
12 program. In addition to that, they performed work
13 during the 1950s that's not covered under -- which
14 included the fabrication of nuclear fuel elements
15 for commercial purposes.

16 The proposed and evaluated Class, the
17 requested Class was all employees who worked in any
18 area of the Carborundum Company facility on Buffalo
19 Avenue in Niagara Falls, New York from January 1st,
20 1943 to December 31st of 1976.

21 And you can see this note here.

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1 There's no identified dose reconstruction
2 infeasibilities for the site. NIOSH limited its
3 evaluation to petitioner Class period from '43 to
4 '76 rather than to 1992.

5 Here's the NIOSH feasibility summary.
6 As you can see during the operation and residual
7 periods for both internal and external, I believe
8 feasibility is indeed possible.

9 Here's a little bit of a timeline on the
10 SEC petition itself. It was received in November
11 of 2014. Several exchanges led up to our first
12 Work Group meeting which took place August 18th of
13 this year.

14 And what's not included here is the
15 second meeting which just took place a couple of
16 weeks ago on November 17th where the issue of
17 surrogate data was discussed. And we'll be seeing
18 that later in the presentation.

19 This is just kind of an overview.
20 We're going to go through each of these seven
21 findings. This sort of lists what they are.

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1 They're all, two and seven are basically in
2 abeyance. They are closed as SEC issues.
3 Basically all of the seven findings are closed as
4 SEC issues.

5 Now take a look at finding one. This
6 was that NIOSH failed to prescribe a methodology
7 to assess dose to the skin and hands and forearms
8 from x-ray diffraction equipment. And the basis
9 of this was that NIOSH had a methodology based on
10 x-ray diffraction or XRD equipment at Sandia
11 Laboratories at Livermore.

12 But that same description and technical
13 factors were not available for Carborundum. So
14 SC&A really had our hands tied in determining how
15 NIOSH intended to bound the XRD doses.

16 NIOSH then came back after they had
17 acquired additional information. They assessed
18 the doses to the XRD operators, and it was concluded
19 that dose to the skin and the hands would be
20 assigned using the exposure to uranium work areas
21 because it was bounding.

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1 I believe it was about 10 rads per year
2 of shallow dose to the skin. I think, like, 115
3 rads to the extremities of the hands. So that
4 issue was closed.

5 Finding number two related to this
6 issue of processing of thorium on site, this
7 actually took place I believe in mid 1950s. So
8 then during that first residual period, there was
9 no evidence. NIOSH presented a weight of evidence
10 argument that there probably was no weapon-related
11 work going on with thorium.

12 However, during the second operational
13 period, because all sources of exposure have to be
14 considered, NIOSH would therefore have to account
15 for potential thorium exposures by using the air
16 sampling data that were available at the time.

17 I believe in the August meeting, I
18 believe Jim Neton indicated that they were going
19 to look at that a little bit more carefully. And
20 so that is deemed a Site Profile issue. It is in
21 abeyance awaiting methodology on the part of NIOSH.

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1 Finding three, this was the use of
2 strontium-90 thickness gauges. And we had found
3 evidence that in 1952, the site acquired several
4 thickness gauges as part of their QA efforts. And
5 these had about two curies of strontium-90 in
6 equilibrium with yttrium-90.

7 So we have pure beta emitters,
8 high-energy beta emitters. So there was a
9 potential for Bremsstrahlung radiation exposure to
10 workers. NIOSH agreed to go take a look and see if
11 they could find some more information on this, and
12 they did.

13 And it turns out that that, the gauges
14 were indeed located in the Wheatfield, New York
15 plant which was a town near Niagara Falls, but it's
16 not a covered facility. So that issue was moot and
17 it's closed basically. We withdrew that finding.

18 Finding four, a failure to assign doses
19 for medical x-rays during the first operational
20 period. They didn't assign any medical x-rays
21 during that period because the correspondence from

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1 the contractor, DuPont, said the grinding of
2 uranium and Carborundum didn't require medical
3 supervision.

4 Well, that still doesn't address, you
5 know, workplace exposures to medical x-rays as part
6 of their employment which is required under
7 EEOICPA. NIOSH agreed that they should indeed do
8 an x-ray exam for claimants during that first
9 operational period. And we agreed, and the Work
10 Group agreed, and that finding's closed.

11 Finding five is kind of related, it was
12 the example DR that NIOSH provides along with the
13 Evaluation Report. Failure to assign medical
14 x-ray doses during the second operational period.
15 And you see there's a lot of verbiage here. I'm
16 not going to go through and read everything here.

17 Let's see. The sample DR in support of
18 the ER, it's posted on the website, explicitly
19 stated there's no medical x-rays doses were
20 assessed to hypothetical worker. And we have felt
21 that inconsistency needed to be resolved.

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1 NIOSH agreed to include medical x-rays
2 for the period, and we concurred with their
3 resolution. So the Work Group agreed to close that
4 finding.

5 Finding six. This was the
6 inappropriate and incorrect use of FGR report 12,
7 the dose conversion factors. And as opposed to the
8 TBD-6000 factors, to estimate internal and
9 external doses from intakes of uranium dust and
10 from exposure to uranium metal.

11 NIOSH used FGR 12 to calculate doses
12 from submersion in a cloud of radioactive dust and
13 exposure to contaminated surfaces instead of using
14 the values in TBD-6000.

15 Photon dose coefficients from FGR-13
16 are only about 30 percent of the values in TBD-6000.
17 There was a problem with that also in that FGR 12,
18 the DCFs are for effective dose and not equivalent
19 dose to organs.

20 And there's really no way to tease out
21 organ doses from that. Now, granted the doses are

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1 small, but you know, it's a scientifically
2 incorrect approach and did result in slightly lower
3 doses overall.

4 NIOSH agreed to use the TBD-6000 values
5 in the August 18th discussions, and the Work Group
6 agrees to close that finding as well.

7 Finally finding seven, dose
8 calculations in a sample DR were not reproducible.
9 And we had tried to independently reproduce their
10 doses assuming that they were best estimates.

11 And it turned out that there were some
12 efficiency measures employed, for example using
13 type F for intakes for the 1943 uranium grinding
14 work when really M and S were applicable.

15 NIOSH -- excuse me, my voice is kind of
16 going -- does believe that those comments should
17 be resolved before it provides an update. Oh, let
18 me back up just a second.

19 This is going to kind of segue into the
20 next issue. NIOSH had indicated or reminded us
21 that in our review we had questioned some of the

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1 surrogate data that were being applied. And NIOSH
2 felt that it was best to wait until those issues
3 were resolved until they went back and took a look
4 at this sample DR and made some revisions to it.

5 And that kind of brings us up to the
6 November 17th meeting where we looked at the use
7 of surrogate data from TBD-6000. The DCAS
8 assessment relied on surrogate data in TBD-6000 to
9 estimate external and internal doses for the 1943
10 experimental work.

11 It also relied on surrogate data for the
12 reconstruction of external doses from uranium work
13 in the 1959 through '67. But external doses for
14 mixed uranium/plutonium compounds did not rely on
15 surrogate data or estimates of intakes from 1959
16 to 1967. So it's kind of a focused use of surrogate
17 data.

18 Now we'll take a look first at the first
19 operational period. We took a look at the
20 surrogate data that were proposed and compared that
21 to the Advisory Board criteria.

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1 The hierarchy of data, exclusivity
2 constraint, site and process similarities,
3 temporal considerations and plausibility. And in
4 every one of these situations, the surrogate data
5 for this first period met the Board's criteria. So
6 we felt that the surrogate data on uranium intakes
7 satisfied all criteria in that particular case.

8 Now for external exposure to uranium,
9 the actual source term during the first operational
10 period was about 13.6 kilograms of natural uranium;
11 that was slugs. And during the second operational
12 period, there were 4.6 kilograms of uranium shot
13 requested. And batches of it were produced in 30
14 gram to 2.7 kilograms. So pretty small amounts
15 overall.

16 NIOSH did MCNP modeling since none of
17 the other, you know, there's obviously no personnel
18 monitoring, area monitoring or anything of that
19 nature, so we had to default to source term
20 modeling.

21 And so they went ahead and did modeling,

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1 but they used, like, a 477 kilogram ingot, about
2 two feet high by ten inches deep and so forth. And
3 we took a look at that to determine whether it
4 really satisfied the criteria, the hierarchy of
5 data.

6 The exclusivity constraint, we felt
7 there were other sources of data available in
8 TBD-6000 that were more appropriate. So we didn't
9 feel that it met that. Site and process
10 similarities, again major differences in source
11 term.

12 Temporal considerations really didn't
13 matter, really because site and process, it's
14 really, it's a completely different time frame and
15 so forth. Plausibility, we thought there were
16 major differences in both the actual and the
17 modeled source terms.

18 And our review came up with the
19 suggested resolution during the first period was
20 to model the dose rates from seven slugs, much
21 smaller slugs in a certain type of array. And the

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1 second period, to model the dose rate from uranium
2 plate, and that was about three kilograms.

3 NIOSH is going to go back and take a
4 second look at this. However, we stress this is
5 not an SEC issue, as other source terms that are
6 more appropriate are available in TBD-6000.

7 So the bottom line, the Work Group
8 concludes that with appropriate adjustments, NIOSH
9 can indeed reconstruct doses for the proposed SEC
10 Class, and the Work Group moves that the SEC
11 petition 223 be denied.

12 And I don't know if Tom Tomes is online.
13 He's the author of the TBD, and would probably be
14 in the best position to address any technical
15 issues. Also Bob Anigstein, Dr. Anigstein from
16 SC&A is online as well.

17 CHAIR MELIUS: Okay. Questions from
18 anybody? Okay, go ahead. Josie?

19 MEMBER LOCKEY: Jim Melius? Ted?

20 MR. KATZ: Right, Jim. We can hear
21 you. It's just that --

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1 MEMBER LOCKEY: Yes, the petitioners
2 could not hear a lot of the presentation. So --

3 CHAIR MELIUS: Could you hear it, Jim?

4 MEMBER LOCKEY: It was soft, but I
5 could hear it. But I don't know who the
6 petitioners are, but I heard them talking to each
7 other and they were having trouble hearing. So I
8 just want to pass that on.

9 CHAIR MELIUS: Okay, thank you.

10 MR. KATZ: Thanks, Jim.

11 MEMBER BEACH: And I was wondering how
12 many workers this involved who were affected?

13 CHAIR MELIUS: Tom, can you answer
14 that?

15 MR. TOMES: Yes. Tod Tomes. The
16 operations at Carborundum was a relatively small
17 operation. The early work was just experimental
18 for barely a few weeks involving one machine. The
19 later second period was initially was working with
20 uranium, and then they expanded that work into the
21 mixed uranium/plutonium pellets.

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1 And for the most part, there was a
2 one-man operation. However, there was other
3 people involved. So we do have interviews from
4 workers who said that the work in the plutonium
5 facility was basically a one-man operation.

6 But as I said, the other people
7 involved, they had some testing going on of the
8 pieces they were fabricating.

9 CHAIR MELIUS: But the number of claims
10 looked, I thought --

11 MEMBER BEACH: It was huge. It was,
12 like, three hundred and something. That's why I
13 got confused.

14 CHAIR MELIUS: And the significant
15 percentage of them had been compensated, I thought.

16 MEMBER BEACH: Yes, 50-some odd had
17 been compensated.

18 MEMBER CLAWSON: That was in the
19 Department of Labor --

20 MEMBER BEACH: That's why I was asking,
21 because it was confusing.

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1 MR. HINNEFELD: Well this is Stu
2 Hinnefeld. As is the case in many, many times,
3 there may be only a few people in a particular
4 exposure category, but the records are just not
5 sufficient to identify which people those were.

6 And so we essentially, given evidence
7 to the contrary, I mean, some people's records may
8 contain information that would leave you to
9 conclude with confidence that those people were not
10 exposed.

11 If you don't have that sort of
12 information in any particular person's record, we
13 say well, this could very well be one of the people
14 that was exposed. And so each individual then is
15 treated as if they might.

16 Now when you do that, you end up with
17 far more people getting higher dose
18 reconstructions than maybe actually happened.
19 But that's not that uncommon in how we do things.

20 CHAIR MELIUS: Is that clear now?

21 MEMBER BEACH: Yes.

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1 CHAIR MELIUS: Yes. So I think what
2 you're saying is that the work records are not clear
3 in terms of placing people in this particular
4 operation. So if it were an SEC, it would cover
5 a significant number of possibly additional
6 people. We don't know from this. Phil?

7 MEMBER SCHOFIELD: Yes, I've got one
8 question that SC&A or NIOSH could answer. Is there
9 any records for the ventilation, or is there any
10 type of ventilation in the area where they're doing
11 the centerless grinding? Was that just kind of an
12 open-room process?

13 MR. KATZ: Tom?

14 MR. TOMES: This is Tom. I could not
15 hear the question very well on part of that.

16 MR. KATZ: I'm sorry. So there's
17 someone on the line who's got their phone open and
18 they're breathing into their phone, and that's
19 probably hurting the audio quality for others.

20 But Tom, the question is what sort of,
21 what do we know about the ventilation for this

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1 operation, and if you could just address that
2 question.

3 MR. TOMES: 1943 work, we presume there
4 was no ventilation required. And records suggest
5 that there was no special requirements required by
6 the Manhattan Engineer District for the testing
7 they did.

8 The 1959 through 1967 period, most or
9 nearly all the work was done in hoods or glove
10 boxes. The uranium work was done in hoods and
11 glove boxes. Most of the work had to be done in
12 an inert atmosphere.

13 The plutonium facility was fully
14 designed, modern facility. But ventilation
15 contained glove boxes, and inert atmospheres.
16 Essentially it was a contained operation with only
17 minimal fugitive emissions.

18 MR. KATZ: Thank you, Tom.

19 CHAIR MELIUS: Okay. I have a couple
20 of comments. And I guess in some way they're
21 questions. Two parts. One is -- these are sort

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1 of procedural. One is that you have SC&A, and I
2 think NIOSH agreed, that the original example dose
3 reconstruction was not appropriately done and that
4 the methods for that are going to be changed.

5 But as I understand it, those methods
6 haven't been chosen yet. And so there is no, you
7 know, representative example dose reconstruction
8 done yet. And even more disturbing to me is the
9 issues with the surrogate data where the surrogate
10 data criteria were not met, and now we're going back
11 to develop a new set of surrogate data from
12 TBD-6000.

13 And the issue isn't whether, you know,
14 those are in general appropriate but the question
15 is are they applicable to this particular site.
16 And I really find it troubling that we would, in
17 the case of a surrogate data, we sort of refer this
18 automatically as a Site Profile issue.

19 It's not. I don't think you've
20 demonstrated that the SEC can be, that the dose
21 reconstructions can be done yet. You're assuming

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1 it. And you may very well be right, I'm not
2 questioning that or questioning the Work Group.

3 But I don't think we have a
4 demonstration on the record that those surrogate
5 data can be met, criteria can be met. And I guess
6 I find that troubling to do, unless I missed, and
7 I guess my question is did I miss a report or a
8 technical report that was done.

9 Otherwise, now I haven't read the
10 transcripts from the Work Group meetings and
11 perhaps there was something in there that fleshed
12 it out more.

13 But certainly not from the slides, I
14 don't see an indication, and from the presentation
15 that we actually have a methodology that will be
16 used and that that methodology has been reviewed
17 for, one, against our surrogate data criteria, and
18 secondly against that we have an example of dose
19 reconstruction done with that criteria now.

20 Again, so my question for I guess you,
21 John, or anybody else who's involved is has that

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1 been done? Did I miss it?

2 MR. STIVER: Bob Anigstein did a pretty
3 thorough review and it was discussed extensively
4 in the August meeting. What you're seeing here is
5 just kind of a 10,000 foot view. But Bob, if you're
6 on, maybe you can answer Dr. Melius' question.

7 MEMBER ZIEMER: Dr. Melius, this is
8 Ziemer. I'm looking at the SC&A, they have a
9 report called NIOSH use of surrogate data for
10 Carborundum. And as I understood this report,
11 SC&A agreed that they met the surrogate data
12 requirements. This report is authored by Bob
13 Anigstein and John Mauro.

14 MEMBER BEACH: Was it the November 10th
15 date, Paul, you're talking about?

16 MEMBER ZIEMER: Yes, November 10th
17 report.

18 MEMBER BEACH: The most recent one.

19 CHAIR MELIUS: Then why isn't that on
20 the slides? What are the criteria that they're
21 using? The slides say that this is going to be done

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1 going forward.

2 MEMBER ZIEMER: This is a report dated
3 November 10th. So I'm not sure what their sequence
4 was here. But the report was with the materials
5 distributed.

6 CHAIR MELIUS: Yes, but what were the
7 criteria being used, is my question. What were
8 they, because that's not what the slide says.

9 MR. KATZ: Tom --

10 MEMBER ZIEMER: Well, they went
11 through each of the five, there's discussion on
12 each of the five.

13 MR. KATZ: Either John or Bob or Tom --

14 MEMBER ZIEMER: John and Bob are on the
15 line. I don't feel like I should discuss their
16 report other than point out what their conclusions
17 were.

18 MR. KATZ: Yes, this is Ted. They're
19 different components of dose that were addressed,
20 I think. But so one of them can speak to this
21 matter.

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1 MR. STIVER: Bob, if you're on line,
2 that would probably be best since you did the report
3 and heavy lifting on this. I can say that he looked
4 at that uranium slug, felt that it really didn't
5 match up with the Board's five criteria for
6 surrogate data, but that there are TBD-6000 data
7 which would. Now NIOSH would still have to come
8 back with some sort of a proposal as to how they
9 were going to address that. But based on our
10 report, we felt, based on our judgment and review
11 of TBD-6000 and what was actually going on at the
12 facility, that this would probably, at least in our
13 opinion, meet the surrogate data criteria.

14 MR. KATZ: Is Bob on the line? Bob
15 Anigstein?

16 DR. ANIGSTEIN: I am.

17 CHAIR MELIUS: He did say he was going
18 to be on.

19 MR. KATZ: Okay, he planned to, I know.
20 I mean, just to add to what John just said, the
21 discrepancy is that I think DCAS -- but Tom can

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1 speak to this. DCAS selected a different scenario
2 from TBD-6000 than Bob Anigstein felt was
3 appropriate.

4 And I think there's general agreement,
5 there was agreement by the Work Group and so on that
6 that's correct, that Bob was correct. And so they
7 have not moved to putting in the, to use the
8 alternative.

9 I know Bob Anigstein actually, I mean,
10 they discussed the specifics of what the
11 alternative should be from TBD-6000 from the one
12 that was used. And I think there was general
13 agreement that that's correct.

14 DR. ANIGSTEIN: This is Bob.

15 MR. KATZ: But they haven't
16 implemented it. So that's where that stands, is
17 that correct, Bill?

18 MEMBER FIELD: Yes.

19 MR. KATZ: Yes.

20 MEMBER BEACH: Bob is on the line.

21 DR. ANIGSTEIN: This is Bob Anigstein.

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1 I don't know if I can be heard.

2 MR. KATZ: Bob, you have to speak right
3 into your -- Bob, go ahead.

4 DR. ANIGSTEIN: Yes, basically the
5 criticism on the use of surrogate data was that the
6 source term of internal exposure was overstated,
7 that they used a much larger quantity of uranium
8 in their example DR.

9 MR. KATZ: Wait. Bob, can I just
10 interrupt you because you're really not audible for
11 at least some of us. Can you speak directly into
12 a phone handpiece or something?

13 DR. ANIGSTEIN: Is this better?

14 MR. KATZ: That's 100 percent better.
15 Thank you.

16 DR. ANIGSTEIN: Okay, okay. I don't
17 hear as well on this phone, but I can speak on it.
18 Okay, in summary, our objection to the use of
19 surrogate data was that NIOSH used an implausible
20 source term for the external exposure.

21 We agreed with the use of the source

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1 term for the inhalation, for the internal exposure.
2 But the external exposure, it was based on, I think
3 it was a 470-kilogram, it amounts to, uranium slab
4 whereas in reality they had only a few pounds of
5 uranium, like, maybe 30 pounds at one time in one
6 case.

7 So we simply suggested that there are
8 other source terms available in TBD-6000 which
9 would require a little bit of additional
10 calculation on the part of NIOSH because that
11 source term has been calculated with a lot of
12 detail, but it's a very simple calculation.

13 And so we believe that NIOSH can define
14 a source term, just not the one that was used in
15 their sample calculations. So in principle, to
16 restate probably what John Stiver said, I had just
17 difficulty hearing him, all of the SC&A objections
18 can be satisfied with the appropriate changes in
19 the dose reconstruction procedures.

20 CHAIR MELIUS: And I think the
21 operational word is "can," but they haven't been,

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1 and haven't been demonstrated to the Board. I
2 mean, that's my concern in that this is -- we're
3 reviewing SEC and whether or not the use of
4 surrogate data is appropriate in an SEC situation
5 is not of minor Site Profile issue that can be
6 handled, you know, at some later point in time.

7 I think we don't require every dose
8 reconstruction eventuality to be demonstrated, but
9 here where you have, to mem what is a critical one,
10 the use of surrogate data, and all we have is people
11 saying it might be done, there are a number of ways
12 of doing it. But what is the way that it's going
13 to be done, is my question.

14 And before, this is a personal opinion,
15 before closing out an SEC petition, I would like
16 to have a demonstration that it can be -- what is
17 being done to do those dose reconstructions,
18 demonstrating it can be done with sufficient
19 accuracy.

20 MR. HINNEFELD: Dr. Melius, Stu
21 Hinnefeld again. If I can offer something from

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1 essentially a programmatic perspective here.
2 From the program standpoint, there is no particular
3 advantage to reaching, hurrying a decision to deny
4 a Class.

5 There's a programmatic advantage to the
6 claimant to hurry a decision to add a portion of
7 a Class, for instance. We do that on many
8 occasions where we haven't completed the
9 evaluation, but a portion of a Class we feel this
10 is certainly going to be added. Let's move that
11 ahead. Those claimants will get paid.

12 There's no particular advantage like
13 that to make a decision to deny a Class. But there
14 is a programmatic interest in establishing a
15 complete and solid record of the reasons why the
16 Class will not be added.

17 So, as much as my colleagues probably
18 want to shoot me, I would say that there's reason
19 maybe to bring this back to the Board at a later
20 time when the unresolved issues have been resolved.

21 CHAIR MELIUS: Thank you, Stu. Any

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1 additional -- Josie?

2 MEMBER BEACH: Oh, I was just wondering
3 about how they're choosing categories, because I
4 know TBD-6000 only has three categories, I believe,
5 and the earlier method may have missed some of the
6 folks in the categories they should have been in.
7 And maybe that will flesh out with this.

8 CHAIR MELIUS: Any other Board Members
9 on the phone wish to make comments, or at the table
10 here? David?

11 MEMBER KOTELCHUCK: I also feel that
12 this discussion misses the Chair, who's not able
13 to be here today. So there's also a value in
14 completing the discussion at a later time when
15 she's here, because she, I would expect, of all the
16 Work Group Members, probably is the one most
17 closely, had most closely followed, although I do
18 not wish to cast aspersions on the other group
19 Members.

20 But, generally, the Chair has been
21 thinking about this as carefully as anyone. And

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1 so it would be very nice if she were here. And we
2 could do that if we were to postpone the decision
3 today.

4 CHAIR MELIUS: Okay. If there are no
5 further -- yes? I do want to give the petitioners
6 the time to speak.

7 MEMBER FIELD: Yeah, as a Work Group
8 Member, you know, thinking back on this, my
9 recollection was that the source of what was being
10 used for the surrogate data was of much bigger mass,
11 and that I think some of the concerns was that was
12 over sort of an overexposure if you do the
13 calculation.

14 So I think that was the concern. And,
15 you know, less of the concern whether or not they
16 could do it. It was just that it wasn't feasible.

17 CHAIR MELIUS: Plausible.

18 MEMBER FIELD: Yeah, wasn't plausible,
19 right.

20 CHAIR MELIUS: Henry, yes.

21 MEMBER ANDERSON: I just want to

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1 underscore your comment about Site Profile issue
2 versus SEC issue. It seems to me the Site Profile
3 is the base document. And if that's unresolved --
4 SEC dose reconstructions are based on those Site
5 Profiles. So I guess I don't understand the
6 conclusion here that you push this out of the SEC
7 but onto the Site Profile.

8 CHAIR MELIUS: Well, I think we --

9 MEMBER ANDERSON: I mean, they're
10 related.

11 CHAIR MELIUS: Yeah. I think what
12 we've tried to do is, and maybe overdone it a little
13 bit, is we try to focus on SEC issues when we're
14 reviewing SEC, and then address those because those
15 have the most immediate impact, as Stu mentioned
16 earlier, you know, for the claimants. And things
17 that we're pretty sure can be addressed that aren't
18 SEC issues we put aside until later. And one, they
19 may not affect the Class --

20 MEMBER ANDERSON: Site Profile.

21 CHAIR MELIUS: Site profile, we may

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1 find later that they are actually SEC issues. And
2 I think we have, there are examples in the past
3 where what we thought could be done couldn't be
4 done.

5 And I worry more about that in the case
6 of here we have an older facility, not good records,
7 and very limited data. And we ought to just be sure
8 that the methods that we'll have in place will work,
9 particularly with the use of surrogate data, which
10 Members of this Board and others have some
11 difficulties with.

12 Let's take a second, and I don't know
13 if the petitioners wish to speak. I know they're
14 on the line. But if the petitioners would like to
15 say anything now, you're welcome to comment.
16 You're not required to.

17 MR. FIFER: Yes, I'd like to. It's
18 Robert Fifer.

19 CHAIR MELIUS: Okay.

20 MR. FIFER: I couldn't hear too well,
21 but what I got was you mentioned something about

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1 other people that were questioned about this?

2 CHAIR MELIUS: Yeah, I think that was
3 a reference to the Work Group or to Tom. I can't
4 remember. The DCAS staff.

5 MR. FIFER: I didn't quite make it all
6 out, you know, what it was about.

7 CHAIR MELIUS: We're just trying to
8 understand how many people potentially worked in
9 the facility and might be affected by this
10 decision. I think that was what the discussion was
11 in terms of that.

12 Stu, was that, Stu Hinnefeld is going
13 to the --

14 MR. HINNEFELD: Yes. I think maybe
15 the discussion that he's talking about was Tom made
16 a comment about the number of people who worked on
17 each of the operations, and we had our discussion
18 about why are so many people getting high, you know,
19 compensable dose reconstruction.

20 But I think that was -- we did in fact
21 interview some people who have worked at the site

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1 as part of our investigation. And I think what Tom
2 said was that the people that we talked to said that
3 these were relatively small operations.

4 I think that's when we were talking
5 about talking to people. We did interview some of
6 the workers at the site.

7 MR. FIFER: I mean, were these people
8 back in the time that my dad worked there?

9 MR. HINNEFELD: Well, I don't recall
10 exactly when your dad worked there, but some of them
11 at least did during --

12 MR. FIFER: Well, he worked there, you
13 know, for 40 years. He was 1935 to --

14 MR. HINNEFELD: Well, I think that they
15 worked during the later operational period. I don't
16 know if they worked in 1943 or not. But I believe
17 they worked during the uranium and plutonium
18 carbide fabrication.

19 MR. FIFER: Because the reason I say
20 that, they'd be pretty old if it was 1943.

21 CHAIR MELIUS: Yeah. Any other

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1 comments from the Petitioners?

2 MR. FIFER: Jan, you got any?

3 MS. KNAPP: No, I think you covered
4 pretty much what I wanted to say, too. It was way
5 back, you know, years ago. But it's just that I
6 don't know how you feel, Bob, but I cannot hear a
7 lot of it.

8 I mean, are people just talking in a
9 room or are you guys actually talking on the phone?
10 Because it's very hard for us to hear.

11 MR. FIFER: Yeah, very hard.

12 MS. KNAPP: I mean, the guy that gave
13 the seven reasons at the very beginning, we're
14 probably lucky if we caught a quarter of that.

15 CHAIR MELIUS: Okay. Well, the
16 technology, we're talking on microphones that are
17 then put into a phone line. We're doing the best
18 we can.

19 MS. KNAPP: Okay, okay.

20 CHAIR MELIUS: And there is a
21 transcript of the entire meeting that will be

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1 available on the website relatively shortly also.

2 MS. KNAPP: Okay. Thank you.

3 MR. FIFER: And another thing I would
4 like to know, the Wheatfield plant was mentioned,
5 but I couldn't hear much on that. What was that
6 about?

7 MR. HINNEFELD: The comment, I
8 believe, was about a Wheatfield facility. And
9 that came up in the discussion because the Board's
10 contractor, in reviewing NIOSH's work -- I'm sorry,
11 this is Stu Hinnefeld again from NIOSH.

12 The Board's contractor had said, hey,
13 we found evidence that there were
14 strontium-yttrium sources used by Carborundum,
15 have you considered those? And so that was a
16 finding we had to go back and try to find more
17 information about.

18 We found more information about that.
19 We found that those sources of radioactivity were
20 only used at the Wheatfield facility, not at Globar
21 or Buffalo Avenue. And the Globar and the Buffalo

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1 Avenue are the covered facilities. So anything
2 used at Wheatfield would not be included in this
3 program.

4 MR. FIFER: Okay.

5 CHAIR MELIUS: Okay, thanks.

6 MR. FIFER: So I'm on the understanding
7 now that the dose reconstruction is not been redone
8 yet.

9 CHAIR MELIUS: Correct. But the
10 Board's got to -- we're going to need to deliberate
11 and decide what to do. So we haven't decided
12 anything yet.

13 MR. FIFER: Okay.

14 CHAIR MELIUS: Okay. We will in the
15 next few minutes, though.

16 So, back to the Board. I think we have
17 -- I'm assuming we have actually a motion from the
18 Work Group. And I just heard a motion to table.
19 So, Henry Anderson has moved to table the motion.
20 We have a second from Bill Field. I believe that's
21 without debate. So with that, all in -- well, why

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1 don't we take a roll call.

2 MR. KATZ: I think you can do it by
3 voice vote.

4 CHAIR MELIUS: Okay, well, all in
5 favor?

6 (Chorus of ayes)

7 CHAIR MELIUS: Okay, opposed?

8 (No response)

9 CHAIR MELIUS: Okay. So what we will
10 do is we'll table any action on this. I think we're
11 asking NIOSH to come back with a proposal on the
12 outline on what they will be doing in terms of the
13 surrogate data issue, as well as an example dose
14 reconstruction based on that.

15 Share it with the Work Group. I
16 believe SC&A would review it. And then I don't
17 know the timing, and don't expect to know the timing
18 now, but we would bring it back at another Board
19 meeting, perhaps the next one that we have. But
20 that's up to Stu and SC&A to sort of figure out the
21 logistics on that.

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1 And we'll keep the petitioners
2 informed. NIOSH/DCAS will keep the petitioners
3 informed on what's happening and further meetings
4 and then when it will be coming back to the Board.
5 So, thank you, everybody.

6 Now we have a Board work session. And
7 Ted's going to correct a mistake.

8 **Board Work Session: WG/SC Reports, Scheduling Meetings**

9 MR. KATZ: Yes. First, I'm going to
10 correct one of my mistakes, which is I had told you
11 July dates for July 2017 for a Board Meeting. But,
12 actually, that had been a problem for Dr. Melius
13 and we had rescheduled that already for August 23rd
14 and 24th. So, that's the correct date for the
15 summer meeting: August 23rd and 24th of 2017. I
16 just wanted to straighten that out.

17 And, Paul, another thing is I've spoken
18 to James here with the transcription company. But
19 we'll look into what the best way is for possibly
20 appending the presentations to the transcripts in
21 one fashion or another so that they're together in

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1 a package. So, we'll look into that.

2 MEMBER ZIEMER: Yeah, that's good. I
3 wasn't trying to give anyone a hard time, I just
4 was concerned that it was almost too sketchy for
5 --

6 MR. KATZ: No, I understand. I
7 understand. Yeah, I think it's a good concern.
8 Thank you.

9 MEMBER BEACH: Can I ask, Ted, do we
10 know where the August meeting is?

11 MR. KATZ: No, no.

12 CHAIR MELIUS: Do you have any
13 suggestions we should consider?

14 MEMBER BEACH: We already talked about
15 three of them.

16 CHAIR MELIUS: Okay.

17 MEMBER MUNN: It would be a good time
18 to be in Colorado.

19 CHAIR MELIUS: Yeah, but then Brad
20 would miss us. Okay. We have time on that one.
21 I suspect it will change given the normal flow of

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1 work and so forth. It'll be nice and warm in
2 Augusta.

3 Okay. So, why don't we start to go
4 through the Work Groups and Subcommittee updates,
5 everybody. And we'll start with you, Dave. Ames
6 Laboratory.

7 MEMBER KOTELCHUCK: Tom Tomes said
8 that he has gotten the data and analyzed data with
9 respect to the external dose there at Ames Lab for
10 the Site Profile, and is now looking at the internal
11 dose, and, interestingly, said internal dose
12 inconsistencies are problems for which he's
13 apparently concerned about. He is concerned
14 about.

15 So, we actually don't have any meeting
16 scheduled until he finishes that analysis. So,
17 there's really no change. But there has been
18 progress in gathering data.

19 CHAIR MELIUS: Would you bring your
20 notebook and just stay at the --

21 MR. RUTHERFORD: Yeah, not a bad idea.

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1 We are looking at a potential infeasibility at Ames
2 for a period. And so we're going back to do some
3 additional interviews to kind of define this period
4 a little better before we move forward.

5 And we don't have a date, we don't have
6 a good date for that yet because we've got to
7 schedule those interviews and go back and do some
8 additional data capturing.

9 CHAIR MELIUS: We already have an SEC
10 there. I'm trying to remember --

11 MR. RUTHERFORD: Yes, we've got an SEC
12 up through -- and, actually, Tom Tomes is on the
13 phone. He could tell me the exact date that we're
14 up to.

15 MR. TOMES: Through 1970.

16 MR. RUTHERFORD: Through 1970, there
17 you go.

18 CHAIR MELIUS: So this is after that,
19 then?

20 MR. RUTHERFORD: Yes, it is.

21 CHAIR MELIUS: Okay. Okay. Argonne

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1 East?

2 MEMBER CLAWSON: We talked about that
3 today --

4 CHAIR MELIUS: Talk into the mic,
5 please.

6 MEMBER CLAWSON: Yeah. It's just at
7 the start. SC&A has got a paper out there, is that
8 correct?

9 MR. STIVER: Yes, delivered that back
10 in June, based on the tasking you had from the March
11 meeting.

12 MEMBER CLAWSON: Okay, so that's in
13 NIOSH's hands.

14 CHAIR MELIUS: Okay. Blockson?
15 Wanda?

16 MEMBER MUNN: Nothing happening.

17 CHAIR MELIUS: Okay, that's what I
18 thought.

19 MEMBER MUNN: No report.

20 CHAIR MELIUS: You're still on the list
21 though, see.

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1 MEMBER MUNN: Yes, we are.

2 CHAIR MELIUS: Brookhaven? Josie?

3 MEMBER BEACH: No report, nothing new.

4 MR. RUTHERFORD: I will say, the TBD is
5 scheduled to be out in May of 2017.

6 CHAIR MELIUS: Okay. So now you have
7 something to do, or you will.

8 MEMBER BEACH: We can task SC&A,
9 correct.

10 CHAIR MELIUS: Right. Okay,
11 Carborundum we've done.

12 Dose Construction Review Methods.
13 What we're focused on now is the issues of sort of
14 looking at the consistency in certain parts of the
15 dose reconstruction review process.

16 We believe that NIOSH will have a report
17 on that from one of their contractors very shortly.
18 And once we have that report, and NIOSH has had a
19 chance to review it and comment, we will be
20 scheduling a Work Group meeting to discuss that.

21 We may try to do something jointly with

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1 the Dose Reconstruction Review Subcommittee. But
2 we'll figure that out when we see the report and
3 figure out the logistics involved. So, anyway, it
4 will probably be obviously after the first of the
5 year, I think, before we have the meeting and
6 report. Yes, Dave?

7 MEMBER KOTELCHUCK: The Dose
8 Reconstruction Review Subcommittee did discuss the
9 report that that was done last March by SC&A. And
10 I'll report on that later.

11 CHAIR MELIUS: Okay. Fernald?

12 MEMBER CLAWSON: Fernald, we still
13 have some Site Profile issues. And I believe,
14 John, you were working on one of my -- I guess I'm
15 trying to figure out who's hands it's in now, if
16 it's in NIOSH or SC&A's.

17 CHAIR MELIUS: So, John, you get to
18 stand by that mic until lunch.

19 MR. STIVER: Okay. We have a review of
20 TBD-5 underway. We expect to have that completed
21 sometime early in 2017. We also did a review of

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1 the TBD-4 update. So, both of those pieces of work
2 will be coming in. So, probably sometime in
3 February or March we could have the Work Group be
4 in position to do that.

5 MEMBER CLAWSON: Okay.

6 CHAIR MELIUS: Grand Junction, Bill?

7 MEMBER FIELD: Yeah, Grand Junction,
8 we're finally making some progress. We received
9 an SC&A review of the NIOSH SEC evaluation in May.
10 And then that evaluation found two concerns and one
11 finding.

12 We met October 5th as a Work Group. And
13 there's still some information we need to gather
14 yet about information on workplace air monitoring
15 data that we need to get that NIOSH is working on.
16 So that's what we're waiting for now. As soon as
17 that's done, I think we'll be able to wrap things
18 up.

19 CHAIR MELIUS: Okay, great. Thank
20 you. Any questions?

21 Okay. So, Hanford, I'm the Chair of

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1 that. I guess my question is for NIOSH or LaVon:
2 is our new NIOSH technical person up to speed now?

3 MR. RUTHERFORD: Yes, he is. He is up
4 to speed and we are working to gather new
5 information on -- we've actually got a lot of the
6 information on the prime contractors.

7 That's been our focus, is to look at
8 their bioassay program to make sure that they were
9 meeting the contract requirements that the
10 subcontractors weren't meeting for the reason that
11 we recommended the Class the last time.

12 So, I don't have a good scheduled
13 completion date for that, but we are working on
14 that. And I think we can get you a good update
15 probably early next month.

16 CHAIR MELIUS: Okay, good. Maybe we
17 can do, like, a technical conference call or
18 something with -- is Arjun still around?

19 (Laughter)

20 MR. KATZ: Yeah, he exists.

21 CHAIR MELIUS: He exists, he still --

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1 MR. STIVER: He stops by sometimes.

2 CHAIR MELIUS: Okay, good. Good.

3 Tell him I'll be looking for him soon. Okay.

4 Thank you. Idaho/Argonne West.

5 MEMBER SCHOFIELD: We have had --

6 there's been a lot of work done on that in the last

7 while. There's some onsite interviews done

8 earlier part of this month.

9 There's more, some of the people they

10 were unable to talk to would be interviewed via

11 phone. And hopefully all that will be set and

12 we'll have a Work Group meeting in January or

13 February.

14 CHAIR MELIUS: By phone.

15 MEMBER SCHOFIELD: By phone.

16 CHAIR MELIUS: Okay.

17 MEMBER SCHOFIELD: We didn't want to go

18 up Brad's house in the winter.

19

20 CHAIR MELIUS: Okay. And we did

21 receive one report from SC&A in this time period.

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1 Dr. Ziemer, Lawrence Berkeley update?

2 MEMBER ZIEMER: Yeah. There's a
3 pretty complete discussion of that that Lara Hughes
4 put on the DCAS summary page. They had a data
5 capture, they're still doing data entry. And her
6 latest report there indicates that they don't have
7 a completion date yet. So we're awaiting on that
8 before the Work Groups convenes.

9 CHAIR MELIUS: Okay, thank you.

10 Kansas City, Josie?

11 MEMBER BEACH: We're waiting on TBDs
12 there, as well. LaVon, I don't know if you have
13 any updates on when those are going to be available?

14 MR. RUTHERFORD: Yeah, it's expected
15 to be complete in December.

16 MEMBER BEACH: Thank you. Next month?

17 MR. RUTHERFORD: Yes.

18 CHAIR MELIUS: December of '16?

19 (Laughter.)

20 MR. RUTHERFORD: I have 12 of '16.
21 '16's the year. So, sometime in December.

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1 CHAIR MELIUS: Under the tree, we'll
2 find it under the tree?

3 MR. RUTHERFORD: Yeah, I hope so.

4 CHAIR MELIUS: Okay.

5 LANL, I guess, we'll be covering later
6 today. I don't know if you want to say anything
7 now, Josie?

8 MEMBER BEACH: No.

9 CHAIR MELIUS: Okay.

10 MEMBER BEACH: I'll wait for -- I don't
11 have anything new except for what LaVon is going
12 to tell us later.

13 CHAIR MELIUS: Okay. Mound?

14 MEMBER BEACH: Mound, we did meet for
15 TBDs for internal. We closed all items except for
16 the V&V. We got a report, I believe it was in
17 October, from NIOSH. And SC&A just sent out their
18 memo answering NIOSH's earlier memo. So, we need
19 to schedule a Work Group meeting to talk about that
20 V&V.

21 And we're still waiting for the

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1 external TBD. Maybe LaVon can tell us when that's
2 out. I think that's soon.

3 MR. RUTHERFORD: You know, I don't have
4 a completion date on that. I know that Dr. Taulbee
5 was working on that, and he's been pulled between
6 Idaho and there. So, I will, as soon as I can, get
7 you a completion, an expected completion on it.

8 MEMBER BEACH: Okay. And both those
9 reports are in the Work Group's hands now. So I
10 can get with Ted and we can schedule just a quick
11 call, maybe before the next Board call.

12 MR. KATZ: Yeah, I mean, or we can wait
13 until we have the external, right? I mean, it
14 depends on what --

15 MEMBER BEACH: That might be -- it
16 might be nice to close this, the internal out.

17 MR. KATZ: Yeah, whatever your
18 preference.

19 MEMBER BEACH: We can talk about it.

20 MR. KATZ: Sure.

21 CHAIR MELIUS: Nevada? Brad?

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1 MEMBER CLAWSON: Nevada Test Site, we
2 have a Work Group meeting set up for January 5th
3 to be able to go over the last remaining issues on
4 it.

5 CHAIR MELIUS: Good. Oak Ridge
6 National Laboratory. Gen's not here. So, I don't
7 know if there's any --

8 MR. RUTHERFORD: No, we've been
9 actually doing a lot of work with ORNL on the data
10 and trying to resolve some issues with data
11 discrepancies. We've been back and forth with
12 different claims in working on that.

13 We're also trying to close out our
14 radioiodine issue as well. So those are kind of
15 going on concurrently. Lara's here, she can add
16 anything that she wanted.

17 CHAIR MELIUS: Okay. Pacific Proving
18 Grounds?

19 MEMBER LOCKEY: Nothing really to
20 report. We're essentially done with that. Stu
21 could probably comment on the current status.

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1 MR. RUTHERFORD: Yeah, our TBD was
2 revised in June to incorporate the Work Group
3 suggestions. I haven't gotten anything since
4 then. Stu stepped out of the room, he may have
5 additional information.

6 CHAIR MELIUS: Has SC&A been assigned
7 to that? I'm not --

8 MR. STIVER: Yeah, our review is
9 complete on that.

10 CHAIR MELIUS: Okay.

11 MR. RUTHERFORD: So it sounds like it's
12 back in our court?

13 MR. STIVER: Yeah.

14 MR. RUTHERFORD: Okay. I will get a
15 better update to Dr. Lockey on that one.

16 CHAIR MELIUS: Okay. Pantax, Brad?

17 MEMBER CLAWSON: Yeah, Pantax, we're
18 coming to a close on it. But we still have one or
19 two outstanding. I thought it was a Site Profile
20 issue, but I think we're just about done.

21 MR. RUTHERFORD: I think we have a TBD

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1 we're supposed to issue in December. An external.

2 CHAIR MELIUS: Bill, Pinellas?

3 MEMBER SCHOFIELD: Pinellas, we've
4 closed out, but we still have some issues on K-25
5 on the neutron issue.

6 MR. RUTHERFORD: Yeah, that's kind of
7 a global issue with the gaseous diffusion plants,
8 the K-25.

9 CHAIR MELIUS: Okay. Is somebody
10 doing something about it?

11 MR. RUTHERFORD: Yes, that is -- I
12 guess I left you in suspense there, didn't I?

13 CHAIR MELIUS: Yeah. I was like,
14 you'll come back after lunch, we'll --

15 MR. RUTHERFORD: No. We are expected
16 to have a report out in March of next year that
17 should address that issue for the gaseous diffusion
18 plants.

19 CHAIR MELIUS: Okay, thank you. Rocky
20 Flats, Dave?

21 MEMBER KOTELCHUCK: We talked about

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1 that this morning. And as soon as the DCAS report
2 is completed, we'll schedule a Work Group meeting
3 and hopefully have a decision on that, because that
4 is our remaining unresolved issue, and have a
5 decision on that by March.

6 MR. KATZ: Right. And, Dave, I will
7 have SC&A review that before we meet, the report
8 from NIOSH.

9 MEMBER KOTELCHUCK: Yes, that's right.
10 Thanks.

11 CHAIR MELIUS: Sandia, Dr. Lemen isn't
12 here, but after lunch, LaVon will update us on --

13 MR. RUTHERFORD: Yeah, you've already
14 stole a bunch of my thunder already.

15 CHAIR MELIUS: Well, you sent out your
16 slides. That one surprised me.

17 MR. RUTHERFORD: Okay.

18 MEMBER BEACH: Sounds like the Work
19 Group might need to meet for that one in the near
20 future.

21 CHAIR MELIUS: Yeah.

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1 MEMBER BEACH: For the first time.

2 CHAIR MELIUS: But don't give away too
3 much more.

4 Santa Susana we'll hear about tomorrow
5 morning.

6 Savannah River we'll hear about later.

7 Science Issues, David Richardson isn't
8 here. I don't know if they've met or --

9 MR. KATZ: Yeah, there's no update.

10 CHAIR MELIUS: Okay. Special
11 Exposure Cohort Issues, there's really nothing
12 there, we're caught up.

13 Subcommittee on Dose Reconstruction.
14 Dose Reconstruction Update

15 MEMBER KOTELCHUCK: Right. The DRR SC
16 meeting, we've been active and there's plenty to
17 report. We met eight days ago and our next
18 scheduled meeting is on January 30th.

19 First, on the expedited dose
20 reconstruction process, at the last meeting we
21 completed the Category 1 cases for Sets 14 through

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1 18. And we will begin next meeting to start on the
2 Category 2 and that set.

3 People, all of us, were really quite
4 pleased with the results of this expedited process
5 that the folks from SC&A had suggested. The
6 Category 2 reviews are likely to be similar and take
7 a fair amount of time, as had been done in the past
8 when there were issues. So, we're moving along.

9 CHAIR MELIUS: Dave?

10 MEMBER KOTELCHUCK: Yes.

11 CHAIR MELIUS: Can you explain to me
12 Category 1 and Category 2?

13 MEMBER KOTELCHUCK: Yes. Category 1
14 are issues where there is either it has marginal
15 impact on the dose reconstruction, issues where
16 there are only marginal impact, moderate impact.

17 Category 2 will have much more
18 significant impact, the findings that were found,
19 than the resolution of it.

20 MR. KATZ: Dave, I mean, the key thing
21 between 1 and 2 is 1 are the ones that are more

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1 easily resolved because there's already agreement
2 between NIOSH and the contractors and the
3 Subcommittee needs to weigh in on that.

4 But 2 are ones where they are actually
5 quite apart between NIOSH and the contractor.

6 MEMBER KOTELCHUCK: Right, okay.

7 MR. KATZ: On what's correct.

8 MEMBER KOTELCHUCK: Yes, yes. Then,
9 to discuss a little bit more, we did have a
10 discussion on the memo from SC&A in March on the
11 consistency in dose reconstruction. And it was
12 the first discussion we had had of the memo.

13 And I would say -- first, maybe I should
14 read just a little bit of the memo. Maybe the
15 summary portion was that it suggested that our
16 non-blind dose reconstruction approach is best
17 used to verify if assumptions are consistently
18 applied within a specific site.

19 And there, the memo suggested six
20 different areas in which we might take a look at
21 consistency. And for example, the first one was

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1 the coworker dose, and the decision about assigning
2 50th or 95th percentile.

3 And there was suggestions about how we
4 might do this. But the discussion that we had --
5 and the memo, this memo was sent out by Ted to all
6 of you. The discussion we had about it, though,
7 I think was more basic than the details of the
8 particular aspects of consistency that were
9 suggested.

10 The first was -- and I will say, I'll
11 admit I wrote up a set of notes for myself right
12 after the meeting and said, hey, good, while it's
13 fresh in my mind. Of course, I left that memo back
14 home.

15 So this is slightly reconstructed and
16 I will ask Members of the Subcommittee to comment
17 further. But, really, the question was what
18 question precisely do we wish to answer by
19 examining consistency?

20 I mean, our current evaluation of blind
21 dose reconstructions is certainly a very good

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1 determination of consistency, or precision,
2 really, of the measurements. And we went through
3 three more on Set 21 at our meeting. And, again,
4 they come up with the same basic determination in
5 terms of compensation.

6 But there was really a lot of discussion
7 about that, and question as to whether this really
8 was a worthwhile effort, frankly, by Members of the
9 Subcommittee.

10 And also, another question came up
11 which was not -- which was a discussion, I don't
12 know so much a question. But it appeared
13 essentially we're evaluating the consistency of by
14 dose reconstructors by another group of
15 experienced professionals, the Board.

16 But basically this is -- we're really
17 evaluating professional judgement of other
18 professionals. And there was some question as to
19 how we felt about it, let's put it that way. And
20 I don't think that's as precise as I can make it,
21 but it's my recollection.

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1 Perhaps, if the Chair will agree, other
2 Members of the Subcommittee might want to, if a
3 discussion is appropriate, might want to talk about
4 our discussion.

5 We certainly agreed that the methods
6 group needs to have further discussion about
7 particularly the first question. And I gather,
8 and I was not clear myself at that meeting, that
9 there will be a report by a consultant to the
10 methods group. And that, I would say, was a lapse
11 in my remembrance of what we discussed in the
12 methods.

13 CHAIR MELIUS: Well, let me outline the
14 procedure.

15 MEMBER KOTELCHUCK: Okay.

16 CHAIR MELIUS: The procedure will be we
17 will get a report through NIOSH. I'm not sure what
18 it will have in terms of recommendations or
19 suggestions, but it will outline some potential
20 issues that could be looked at, or need to be looked
21 at.

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1 In addition to that, we have the earlier
2 memo from SC&A, and we also have input from, you
3 know, various committees. So, first, we will
4 handle it within the Dose Reconstruction Review
5 Methods Work Group and come forward with some
6 recommendations for considerations for, I think,
7 for the full Board.

8 And I think before we engage in any of
9 these reviews, I think we should have agreement
10 within the Board on what should be the next steps,
11 because the review of dose reconstructions is
12 assigned to the Board. And I think we've always
13 done, in terms of methodology and methods and so
14 forth, we do it within the Board.

15 So, I mean, that will be the plan. I
16 don't know the exact time table because it will
17 probably be into earlier/mid-next year when we're
18 ready.

19 One question I have, two comments sort
20 of disturbed me a little bit. One is blind reviews
21 don't deal with consistency. We're dealing --

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1 because they're even worse than our own individual
2 dose reconstruction reviews in terms of
3 consistency.

4 I think we're looking at consistency
5 for doing the same -- judging the same set of
6 circumstances and doing a dose reconstruction
7 within a site fairly specifically. Blind reviews,
8 I don't think, address that. That's why we
9 maintain blind reviews as a separate process.

10 Secondly, reassure me. I commented to
11 Ted, you're talking about Categories 1 and 2. I
12 guess we'll worry about doing the easy ones first
13 and delaying doing the more difficult ones. So,
14 I mean, it's up to the Subcommittee how they want
15 to do it, because I'm not sure it makes a huge
16 difference, except if you have a major finding
17 coming from the technical contractor that NIOSH may
18 agree or disagree with or needs discussion.

19 I would hope that you would, you know,
20 sort of jump that one in the queue so we're not
21 missing something very important. I don't think

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1 that's going to be a common occurrence, but it is
2 something that's a little bit -- I'd worry that,
3 you know, if we don't have a Dose Reconstruction
4 Review Subcommittee meeting for six months, I
5 wouldn't want to miss a major problem.

6 I don't think you would, but just keep
7 that in mind.

8 MEMBER KOTELCHUCK: Well, we are, I
9 have to say, we are meeting frequently. But the
10 folks at SC&A, as they suggested this expedited
11 process, suggested that we begin this way. This
12 is our first. And I think it's a good point that
13 you make.

14 CHAIR MELIUS: And I suspect that, if
15 there was such a finding, that SC&A or somebody
16 would jump out.

17 MEMBER KOTELCHUCK: I believe we
18 would. I believe we would.

19 MEMBER CLAWSON: If I could, actually
20 from a Board Member on this, we're not bypassing
21 any of -- we're going real fast on the first ones

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1 to get those done. We'll go into the other ones
2 that we get up to.

3 What we were getting into as we get on
4 one finding, and there was, like, 15 or maybe 6 or
5 whatever that could be closed out relatively easy
6 and we never got to them. And so it was kind of
7 just a way for us to be able to swipe that out.

8 And personally, myself, I think it's
9 made a big difference in being able to address the
10 top ones and how they fall into it, too.

11 CHAIR MELIUS: Okay. The other
12 comment I would have is my own profession, and the
13 profession of others here, by ignoring and refusing
14 to judge professional judgment in medicine, we've
15 killed more people than -- and I find it disturbing
16 that in other fields we're reluctant to look at
17 other people's judgment.

18 I mean, I understand the reluctance and
19 the difficulty, and I think we've talked about it
20 before. But it's hardly something I think we can
21 avoid.

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1 MEMBER KOTELCHUCK: Right.

2 CHAIR MELIUS: And we're obligated in
3 the law to review dose reconstruction. So I don't
4 think that's a good reason for not going ahead.
5 Doesn't it mean we have to be careful about it and
6 sensitive about it, and understand that
7 professional judgment, you know, is professional
8 judgment and it has a range and it doesn't always
9 come up with the same approach or the same answer.

10 But unreasonable professional judgment
11 is not something that we need to tolerate.

12 MEMBER KOTELCHUCK: Right. I think
13 that, if I may, that people were, are, were a bit
14 uncomfortable about that. And I understand what
15 you're saying.

16 By the way, going back to the issue of
17 consistency, I agree with you, you're absolutely
18 right that consistency is different than
19 precision. It's really the blinds really test
20 precision of the process, that we can come, two
21 different folks looking at it independently can

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1 come to the same conclusion as far as compensation.

2 MEMBER CLAWSON: Also, too, on the
3 professional judgment, I think we had a very
4 rousing discussion on that.

5 CHAIR MELIUS: Which is good.

6 MR. KATZ: Apropos of that, what the
7 Subcommittee Members had said is that if you --
8 actually, I thought maybe you had already heard
9 this because you reflected that in what you said
10 earlier about the next meeting of the Dose
11 Reconstruction Review Methods Work Group -- is that
12 some of them would like to join the Work Group in
13 that next discussion of consistency. So, some of
14 these other concerns can actually just get
15 discussed by a larger group.

16 CHAIR MELIUS: Okay. Thank you, Dave.
17 Just tell me where we are in terms of are we
18 approaching the end of the backlog? I can never
19 keep track of the numbers.

20 MR. KATZ: Well, at best we have three
21 more meetings.

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1 CHAIR MELIUS: Okay.

2 MR. KATZ: That's the closest we might
3 be. I tend to find us optimistic. So that's sort
4 of the ballpark. But after we deal with a few of
5 the type 2, I'll be able to answer that question.

6 CHAIR MELIUS: Okay.

7 MR. KATZ: Because we discussed also
8 the fact that we want to turn on the machine again
9 as soon as we have a reasonable prospect of getting
10 to the new dose reconstructions in a fresh way.

11 CHAIR MELIUS: Okay. Good, okay. I
12 just wanted to keep that in mind. Wanda?

13 MEMBER MUNN: Before we go on with the
14 dose reconstruction, I just wanted to make a
15 comment with respect to your concern over the
16 possibility --

17 MR. KATZ: Wanda, the mic.

18 MEMBER MUNN: From my perspective, the
19 new method that we are addressing makes it more
20 rational and more feasible for us to quickly
21 address hot topics that may come up simply because

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1 the process that has been suggested is helping us
2 clean out the really relatively minor stuff, which
3 I shouldn't say that it's minor. It's just that
4 in terms of the resolution, the resolutions are
5 relatively minor, they've just not have been
6 completed yet. And that has a tendency to obscure.
7 We look at what we have to address, and we have a
8 huge elephant.

9 If we remove the four legs of the
10 elephant by the simple expedient of looking at the
11 relatively easy resolutions, then that gives us a
12 much better opportunity to focus quickly and more
13 of our time can be spent directly on the hot topics
14 that come up and the major issues that may affect
15 a wider range of doses.

16 Enough for that Subcommittee. There
17 is no new status report to make with respect to
18 Procedures. There is a great deal of effort
19 underway right now by both the contractor and by
20 the agency in terms of preparing for the first
21 face-to-face meeting that this Subcommittee will

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1 have had in a couple years.

2 So, that is scheduled for January 10th,
3 in our most convenient meeting place, Cincinnati.
4 And we expect to have a full agenda at that hearing.

5 CHAIR MELIUS: Good. And I'll save
6 the other elephant stories, whatever --

7 (Off microphone comments)

8 CHAIR MELIUS: Yes, yes. There's lots
9 of elephant, I'll call them metaphors, I don't know
10 what exactly the term is.

11 MEMBER BEACH: Excuse me. Wanda, did
12 you say that's a face-to-face on the 10th? I
13 didn't think it was.

14 MEMBER MUNN: January 10th, isn't it?

15 MEMBER BEACH: The date's correct, but
16 you said it was a face-to-face, and that had me
17 scratching my head.

18 MR. KATZ: Right, it's not in-person.
19 It's by phone.

20 MEMBER MUNN: That's what I meant. We
21 had hoped for --

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1 CHAIR MELIUS: Oh, okay.

2 MEMBER MUNN: But it's not going to
3 happen.

4 CHAIR MELIUS: Okay. TBD-6000, Paul?

5 MEMBER ZIEMER: Yes, I'm going to focus
6 mainly on General Steel Industries in my report
7 here. I'd just remind you that in June we asked
8 SC&A to review Rev 2 of Appendix BB, which is the
9 General Steel Industries Appendix for TBD-6000.

10 And so that was done. And NIOSH then
11 reviewed that later in the summer/early fall, and
12 early this month and early November SC&A gave their
13 response. The issue that was raised by SC&A on Rev
14 2 had to do with how you actually, I'm going to say,
15 input the neutron data, the MCNPX simulation data.

16 And there's some disagreement on how
17 that's inputted into the model, even though the
18 model itself was agreed upon. And NIOSH has now
19 responded to that and we're just giving SC&A a
20 chance to look at NIOSH's response.

21 We have a Work Group meeting scheduled

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1 for December 14th. We're assuming SC&A will have
2 finished their review prior to that. And if so,
3 we'll go ahead on December 14th and see if we can
4 resolve this issue of the input of the neutron
5 information into the model.

6 So, hopefully one way or the other we
7 can get this resolved. I don't know if that will
8 end up requiring a Rev 3 or just an agreement as
9 to how you input the data for the neutrons
10 correctly.

11 But that's where we are on that.
12 That's the only item that's weighing heavily on
13 TBD-6000 right now.

14 CHAIR MELIUS: Okay. Thank you, Paul.
15 Any questions, comments?

16 Uranium Refining? Henry, we're going
17 to do it after lunch. You'll be back to the other
18 side because I keep looking.

19 MEMBER ANDERSON: We have the SC&A
20 report on Hooker that NIOSH will be reviewing and
21 hopefully get their comments to us. And then we'll

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1 be scheduling a phone call once we get that all
2 done, hopefully before the next meeting so we can
3 close out Hooker. But I think that's the only
4 other thing we have that's currently on our active
5 agenda.

6 CHAIR MELIUS: Okay, great.
7 Surrogate Data, the Work Group is moribund, so we
8 haven't had anything for a while.

9 Weldon Springs I don't believe there's
10 any activity on.

11 And Worker Outreach I don't believe
12 there's any activity on.

13 So I think we've gone through our Work
14 Groups. Did I miss anybody or anybody have
15 anything they wish they had said and didn't say?
16 Last chance. LaVon, you can sit down. Thank you.

17 With that, I would suggest we break for
18 lunch. I know it's early, but since we already
19 broadcast the schedule, we probably should stick
20 to it.

21 The assignment over lunch is you should

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1 at least quickly read through your comments from
2 the last meeting in case you have questions or
3 comments on that, because I will go through the
4 abbreviated version very quickly.

5 So we will break and we will return, I
6 believe, at 2 o'clock. Thank you.

7 (Whereupon, the above-entitled matter
8 went off the record at 11:41 a.m. and resumed at
9 2:03 p.m.)

10 CHAIR MELIUS: Okay. Anyway, welcome
11 back for our afternoon session. And we have a
12 number of issues to go over this afternoon and then
13 we'll, what, about 5:00 o'clock is the LANL. And
14 then after that we will go into the public comment
15 period and we will -- so it will be helpful if you
16 can sign up for public comments. There's a sheet
17 out at the desk there if you wish to make them later
18 on. And we may -- if we get done with some of the
19 presentations and so forth earlier, we may start
20 a little bit early for the people that are here.

21 So, Ted, do you want to go through the

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1 --

2 MR. KATZ: Yeah, just a couple things:
3 4:30 is LANL and then 5 is public comment. But let
4 me just check and see on the line for Board Members
5 who may be on the line.

6 Dr. Lockey, are you there?

7 DR. LOCKEY: Yes, I am.

8 MR. KATZ: Super. And Dr. Poston, I
9 think you are?

10 DR. POSTON: Yes, I am.

11 MR. KATZ: Super. How about -- I'm not
12 sure she'll be with us. But Dr. Reisler, are you
13 with us?

14 No. How about Dr. Ziemer?

15 MEMBER ZIEMER: Yes, I'm here.

16 MR. KATZ: Great. That's three out of
17 four.

18 And just related to the public comment,
19 I don't know if Jim reminded you, but please sign
20 up if you're here. Oh, you did that? Not paying
21 attention.

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1 That's it for me. Please mute your
2 phones, folks on the line. *6 to mute your phone.
3 Press *6. That'll mute your phone. Thanks.

4 CHAIR MELIUS: And speaking of stars.

5 (Laughter.)

6 MR. RUTHERFORD: I don't get an
7 introduction?

8 CHAIR MELIUS: Well, I'm getting
9 there. You know, the star of the show. Mr. LaVon
10 Rutherford will give us his brief update.

11 **SEC Petitions Status Update**

12 MR. RUTHERFORD: Yes, it will be.
13 Alright. I'm going to give the SEC update for
14 NIOSH. We give this update to give the Advisory
15 Board a chance to prepare for upcoming Work Group
16 meetings and Advisory Board meetings. We're going
17 to talk about petitions in qualification,
18 petitions under evaluation, petitions under Board
19 review, and potential 83.14s.

20 So, a little summary. We've had 246
21 petitions. We have one petition that's in the

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1 qualification process. At the time of preparing
2 this report, we had two in evaluation. We only
3 have one in evaluation now, and we have 11 reports
4 with the Advisory Board.

5 Petition in qualification, Santa
6 Susana Field Laboratory, this is not the petition
7 that we discussed. This is a new petition and it
8 addresses all employees from December 31, 1964 to
9 present.

10 Los Alamos National Lab, which we will
11 discuss later, is a continuation of SEC-109. And
12 this is an addendum that we plan to present in
13 February of this -- or we actually will complete
14 in February and get it to the Work Group.

15 Sandia National Lab is a follow-on,
16 again, of another petition, SEC-108. It's a
17 continuation of that one. And we expect to
18 complete that addendum to address the remaining
19 years there in June of 2017. So we got a lot of
20 addendums coming up.

21 Lawrence Livermore National Lab,

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1 again, another continuation, from 1990 to 2014 of
2 SEC-221. And it will address the remaining years
3 and that will follow Sandia and be completed -- I
4 anticipate completion in August of 2017.

5 INL, this is a petition that -- an
6 addendum that we are working on that will address
7 the reserved areas, the areas of the initial
8 evaluation that were not covered. They were
9 reserved. We anticipate that one to be complete
10 in January.

11 Metals & Controls is a new petition.
12 It's for the residual period, and we expect to have
13 that report complete in June of 2017 as well.

14 So, petitions under Board review,
15 Carborundum was discussed earlier. A lot of these
16 we have already discussed during the Work Group
17 discussion.

18 Feed Materials Production Center,
19 again, we discussed. We are working on a Site
20 Profile update due in December that will address
21 a lot of the remaining issues.

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1 Hanford, this is looking at the prime
2 contractors. We have made action on the entire
3 period of that petition but we are looking at the
4 prime contractors who are not covered in the recent
5 Class edition.

6 Area IV Santa Susana should be
7 addressed with the petition being discussed
8 tomorrow, the 83.14. SEC-93 was the open petition
9 that we had that had the remaining year of 1965.
10 Again, it should be closed out with the 83.14
11 tomorrow.

12 Savannah River Site, NIOSH and SC&A
13 have a planned update for that one. And, again,
14 Los Alamos National Lab, I mentioned the addendum
15 and we have an update scheduled for this meeting.

16 Grand Junction Facilities, again, we
17 discussed earlier we are doing additional data
18 capture and interviews to close out the -- to try
19 to address some issues that SC&A brought up for the
20 1990-91 period, I believe, on intakes.

21 Rocky Flats Plant, again, we discussed.

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1 We have a CML report coming out next week and should
2 have some Work Group activities soon after that.

3 INL, we have the current Class with the
4 Advisory Board under review as well as the addendum
5 that I mentioned earlier. That should say January
6 2017, not December, for that expected completion
7 of that addendum.

8 ANL-West is with the Advisory Board and
9 SC&A.

10 So, these are the sites that are with
11 the Advisory Board, but I think we have presented
12 a path forward with all of these sites to try to
13 address them and close them out.

14 And the 83.14s are the 83.14s we've
15 pretty much said we have had these on here for some
16 time. The Sandia National Lab at Albuquerque,
17 which used to be the Z Division for LANL, all the
18 claims that have been coming in that have
19 presumptive cancers have been moving forward in the
20 SEC. So if we ever get a claim, we will move this
21 one forward. Currently, we don't have one, nor do

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1 we really expect one. Same thing with Dayton
2 Project-Monsanto. So, anyway, that is it.
3 Questions?

4 CHAIR MELIUS: Any questions or
5 comments for LaVon?

6 MEMBER BEACH: No, I was just going to
7 speculate that's quite a date change from December
8 2016 to January 2017.

9 MR. RUTHERFORD: Oh, yeah.

10 MEMBER BEACH: I guess it's only a
11 month.

12 MR. RUTHERFORD: Well, you know,
13 honestly our schedule -- and I won't lie to you,
14 our schedule had us completing it, like, December
15 28th. And I was looking at, okay, we've got
16 Christmas here and we've got New Year's here. I
17 don't think that's probably going to happen. So
18 that's why we are pushing it to January.

19 CHAIR MELIUS: Stu, have you approved
20 the vacations yet?

21 MR. RUTHERFORD: I don't take vacation

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1 during that period anyway.

2 CHAIR MELIUS: Okay. Any other
3 questions? I thought I was going to slip -- you
4 slipped up on Argonne-West, but I see you've got
5 it in there.

6 MR. RUTHERFORD: Yeah, I do.

7 CHAIR MELIUS: This addendum stuff is
8 new. Board Members on the phone have any
9 questions?

10 So, a busy year next year. Yeah. For
11 everyone. Stu, do you want to get ready? I'm going
12 to grab a cup of coffee.

13 (Pause.)

14 CHAIR MELIUS: While we are getting
15 ready here I guess I will -- I noticed LaVon did
16 use the same formatting on this slide as Stu.

17 **Savannah River Site SEC Petition Update**

18 MR. HINNEFELD: Well, hello again.
19 I'm giving a brief update on our Savannah River
20 status, mainly because we didn't want to fly Tim
21 out here for a short presentation like this. Just

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1 an update presentation. I will answer questions
2 as I am able to. I think I can answer most
3 everything on how we're doing.

4 These are the deliverables that we had
5 promised had been on our schedule for trying to
6 address the remaining issues that are on the table
7 at Savannah River having to do with coworker models
8 and neptunium, thorium work, metal hydrides, and
9 then the subcontractor investigation of were
10 subcontractors monitored sufficiently.

11 There are some date slippages in here
12 which you'll see, and I believe I'll get to the
13 reasons for those as I go through the remainder of
14 the slides. Some of these are completed on time.
15 The Plutonium Fabrication Facility construction,
16 Report Number 80, should be out this -- it's just
17 the 30th. I guess it's the 30th. So it'll be out
18 next month.

19 And the thoron exposures we expect to
20 be done in January on schedule. So, I think I can
21 cover most of the rest of these in the following

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1 slides.

2 Coworker model, remember we're doing --
3 this is OTIB-81 -- we are doing it in phases.
4 Revision 3 is to demonstrate the coworker approach
5 for tritium and trivalents, right? And then
6 Revision 4 will be demonstrating -- you know,
7 incorporating all the radionuclide exposures.

8 And so the Revision 3 we're getting out
9 there just so we can get that to the Work Group and
10 to the Board and have a discussion about, you know,
11 the propriety and is this the right way to go on
12 coworkers.

13 Revision 4 will contain all the
14 remaining radionuclides that have internal
15 monitoring requirements, which are plutonium,
16 uranium, neptunium, mixed fission products,
17 strontium, cesium and cobalt.

18 And the reason why this schedule
19 changed or slipped a little bit is because we needed
20 to code additional data. Now, the explanation
21 behind that is that we are using the NOCTS data as

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1 our database to build these coworkers.

2 We have, you know, a huge number of
3 claims from Savannah River, lots of monitoring data
4 in those claims. We've done some tests on the
5 NOCTS database or the NOCTS data in terms of its
6 comparability to total data. We've gotten certain
7 years where we have gotten all the data and it
8 appears that it's sufficient to use for a coworker
9 model. And we felt like, okay, great, we can have
10 the NOCTS data coded. We will present -- you know,
11 so we will use that as our data set.

12 Well, what we forgot when we made that
13 schedule was that the NOCTS data that we have isn't
14 necessarily all the data we got from DOE, because
15 of efficiency measures.

16 For instance, if we would get a claim
17 with several skin cancers, several basal cell
18 carcinomas, we would just enter into -- you know,
19 we'd code the external data, do the dose
20 reconstruction with the external data, and
21 wouldn't code the internal data.

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1 So, you know, we encountered that as we
2 began starting work on this, and we realized that
3 there was some data we had to code from the DOE
4 responses into NOCTS in order to -- or from, you
5 know, DOE NOCTS into what we call the NOCTS database
6 in order to be able to complete this. So that is
7 the reason for the change in schedule on this item
8 and the new completion date of June of 2017.

9 Report-70 is thorium exposures after
10 1972 at the Savannah River Site. It posts thorium
11 exposures and describes thorium work and dose
12 reconstruction methods from '72 to '80 and '80 to
13 '95. After 1980 we are intending to support the
14 use of a 10 percent DAC to bound the thorium doses
15 when thorium operations and inventory were
16 minimal, meaning there wasn't a lot of active work
17 with thorium going on.

18 The thorium inventory during this
19 period, much of it is irradiated fuel slugs, which
20 is stored and not accessible for exposure. So the
21 actual amount of thorium that is accessible to be

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1 exposed to is relatively small, even though during
2 some of these years there is a lot of thorium there.
3 It's in this irradiated fuel storage and isn't
4 really available. It's just being stored. It's
5 not available for exposure or intakes.

6 And the reason for this delay was a
7 delay in getting some air monitoring data out of
8 Savannah River. But as you see, that goes back to
9 a slip from July to September. So that issue of
10 getting information out of Savannah River is
11 somewhat old and that's why Greg has not been
12 approached lately about any Savannah River
13 timeliness issues. And the scheduled completion
14 is March of 2017.

15 Metal hydrides is Report-72, which
16 describes metal hydride exposure at Savannah
17 River. It'll discuss the research work operations
18 and associated exposures. And the schedule change
19 here is due to classification reviews. And part
20 of the issue is we wrote our document on a
21 classified system, submitted it to Savannah River

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1 for review to see if it was okay, and they said no,
2 it's not okay, you're going to have to remove some
3 things. And we removed some things and
4 resubmitted it and then were told again it wasn't
5 okay.

6 It's not clear to me today right now
7 whether it's because we didn't remove everything
8 they told us to remove or whether the second time
9 around they said, oh, this stuff here shouldn't be
10 in there, even though they had seen it before. So
11 it's not clear to me which happened at this point.
12 But for whatever reason, we had to take a couple
13 passes through getting this released, or getting
14 it into a form where it could be released to public.
15 And so the scheduled completion now is next month.

16 And then our final, our subcontractor
17 follow-up work, we sampled the job plans randomly,
18 selected 110 construction trades workers for
19 follow-up. Data capture for all radiological
20 records were conducted on November 14th, the week
21 of November 14th. We went down there and captured

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1 records for a lot of workers, and now they are at
2 the Savannah River Site classification office for
3 clearance. And once we get that copy of the
4 records, an analysis will be completed and provided
5 to the Savannah River SRS Work Group.

6 So we're in the process there. I think
7 this is maybe a one-month change and I think it
8 might be taking more time to get those records out
9 of Savannah River than we thought. And I believe
10 that's the end of my update. I'll try to answer
11 any questions anybody might have.

12 CHAIR MELIUS: Questions for Stu?
13 Board Members on the phone, were there any
14 questions?

15 MEMBER ZIEMER: None here.

16 CHAIR MELIUS: Okay. Thank you. Why
17 don't we go ahead, and I think Joe Fitzgerald is
18 going to present. And then, Stu, don't go far away
19 because we may have some more questions for you,
20 or some questions for you after Joe presents.

21 MR. FITZGERALD: Good afternoon.

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1 This will be a bit of a takeoff from what Stu just
2 presented. And this will just focus on the
3 subcontractor records item that he just briefed on.

4 Okay. Just a little more background
5 than perhaps he had given. This issue goes back
6 to about 2014. Tim and I were doing interviews at
7 Savannah River and we interviewed one of the senior
8 health physicists and he actually was very familiar
9 with a lot of these records migrations in the 1980
10 time frame, which was a crucial time frame for
11 Savannah River.

12 And he allowed that, you know, pretty
13 much as we already knew, the primary records were,
14 you know, put in electronic form. They were
15 evolved and certainly migrated to the record of --
16 the official record that is being used for dose
17 reconstruction.

18 It was the subcontractor records and he
19 commented that, well, those were in hard copy form
20 and those were put in a different file. And he
21 thought perhaps they were migrated sometime a

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1 little later but he felt they ended up in the same
2 place.

3 But there was enough, you know,
4 speculation involved there that we were both
5 concerned and this was both NIOSH's and from our
6 standpoint that we had a different situation for
7 the subcontractor records than we had for the
8 primary records and there was a need for a real --
9 what we would call a validation and verification
10 that in fact the records are complete and they also
11 were all migrated into the electronic record, which
12 is the basic thing I think we do for all the SECs.

13 What's proven to be more difficult and
14 it's more germane to the fact these are
15 subcontractor records is it's -- hasn't been easy
16 to both identify the subcontractors, not only the
17 first tier but the second and third tier
18 construction contractors, and it's also not easy
19 to pinpoint whether all those records were in fact
20 migrated.

21 So there has been a couple of efforts

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1 that I know Tim led which looked at NOCTS as a basis
2 for sampling and looked at even the Department of
3 Labor's database as a means to sample to validate,
4 and in both cases either there wasn't enough
5 information or it wasn't feasible to do so.

6 So we are sort of at this juncture now
7 where we are still asking the same question -- are
8 the subcontractor records complete, quite apart
9 from whether they were kept in these separate files
10 or not, and did they end up, as this senior HP was
11 allowing, that they were eventually all migrated
12 into the same database that is being relied upon
13 today.

14 So, again, I think we still haven't
15 answered those questions.

16 And I won't go through this. You heard
17 this in the last briefing and the last Board
18 meeting. Certainly, quite a few construction job
19 plans were found by virtue of the way the employee
20 number is catalogued on those lists. You can tell
21 by the prefix -- and this is nice because most sites

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1 don't do this -- but you get a prefix that shows
2 which ones are prime contractors, i.e., in this
3 case, DuPont, and which ones are subcontractors by
4 looking at that number.

5 So I think from that standpoint what --
6 as Stu was saying, what's going on now is basically
7 you identify a sample from that -- those 3,000 pages
8 of construction job plans and you walk that and
9 compare that to the bioassay records, which are in
10 microfiche, and see if you get a match up or not.

11 And these would be subcontractor
12 employees that should have been, quote-unquote,
13 bioassayed by virtue of the work they were doing,
14 which in this case would have been plutonium or
15 neptunium or obvious operations at facilities that
16 would have required bioassay.

17 Okay. So the tasking that we got was
18 based on a concern, I think, that was expressed at
19 the last Board meeting that, you know, this was
20 probably the right way to go, you know, even though
21 there was a couple false starts in the past.

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1 This was the, certainly, an appropriate
2 path to go. But the concern there was this was a
3 four- or five-year period covering one facility in
4 the early 1980s and would there not be some concern
5 whether that would be reflective or representative
6 of a site like Savannah River where you have a lot
7 of different operations and a 30-, 40-year span of
8 operational concerns?

9 So the issue here was could one, for
10 efficiency's sake, pick up the pace, look at more
11 facilities, look at more time periods and come up
12 with a broader conclusion that would guide the
13 Board, I think, on the question of whether the
14 subcontractor records were in fact complete and
15 available for dose reconstruction.

16 So this is the sort of genesis of what
17 we are doing now actually in coordination with and
18 collaboration with NIOSH. We are going through
19 and reviewing the electronic search system, the
20 EDWS, to identify other facilities, other
21 operations that would likely have

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1 subcontractor-identified records.

2 And what we are focusing on, quite
3 frankly, are kind of the same things that I think
4 Tim and his team focused on, which is -- you know,
5 you got safe work permits, rad work permits. You
6 got training rosters.

7 You have a number of different reports
8 and documents that would catalogue workers by
9 virtue of their names, their employee numbers, what
10 have you. And looking at that you can find the
11 subcontractors and basically use that information
12 to identify whether or not they have records in
13 terms of bioassay records and external records.

14 Now, you know, it's not a sure-proof
15 thing. I mean, I've been going through the
16 electronic search and what you're looking for is
17 really document boxes that may actually contain
18 these kinds of records.

19 You don't have a surefire way of knowing
20 it. So you really do have to go to the site and
21 you do have to go through these boxes and see if

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1 you do find the appropriate information to in fact
2 base a sampling on.

3 So the whole exercise is to get to the
4 same place that I think NIOSH is right now, which
5 is a sampling -- a random sampling of subcontractor
6 IDs which we can then crosswalk against the
7 bioassay records which are on microfiche and I
8 think we will probably also, just be a little bit
9 more complete, look at the electronic databases as
10 well just to see if we can also see the badging
11 showing up there.

12 We are pretty sure the externals are
13 okay mainly because that was handled differently
14 than the internal bioassay records. The internal
15 bioassay records were in a separate file,
16 microfiched, and not certainly in the electronic
17 database.

18 We had a number of sessions on this. In
19 one technical call we had, I think, with NIOSH and
20 the Work Group the only issue that was outstanding
21 was the familiar question of how good is good

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1 enough, which is, you know, okay, so we go through
2 this exercise and we do come up with some
3 perspectives on, you know, to what extent the
4 contractor records contain these bioassay records.

5 You can match them up and they in fact
6 did get bioassays. Is it good enough to have 95
7 percent completeness? Is it 90 percent
8 completeness -- you know, at what -- you know, what
9 degree of adequacy and completeness. Again, this
10 is a very familiar question.

11 I think we have had this all along going
12 back in all the SECs. How good is good enough when
13 it comes down to whatever results would come out
14 of -- with this, and how will the Board address
15 that? And there is no, you know, simple answer.
16 I think we have used the 95th percentile. We have
17 used, in some cases, 99. You know, it's a judgment
18 call.

19 Okay. Where things stand right now is
20 I had to get my EDWS access renewed. I don't want
21 to treat that lightly. That was an effort, you

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1 know.

2 It probably took me about a month and
3 a half to get -- to get keyed into the system. I
4 was in the system before but they changed some of
5 the procedures and the access points in the -- that
6 had to be done.

7 I completed the EDWS search. I sent
8 the results over to NIOSH. I think we are okay in
9 terms of comparability. We want apples and
10 apples. We don't want to go through all this
11 exercise and find out the process was different
12 enough that you really can't compare the results.

13 So we are doing this very carefully to
14 make sure it's going to be comparable and that the
15 process is similar. I have already submitted the
16 data request to SRS. I haven't sent the official
17 letter but they are reviewing the box request --
18 about 70 boxes -- and we are shooting probably now,
19 with some of the delays, shooting for the first two
20 weeks of January for a on-site.

21 That'll be a joint NIOSH-SC&A review

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1 and we will then proceed to match up -- as Stu was
2 indicating, we will match up the identified
3 subcontractors with the corresponding SRS dose
4 records. Any questions?

5 CHAIR MELIUS: Board Members with
6 questions? If not, I do have some. To what extent
7 does your sample overlap with what NIOSH is doing?

8 MR. FITZGERALD: We are not doing the
9 construction job plans.

10 CHAIR MELIUS: Okay.

11 MR. FITZGERALD: So there is no overlap
12 on that. I mean, the focus of the ongoing effort
13 by Tim's team is the 3,000 pages of construction
14 job plans for 1981 to 1985, I think it is, for 773A
15 -- one facility.

16 CHAIR MELIUS: Yes.

17 MR. FITZGERALD: Okay. We are
18 reviewing 1980 through 2000 -- 20 years across
19 probably about seven or eight facilities.

20 CHAIR MELIUS: Okay.

21 MR. FITZGERALD: Now, again, we don't

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1 know what's going to be in the boxes. But that's
2 pretty much the search parameter and what we are
3 asking for. So it's going to be a broader scope
4 and a broader time period.

5 CHAIR MELIUS: Yes.

6 MR. FITZGERALD: But not that facility
7 for those five years.

8 CHAIR MELIUS: Okay. Okay. I was
9 just trying to understand that part of it. And
10 where is -- do you know where NIOSH, slash, ORAU
11 is with what -- with their activities?

12 MR. FITZGERALD: Yes, I think you
13 mentioned it.

14 MR. HINNEFELD: Yes, we are -- I think
15 we are awaiting the records which we identified.
16 We have identified a group of 110 construction
17 trade workers from those construction work plans
18 who we feel like, from the construction work plans,
19 should have been monitored and therefore should
20 have monitoring data.

21 We have gone to search the records,

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1 which were on microfiche, and these are not
2 claimants necessarily. Gone to search the records
3 which are on microfiche and then I am waiting to
4 get those released from Savannah River and we
5 anticipate we will be -- have our report done in
6 March of this coming year.

7 CHAIR MELIUS: And Joe, about how many
8 -- do you have any idea how many people would be
9 included in your records that you're pulling?

10 MR. FITZGERALD: Not yet. I mean, I
11 think it's going to be as much dictated by what we
12 find. I mean, I think when Tim found the 3,000
13 pages, they were able to scan through those as I
14 did, actually, when I was online with those, and
15 you could certainly identify the subcontractors,
16 the time periods.

17 You could do a sampling. In this case,
18 until we actually find the records and look at the
19 records, we probably don't know what the sample
20 size is going to be.

21 My, you know, rough estimate would be

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1 300 or 400, I think, as far as the sample size. But
2 that's not a statistical-based sample size and it's
3 hard to project until we actually see what we find.
4 The construction job plans were very
5 straightforward. They listed the personnel and
6 had the de-identifiers there. I don't know what
7 we are going to find in these other searches.

8
9 I am hopeful that since we use the same
10 kind of search parameters they will be similar and
11 we will find similar information. But, you know,
12 again, we really don't know until we look at it.
13 But I think I would err in more sampling than not
14 and trying to cover more diverse facilities and
15 time periods. My concern is, at Savannah River,
16 they increasingly outsourced the subcontractors in
17 the late '80s into the early '90s, particularly
18 with the D&D and remediation work they were doing.
19 So at that point the centralized management that
20 DuPont enjoyed sort of eroded and became more
21 decentralized. So I think if we can get some

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1 match-ups in that time frame and we have confidence
2 in those that's going to help answer the question
3 that we are trying to answer, which is okay, across
4 not only the '80s but into the '90s do you still
5 see, you know, the records that correspond with the
6 subcontractors that are identified or not and, you
7 know, that -- I think that would give us confidence
8 to recommend to you that, you know, it seems like
9 we are okay across different facilities, across
10 different time frames. I mean, if it's good in the
11 late '80s it will be probably good before and after
12 because that was probably the most disjointed time
13 period. You had a lot of subs coming on site.

14 CHAIR MELIUS: Yes. I was going to say
15 it was, I think, the -- the larger the sample the
16 better we are. I mean, it goes back to your
17 question well, what's adequate. Well, adequate
18 also depends on how big your sample is and how
19 representative that sample is or, you know, how big
20 a universe is that sample coming from and how is
21 it drawn from that.

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1 MR. FITZGERALD: Yes. Actually, the
2 limiting case is not so much copying down the
3 identifiers. I think we can do that relatively
4 easy. It's the matching up by hand --

5 CHAIR MELIUS: Yes.

6 MR. FITZGERALD: -- with the
7 microfiche, which takes time and, you know, I
8 think, you know, if you have several hundred or more
9 to match up the microfiche -- this is not automated.
10 So I am trying to picture this. Yes, that would
11 -- that would be a -- that would take some effort.

12 But what we will try to do is, even
13 though we are starting later than NIOSH, hopefully
14 in January-February, do catch up. So we are going
15 to -- you know, we will catch up with that schedule
16 and be able to present our results about the same
17 time in March.

18 CHAIR MELIUS: Yes, but if you think
19 about the whole approach, one is you're assuming
20 that the NOCTS database is representative.

21 MR. FITZGERALD: The what database?

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1 CHAIR MELIUS: The NOCTS -- what NIOSH
2 is using -- is their basis for their coworker
3 models, right, for -

4 MR. FITZGERALD: Actually, we are
5 going to primary records. We are -

6 CHAIR MELIUS: No no no, I am talking
7 about -

8 MR. FITZGERALD: Oh.

9 CHAIR MELIUS: -- for -- on a first
10 level for the coworker model -- what I heard Stu
11 just say, I thought.

12 MR. HINNEFELD: Yes. That's not a
13 part of the subcontractor task. But yes, our --
14 but we are --

15 CHAIR MELIUS: But it includes the
16 subcontractors, right?

17 MR. HINNEFELD: -- our view is that the
18 NOCTS database is essentially a representative
19 sampling of all -- of all workers.

20 CHAIR MELIUS: Yes.

21 MR. HINNEFELD: And so that -- yes,

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1 that's the basis for it.

2 CHAIR MELIUS: And you have two
3 separate approaches or considerations to how --
4 showing that that's -- whether or not that's
5 representative. One, for the production workers
6 -- they have a different set of records.

7 MR. HINNEFELD: Right. Yes.

8 CHAIR MELIUS: And then for
9 construction workers where you have a much more --
10 less precise set of just employment records. We
11 don't know how good that is and therefore how
12 representative it may be -

13 MR. HINNEFELD: Yes.

14 CHAIR MELIUS: -- and it's very
15 complicated. So I am saying we are going from
16 there and then now we are trying to validate with,
17 you know, two separate sets of ways of identifying.

18 MR. HINNEFELD: I'm sure Tim could
19 speak more knowledgeably about that than I could.
20 But yes, that's -- that is the situation we'd be
21 in.

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1 CHAIR MELIUS: Yes. Yes, no, I -- we
2 are, and then we have this other so I think it gets
3 very -- I mean, I am very skeptical on the approach
4 that Tim is using simply because it's limited to
5 such a small number. It'll be useful supplemental
6 data but it doesn't answer some of the primary
7 questions that you have as to what, you know, how
8 complete are these and were people actually sampled
9 and so forth and so on. So I think until we can
10 put all of them together it's very hard to come to
11 any conclusions, especially until the SC&A effort
12 gets -

13 MR. FITZGERALD: Yes. I was going to
14 add that yes, that's absolutely true. We are
15 actually going back to a primary question -

16 CHAIR MELIUS: Yes.

17 MR. FITZGERALD: -- that wasn't
18 resolved or answered in the first place and -

19 CHAIR MELIUS: Right.

20 MR. FITZGERALD: -- trying to go back
21 and answer that at the same time that we are pretty

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1 far along --

2 CHAIR MELIUS: Yes.

3 MR. FITZGERALD: -- on the other
4 things.

5 CHAIR MELIUS: Yes.

6 MR. FITZGERALD: And, again, this -- I
7 think there was an assumption that the records had
8 been migrated and everything was fine and this
9 revelation of a couple years ago was that no,
10 actually there were two separate systems at play
11 here -

12 CHAIR MELIUS: Yes.

13 MR. FITZGERALD: -- and that required
14 then that you go back and actually validate that
15 your records did in fact wind up where they should
16 have been.

17 CHAIR MELIUS: Yes. Other questions,
18 comments?

19 MEMBER ZIEMER: Jim, this is Paul. I
20 have a question for Joe.

21 CHAIR MELIUS: Okay. Go ahead, Paul.

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1 MEMBER ZIEMER: Yes. Joe, I assume in
2 your second to the last -- second to the last slide
3 which you called remaining questions, I assume
4 that's more than a rhetorical question. Are you
5 going to -

6 MR. FITZGERALD: Yes, absolutely.

7 MEMBER ZIEMER: Are you going to try to
8 establish that -- establish the adequacy criteria
9 before you actually do the sampling? I mean --

10 MR. FITZGERALD: Yes, I -- it certainly
11 would be statistically pure.

12 MEMBER ZIEMER: -- statistically
13 average, it becomes very subjective.

14 MR. FITZGERALD: The problem is,
15 understanding the nature of the beast, which is you
16 don't know what you have until you actually look.
17 We don't know what --

18 MEMBER ZIEMER: I understand that.

19 MR. FITZGERALD: We don't know the data
20 that we are actually looking at until -- we don't
21 even know what the n is. n equals, you know,

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1 numbers of subcontractor -- identified
2 subcontractors until we actually go in and look and
3 we don't know how many per facility.

4 So it is kind of a rhetorical question
5 in the sense that we are going to go ahead and find
6 these records, identify the numbers.

7 In parallel -- I've talked to John about
8 this -- we are going to have somebody look at the
9 statistics just because it's an obvious question
10 that we are going to need to at least understand
11 the ramifications and get some -- it must be -- like
12 I said, in the first week of -- second week of
13 January we will have the -- what the n number is
14 -- number of records.

15 MEMBER ZIEMER: Yeah, I guess --

16 (Simultaneous speaking.)

17 MR. FITZGERALD: And during that same
18 time frame we are going to have somebody look at
19 the statistics -

20 MEMBER ZIEMER: Yes.

21 MR. FITZGERALD: -- and help us decide,

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1 because there is a -- phase two of this thing is
2 matching up the subcontractor identifiers to the
3 records themselves -- the actual radiation
4 records. So it would be helpful to know, you know,
5 do we need 500, do we need 700. I mean, so that's
6 what we are going to try to do in parallel is get
7 that advice from, I guess, Harry or -- Harry
8 Chmelynski, our statistician, and give us at least
9 a rough idea of, you know, you're going to need,
10 you know, hundreds in order to have a statistically
11 sound sample or not.

12 So in the second phase we will have to
13 go ahead and match that up and that's going to be
14 two trips. I mean, the first trip -

15 MEMBER ZIEMER: Okay.

16 MR. FITZGERALD: -- is really to
17 identify the subs. The second trip is to match
18 that up against the microfiche where the bioassay
19 records reside and that's -- again, that's another
20 whole tall order of work and we are hopeful that
21 we can do that maybe in late January into February.

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1 MEMBER ZIEMER: Well, once you get the
2 sort of the n value, you're going to try to
3 establish the measure of adequacy value.

4 MR. FITZGERALD: Right. I think --
5 like I said, that's sort of the discussion we have
6 had within SC&A is that we do need to have that
7 looked at and that needs to guide our second phase,
8 which is to figure out how many we need to match
9 up to have a -- you know, at least a statistically
10 sound -- it's not going to be a pure analysis but
11 at least it'll be guided by some review and analysis
12 that we will present to the Board at the same time.

13 MEMBER ZIEMER: Well, it's the impure
14 analysis that we are worried about.

15 CHAIR MELIUS: You know, but Paul, I
16 mean, and everybody here actually -- it's not just
17 a Paul question -- but I think we also have to
18 recognize that we are not just looking at the --
19 as a single, you know, uniform source of records.

20 MEMBER ZIEMER: Right. Right.

21 CHAIR MELIUS: There may be years where

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1 things are missing or better or worse or whatever
2 and everything may be fine for 15 years and six
3 years may be terrible and then -

4 MEMBER ZIEMER: Right. There may be
5 years where it's good and others where it's bad.

6 CHAIR MELIUS: Yes.

7 MR. FITZGERALD: We really don't have
8 any idea, you know. In looking at this -- looking
9 at these collections we don't have any idea what
10 fraction of the true number this represents.
11 There is just no way of knowing that -- you know,
12 how many records have been lost, how many records
13 were destroyed, how many records weren't kept in
14 the first place. All we are going to be able to
15 do is identify if the ones we can identify, in fact,
16 have corresponding rad records associated with
17 them.

18 MEMBER ZIEMER: Right.

19 MR. FITZGERALD: That answers a good
20 part of the question, not all the questions.

21 MEMBER ZIEMER: Thanks.

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1 CHAIR MELIUS: Paul, if you'd like to
2 answer those rhetorical questions for us you're --
3 we'd welcome it.

4 MEMBER ZIEMER: Right. Yeah, right.

5 CHAIR MELIUS: Okay. Anybody else
6 with comments or questions? Okay.

7 **Dose Reconstruction Report to the Secretary**

8 Okay. I am going to sit here after
9 that. I refuse to move here. So dose
10 reconstruction report to the Secretary. Ted
11 circulated the most recent draft of the letter to
12 the Secretary in our report. That incorporated
13 comments that I received from Board Members and Ted
14 and Jenny and others.

15 But I think that was it, and so forth,
16 and there were not a large number of those but there
17 were some. There are probably still some typos,
18 as Dave reminded me over breakfast and we had
19 discussions -- grammatical discussions over that.
20 We wish you were here for breakfast, Paul. It
21 would have -- probably could have helped us out with

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1 our discussions.

2 So I guess I am interested now in what
3 -- are there other comments? If there are -- if
4 they are grammatical or phrasing or whatever and,
5 you know, not -- don't substantially change the
6 meaning of the report, whatever, I think we can
7 just, you know, forward them and those will be
8 incorporated and we will, obviously, do a final
9 proofing before we send it out.

10 But if there are significant things
11 that would change a conclusion or a finding or
12 whatever then we probably need to discuss that
13 among the full Board here. So I open it up. Dave?

14 MEMBER KOTELCHUCK: I don't -- it's
15 fine. The cover letter is, in my opinion, perfect.
16 I don't have any suggested changes. There are no
17 substantial changes I can see in the report that
18 was circulated.

19 I do have a number of editorial changes
20 and I found three typos, and others, I am sure, have
21 found them too. Twice the word cases. But -- and

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1 I'll send them -- but I'll send them to you, Jim.
2 But otherwise I think it's ready to go and it's
3 nice. The data was up -- we started analyzing the
4 data that went up through November 1st, 2015. So
5 it's a year later. We have circulated and we have
6 gone over everything. I think we are ready to go
7 and this seems like an appropriate time.

8 CHAIR MELIUS: Anybody else? Wanda?

9 MEMBER MUNN: One can't help but be
10 amazed at how well it has come together, actually.
11 And so it's a very good report.

12 CHAIR MELIUS: I think everybody
13 contributed. Is that -- any Board Members on the
14 phone wish to comment?

15 MEMBER ZIEMER: Well, it seems to be
16 free of dangling participles.

17 CHAIR MELIUS: Okay. We discovered
18 with our -

19 MEMBER ZIEMER: If you caught the
20 spelling errors, then I am good to go.

21 CHAIR MELIUS: Okay. I discovered

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1 with some of you former professor types, you know,
2 the dangling participle one -- we have a semicolon
3 one also who's very opposed to semicolons. I got
4 chastised for that also. So I was feeling sorry
5 for the poor students, the large number that had
6 to go through class and learn grammar again. Okay.
7 If not, then I think we need a motion. Dave?

8 MEMBER KOTELCHUCK: So moved that we
9 approve the report and the cover letter.

10 MEMBER CLAWSON: Second.

11 CHAIR MELIUS: Okay. Voice vote -- I
12 can -

13 MR. KATZ: I don't see why not.

14 CHAIR MELIUS: Okay. All in favor.

15 (Chorus of ayes.)

16 Opposed.

17 (No response.)

18 And abstained?

19 (No response.)

20 MEMBER ZIEMER: I second it. I just
21 wanted to add, since this is important for the

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1 Secretary, don't we need to log in our individual
2 votes?

3 MR. KATZ: I'm sorry. Paul, it was
4 hard to hear what you said.

5 MEMBER ZIEMER: I said since this is
6 actually a report for the Secretary, don't we need
7 to individually vote on it?

8 MR. KATZ: I don't think so. I think
9 this vote is fine for this. It's just --

10 MEMBER ZIEMER: Okay.

11 MR. KATZ: -- a report.

12 MEMBER ZIEMER: I voted yes. I just
13 wanted to make sure we are --

14 MR. KATZ: Okay.

15 MEMBER ZIEMER: -- procedurally okay.

16 MR. KATZ: Okay. Fine. It'll be on
17 me.

18 MEMBER CLAWSON: I'll be right there
19 with a dangling participle.

20 CHAIR MELIUS: Yes. And I would ask
21 Ted, though, to check with the Board Members who

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1 are not on the -- able to attend or be on the phone.

2 MR. KATZ: Right. That'll be part of
3 my follow-up which I do after every Board meeting.
4 Thanks.

5 CHAIR MELIUS: Yes. Yes, so that we do
6 that because it does represent conclusions from the
7 Board and -- and, obviously, if any of them have,
8 you know, significant comments we will let
9 everybody know.

10 MEMBER KOTELCHUCK: It may be
11 appropriate somehow to incorporate -- well, no.
12 The cover letter is the cover letter. It's done
13 so -

14 CHAIR MELIUS: Yes.

15 MEMBER KOTELCHUCK: -- I was just going
16 to say, you know, if there were ways of sneaking
17 in that was unanimous decision would be nice. But
18 truth is we have approved it; it is final.

19 MEMBER MUNN: That letter is already
20 perfect so -

21 CHAIR MELIUS: Yes. Let's not -

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1 MR. KATZ: Right. Right. It really
2 it.

3 **Board Work Session, August Public Comments,**
4 **Correspondence**

5 CHAIR MELIUS: -- mess it up. Okay.
6 Good. So now we have -- well, we are super-
7 efficient today here -- a work session which was
8 to last an hour -- which one? Yes, I know.

9 Public comments -- I am getting those
10 out here. I have 38 public comments from the last
11 meetings and -- or meeting, I should say, and do
12 that. First one was a correspondence from the
13 Blockson petitioners that was read into the record
14 by Ted at the meeting.

15 It was considered overtime hour issues
16 and were those -- that and I think Jim Neton
17 responded and indicated it was -- that was a Site
18 Profile issue and would be followed up on and do
19 that.

20 The second one regarding INL wanted to
21 expand the time frame for the SEC Class. It's

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1 really not something -- I think we are sort of --
2 ongoing we can but it depends on findings and it's
3 really a DCAS prerogative in terms of doing that
4 as we go through and -- but, again, with input from
5 the Board in terms of what we find as we go along
6 -- do that.

7 We had a number of additional comments
8 on that, one regarding the reactor list was from
9 one person at -- regarding INL, a number of other
10 individual comments which have all been responded
11 to by -- one of them by -- I responded to, I think,
12 at the meeting and the others -- Tim Taulbee has
13 followed up on to that.

14 Eight, nine and ten -- questions
15 regarding Santa Susana and regarding an
16 individual's particular record and so forth and
17 Lara Hughes has responded to those. So another set
18 of comments regarding Santa Susana regarding an
19 issue regarding some of the Site Profile background
20 records and so forth and that, again, Lara has
21 addressed those and I think they will be addressed

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1 probably publically, at least not directly but
2 indirectly in terms of the presentation later.

3 Numbers 15 through 17 were a set of
4 comments on the Savannah River Site from one person
5 involved in that petition and comments about some
6 of the revisions in the TBD and then some of our
7 evaluation approaches. Tim Taulbee has responded
8 to those. Another set of -- well, a single
9 question, number 18, regarding sort of multiple
10 issues with some other sites and so forth. LaVon's
11 followed up on that.

12 Number of issues on -- from a
13 petitioner, person involved, five sets numbered 19
14 through 23 regarding Rocky Flats that have either
15 been referred to the Work Group. One was a DOL
16 issue and LaVon Rutherford, I believe, I guess he
17 followed up on that one. That was the issue on
18 residual periods on DOE sites, which are not
19 included in the legislation. So we don't do those.
20 Another -- numbers 24 and 25 some issues regarding
21 several sites, one of which was a person had not

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1 heard back regarding an SEC petition in the early
2 days.

3 So I think that's, again, Josh and LaVon
4 have followed up on that. Numbers 26 through 28
5 regarding Lawrence Livermore and Lawrence Berkeley
6 and, again, those -- LaVon has responded to that.
7 There was questions about the petitions at
8 different sites. Further comments on Savannah
9 River from petitioner -- that's number 29, and Tim
10 has responded to that. Some questions on Pinellas
11 -- again, Josh Kinman responded on that -- to that.
12 Another person, number 31, regarding Nevada Test
13 Site and the NIOSH DCAS project officer Mark Rolfes
14 has responded on that one. Another Pinellas, Pete
15 Darnell has responded to that and I believe that
16 was -- has that been sent out, Pete's -- it was in
17 our package. I just didn't quite, wasn't -- quite
18 have a heading on it so I couldn't quite tell what
19 had happened to it, okay, and do that.

20 Again, a letter from Rocky Flats --
21 petitioner urging extension and so forth.

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1 Referred to LaVon Rutherford. And then last but
2 not least, some questions on -- I think there is
3 five -- comments on General Steel Industries and
4 Dave Allen, the DCAS project officer on that has
5 responded on those as he has on many others about
6 that site. So that -- so yes?

7 MEMBER BEACH: Question. Regarding
8 the one that we talked about that Pete Darnell sent
9 out, how -- what's the response on that? I mean,
10 did that go to the petitioner? Is it going to be
11 read into the record? It's just an unusual way to
12 have correspondence on the public comments. So I
13 was curious -- the process.

14 MR. KATZ: I can't answer that. I
15 don't know.

16 MEMBER BEACH: Okay. I just didn't
17 know. It was unusual.

18 CHAIR MELIUS: Stu or anybody? I
19 didn't quite understand the context for that
20 either.

21 MR. HINNEFELD: Off the top of my head

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1 I don't remember it. But Ted, do you have one that
2 I can look at?

3 MEMBER BEACH: I have one pulled up
4 here. Actually, I have a hard copy, too.

5 CHAIR MELIUS: I would say we would not
6 read that into the record because what we are
7 addressing is, have these comments been responded
8 to and the general way they were responded that's
9 included in what's been transmitted as part of the
10 transcript there. But how that -- what that
11 correspondence is, is not -- just was sort of out
12 of context and usually we don't get information.
13 A lot of times -- most of times probably done by
14 phone or by email, I think. Okay.

15 MEMBER ZIEMER: What -- who this one
16 was sent to. I mean, we got copies of it but was
17 it intended to go to the commenter?

18 MR. KATZ: I'm sorry, Paul. It was
19 really hard to understand you.

20 MEMBER ZIEMER: I just wondered who
21 this was directed to. It says public comment

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1 response and we got copies of it. But was it
2 directed to the commenter?

3 MR. KATZ: Yes. I assume the response
4 -- the commenter was responded to. The comments
5 were extensive, which is why I think he made a
6 separate document for that.

7 CHAIR MELIUS: Yes, it's comment
8 number 32 on what was distributed here and -

9 Okay. Ted, do we have anything else we
10 need to do? We have no correspondence.

11 We have done our -- do we have any --
12 no, we didn't have any leftover Work Groups. Okay.

13 MR. HINNEFELD: I can't provide any
14 insight today. I don't recall right now. As a
15 general rule, we provide responsive information to
16 comments made at the meeting for, you know, back
17 to the Board. But it's not normal -- we don't
18 normally then correspond with the commenters. So
19 I don't know that we did this in this case or not.

20 CHAIR MELIUS: Okay. Yes, if you
21 could just follow up. I don't think it's a major

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1 issue with that, nor is it, I think, inappropriate
2 as a way of -- if there is extensive comments it's
3 easier to -- sometimes easier just to write out
4 answers to them and do that. Okay. So I think we
5 will then break until 4:30.

6 (Whereupon, the above-entitled matter
7 went off the record at 2:59 p.m. and resumed at 4:31
8 p.m.)

9 CHAIR MELIUS: Okay. If everyone can
10 get seated, we will get started. So we are going
11 to start with a presentation on LANL from LaVon
12 Rutherford and then we will hear comments from the
13 petitioner about the -- so an update from him and
14 then once that is -- whatever discussion among the
15 Board and so forth we will then start the public
16 comment period. So before we do that we will do
17 a little announcement about the -- how that works
18 and so forth.

19 MR. KATZ: Right. Just a reminder,
20 there is some new faces here. But if you want to
21 comment during the public comment period there is

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1 a sign-in book outside with the lady sitting
2 outside at the desk. So please do sign in. It's
3 helpful. Thanks.

4 CHAIR MELIUS: But it's not required
5 that you sign in. So if you decide based on what
6 you've heard or haven't heard that you want to make
7 comments later you'd be allowed to also. So do
8 that. And so LaVon, go on.

9 **Los Alamos National Laboratory SEC Petition Update**

10 MR. RUTHERFORD: Alright. I am LaVon
11 Rutherford. I am going to give the update on our
12 work with SEC 109 for the Los Alamos National Lab.

13 A little background -- this petition
14 was received back in April of 2008. It qualified
15 for evaluation in May of 2008. We initially
16 evaluated all support workers from January 1, '76
17 through December 31 of 2005.

18 We issued Rev 0 of our report in January
19 1 of 2009 and Rev 1 in August of 2012. That Rev
20 1 report actually recommended a Class from January
21 1, 1976 through December 31 of 1995. The Board

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1 concurred with our recommendation and the
2 Secretary moved the Class forward.

3 Okay. Our feasibility that we
4 identified for that Class was unmonitored intakes
5 of exotic radionuclides, alpha emitters, fission
6 products, activation products and special tritium
7 compounds.

8 We set an end date of December 31st,
9 1995 for the Class based on the presumption that
10 LANL would be in full compliance with 10 CFR 835.
11 We committed to evaluate the post-1995 issues,
12 though. So 10 CFR 835 requires internal dosimetry
13 programs for radiological workers who under
14 typical conditions are likely to receive a
15 committed effective dose equivalent of .1 rem per
16 year or more from all occupational radionuclide
17 intakes in a year. So all intakes in a year .1 rem
18 or 100 millirem. So if they met this requirement
19 and the individual did not have internal dosimetry
20 we could expect that that individual did not
21 receive more than .1 rem CEDE -- again, assuming

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1 compliance.

2 So since the ER -- since Rev. 1 of the
3 Evaluation Report we received more information,
4 documents and procedures about the post-1995
5 period on exotic radionuclides. What we found is
6 work with these radionuclides after 1995 has been
7 sporadic. They are corresponding therefore and
8 consistently there is corresponding few bioassay
9 data.

10 Back in November of last year NIOSH,
11 SC&A and ORAU, our subcontractor, went to LANL. We
12 met with the LANL health physics team including
13 managers, dosimetrists and fuel personnel. We met
14 with them to get a better understanding how they
15 were complying with 10 CFR 835. Not only complying
16 now but complying back then.

17 From that -- during that trip we
18 captured documents including radiation work
19 permits, respirator use, air sampling, radiation
20 surveys, HP checklists, routine monitoring
21 instructions and external exposure data, the idea

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1 being collect as much of this information and kind
2 of, you know, build a story from it.

3 We also, during that visit, we got
4 information on the special tritium compounds and
5 their site-specific radiation protection program
6 in compliance with 10 CFR 835 and their dosimetry
7 matrices program, which is a program kind of set
8 up to identify when dosimetry would be required for
9 specific jobs.

10 So after we -- it took some period of
11 time to get a lot of this information. As well,
12 we have also been looking at -- in the spring we
13 began considering how we were going to, you know,
14 basically reconstruct doses for the unmonitored
15 workers during this era. If you think about it,
16 you know, previously we have always used a coworker
17 model for unmonitored workers where we found it
18 appropriate. In this area -- era, if people were
19 not exceeding 100 millirem, a coworker model would
20 not be necessary. But we still had 100 millirem
21 threshold so we have been looking at that.

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1 LANL looked at -- LANL operated by a 40
2 DAC hour per year limit, which equates to their 100
3 millirem CEDE and so we have been looking at how
4 they are complying or how they are meeting that 40
5 DAC hour limit.

6 So in doing that, we bounced around on
7 how we were going to do it. Most recently we
8 decided that we would review -- we have always been
9 reviewing assessments, reports and things such
10 like that, identified findings, responses and
11 corrective actions but we wanted to look more at
12 this -- the noncompliance tracking system which
13 actually identifies noncompliances with 10 CFR 835
14 as well as 10 CFR 830 and others. But we looked
15 specifically at 10 CFR 835 violations. We looked
16 at the site response in the corrective actions and
17 we are also going to review the current reporting
18 system as soon as we get access to that.

19 I think Stu mentioned that earlier we
20 are trying to -- working on getting access. In
21 fact, that is our last item on this list to get

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1 access to. But when we are reviewing these we are
2 looking at -- do the findings identify unmonitored
3 exposures that may prevent reconstructing
4 exposures to a defined Class of workers or do the
5 findings identify a programmatic flaw that would
6 suggest unmonitored workers could have received
7 exposures in excess of 40 DAC hours per year.

8 If you think of that from the
9 programmatic flaw of the DR perspective, in that
10 case a coworker model would -- I mean, that would
11 be like under your old requirement such that a
12 coworker model would be required.

13 So where we are, we have reviewed the
14 available assessments on the different reports,
15 however, and we have gotten access to the
16 noncompliance tracking system and we have
17 downloaded a number of the reports for LANL and we
18 are putting those in our Site Research Database.
19 We are working with DOE to get access to the
20 occurrence reporting process. After we have
21 reviewed all the assessments and report. The

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1 addendum can be completed.

2 The long pole in the tent is the
3 occurrence reporting process. We have every -- we
4 have reviewed everything else up to this date. Our
5 current schedule has the addendum being completed
6 by February of next year. And that's our current
7 status.

8 CHAIR MELIUS: Okay. Thank you very
9 much, LaVon. Board Members have questions?
10 Okay. I have a related question, I believe. Have
11 we in the past on LANL identified other Site Profile
12 issues going back in time?

13 MR. RUTHERFORD: Certainly. Yes.

14 CHAIR MELIUS: And where are we in
15 terms of addressing those?

16 MR. RUTHERFORD: I -- honestly we have
17 been focusing on the SEC issues and I could not give
18 you a good position on where we are with the Site
19 Profile issues.

20 CHAIR MELIUS: Okay. Because I think
21 we need to start thinking about those. I mean,

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1 much of the site and time period of site is covered
2 by SEC. But that still leaves a number of people
3 with non-SEC cancers that would require dose
4 reconstruction being done and where Site Profile
5 issues are, you know, going to be -- could be
6 important for them and so forth.

7 And, you know, we have now done enough
8 on this site. I guess maybe Hanford's somewhat
9 close to this, not quite, where one, this is a sort
10 of a new -- you know, new challenge to look at.

11 MR. RUTHERFORD: Yes.

12 CHAIR MELIUS: Post '95 period. It's
13 not been done before but it's also leaves a long
14 time period with Site Profile issues that we ought
15 to be thinking about how do we move forward on
16 those, particularly ones that could have
17 significant impact on exposures for people that are
18 working at the site with non-SEC cancers.

19 MR. RUTHERFORD: Okay. Yes, we can
20 start working on that at least --

21 CHAIR MELIUS: Yes, that would be

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1 something for the Work Group to think about and -

2 MEMBER BEACH: Jim, I think that's --
3 Josie Beach. Anyway, I think that's a good idea.
4 I know the Work Group will get -- meet when the
5 addendum comes out and I don't recall if we had a
6 Site Profile Matrix at all. I'd have to ask SC&A
7 on that also. That's a good point.

8 MR. RUTHERFORD: Well, I think Mark
9 Griffon was the lead at that time. So it's been
10 a long time ago.

11 MEMBER BEACH: Yes, it was.

12 MR. RUTHERFORD: You know, another
13 item I wanted to point out before I forget is, as
14 Dr. Melius mentioned, this post-'95 period, this
15 is -- this is really our first 10 CFR 835 era
16 assessment and there is going to be others to follow
17 quickly thereafter, Sandia National Lab, Lawrence
18 Livermore National Lab, and not all sites handled
19 it the same way based on it. So, you know, I think
20 it'll be an interesting period.

21 CHAIR MELIUS: Any other Board member

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1 comments or questions? Board Members on the
2 phone, any questions? Okay.

3 MEMBER ZIEMER: No questions here.

4 CHAIR MELIUS: Okay. Thank you.
5 Andrew. And do you want to identify yourself, and
6 as usual, and go for it.

7 MR. EVASKOVICH: I am Andrew
8 Evaskovich. I am the petitioner for SEC 109. I
9 just got the slides about a day or two ago or found
10 them online. So I tried to come up with a quick
11 response. I found some abstracts that I am going
12 to read and there is a section of an article that
13 I found that I am going to refer to as well plus
14 some stuff that was already in the petition.

15 This is from 1997. Department of
16 Energy appraisers found continuous air monitors at
17 Department of Energy plutonium facilities alarmed
18 less than 30 percent of the time when integrated
19 room plutonium air concentrations exceeded 500 DAC
20 hours.

21 Without other interventions this alarm

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1 percentage is consistent with the possibility that
2 workers could be exposed to high airborne
3 concentrations without continuous air monitor
4 alarms. Past research has shown that the
5 placement of continuous air monitors is a critical
6 component in rapid and reliable detection of
7 airborne releases. At Los Alamos National
8 Laboratory and many other Department of Energy
9 facilities, continuous air monitors have been
10 primarily placed at ventilation exhaust points.
11 The purpose of this study was to evaluate and
12 compare the effectiveness of exhaust-register
13 placement of workplace continuous air monitors
14 with other sampling locations. All dispersed oil
15 aerosols were released from multiple locations at
16 two plutonium laboratories and Los Alamos National
17 Laboratory.

18 An array of laser particle counters
19 positioned in the room measured the time-resolved
20 aerosol dispersion. Results show alternative
21 displacement of air samplers generally resulted in

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1 aerosol detection that was faster, often more
2 sensitive and equally reliable compared with
3 samplers at exhaust registers. And from a similar
4 document that was from 1994, a different author,
5 false alarm rates, i.e., alarms occurring in the
6 absence of elevated air levels, were also reviewed
7 and found to be as high as 95 percent for some of
8 the facilities surveyed. Though there are few
9 actual uptakes, these results raise questions
10 concerning generally accepted practices for worker
11 protection and the value of active monitoring
12 units.

13 And just the information we have
14 discussed as far as the petition that was approved
15 up to '95, there are potential inadequacies in the
16 assessment of neptunium airborne contamination
17 from instruments designed and calibrated for
18 plutonium. The lack of comprehensive hazards
19 analysis has resulted in the lack of appropriate
20 documented technical basis for addressing these
21 issues.

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1 And this is an article I just found this
2 morning, in fact, dealing with spallation.
3 Ensuring the safety of workers at
4 accelerator-driven nuclear facilities is
5 paramount before these systems can be deployed for
6 nuclear transmutation or any other mission.
7 Spallation neutron sources produce as many as 660
8 rare radionuclides in either the target or the
9 blanket during the spallation process. No data
10 exists for many of these radionuclides in the
11 current radiation protection guidelines and
12 standards. This research program seeks to address
13 this problem through generating internal and
14 external dose coefficients for these new isotopes.

15 So, and they do spallation work at the
16 accelerator at the LANS facility. So that's why
17 I mentioned that issue. And as far as the
18 derivative air concentrations, how it has been
19 addressed, I think that's what the documentation
20 will show.

21 My position is I don't think it's

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1 sufficient and I'll probably find more information
2 supporting that. I know there were reports in
3 later years where they've had some findings
4 concerning monitoring. That's all I have to say.
5 Thank you.

6 CHAIR MELIUS: Thank you, Andrew. No,
7 I am sure as we are now identifying new issues --
8 I don't know exactly what to call them -- there will
9 be a lot of questions and questions that will come
10 up with some input and information from people that
11 have worked at the facilities and so forth will be
12 useful and helpful to try to resolve some of those
13 issues. So that's good. Okay. So we will start
14 the public comment period but first Ted will do an
15 introduction.

16 **Public Comment**

17 MR. KATZ: Yes. Yes, just the
18 preliminaries. For those of you who aren't
19 familiar, all of our Board meetings are transcribed
20 and the written record of the meeting is a verbatim
21 record. So everything's exactly as it's said and

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1 then that's published on the NIOSH website.

2 So for the public comment session,
3 everything you tell the Board is -- gets published
4 and put out there for everyone else to read. So
5 just keep that in mind in terms of anything very
6 personal to you that you might say and might not
7 want to be out there. But whatever you say about
8 other people -- not about yourself but about other
9 people, we will do redactions to the record for them
10 -- for what you say about them to protect their
11 privacy since they are not speaking for themselves.

12 So I just want to let you know that's
13 how that works. There is a lot more verbiage on
14 the website for how that works. But there is no
15 real need to go there. That's the bottom line, and
16 that's it.

17 CHAIR MELIUS: Okay. We will get
18 started. We are going to jump around a little bit
19 here so it won't be in the order that you signed
20 up in and then as I said if other people wish to
21 make comments we will make -- provide time and there

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1 may be people on the phone that are calling in that
2 will want to make comments. We usually do them
3 last, and we have one person who has to get back
4 to work. So they get priority.

5 So and, again, I will apologize up front
6 if I mispronounce or correct names and you're up.
7 Go ahead. Yes. Eloy Giron.

8 MR. GIRON: Chairman, Members of the
9 Board, my name is Elloyd Giron. Thank you for your
10 time right now. I work at Sandia National Labs.
11 I am a security police officer and I am going to
12 use an acronym, SPOs, later on. So I have a real
13 quick statement right here.

14 CHAIR MELIUS: Okay.

15 MR. GIRON: What I am here right now is
16 just to ask for an update on our cohort that we --
17 that we petitioned for. I petitioned for it in
18 2011 and it was granted up until 1994.

19 Since then, Dr. Glover has come and met
20 with us and we have gone into classified areas and
21 discussed other things and I have a real quick

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1 statement here. None of this is classified. Let
2 me put my readers on here.

3 CHAIR MELIUS: Okay. Sure.

4 MR. GIRON: Okay. The reason we are
5 asking for this update is, and this is some of the
6 stuff that we spoke with Dr. Glover with, was the
7 Sandia SPOs, the security police officers, were
8 treated different than other Sandians.

9 The security posture and protection of
10 SNM -- special nuclear material -- was given more
11 priority than the safety conditions of our
12 workplace. SPOs routinely patrolled in all areas
13 of Sandia National Labs. These areas contain many
14 hazards to include SNM, radioactive material,
15 radioactive waste, radiological producing
16 machines, hazardous chemicals, biological
17 hazards.

18 SPOs manned many temporary SNM projects
19 to include Tonopah Test Range, 6580 hot cell, new
20 cable site, old cable site, 6505, 6636. Due to the
21 temporary nature of these projects there are no

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1 built-in safety precautions and all this is -- none
2 of this is classified. This was in the petition.
3 This was discussed with Dr. Glover.

4 The SPOs manned permanent 24/7 posts
5 and radiological areas of Buildings 6597 and 6590
6 hard pool. The areas of disposition were not
7 designated for a safe environment for them. They
8 were just incorporated into the current testing
9 facilities.

10 SPOs could not leave these areas to
11 either eat and use the restroom there.
12 Radiological monitors routinely went off in these
13 areas. When these alarms went off, the SPOs did
14 not evacuate.

15 These alarms often went off during
16 nonoperational hours. During these hours, there
17 were no rad techs on duty to assess these alarms.
18 In hard pool, testing personnel and reactor
19 operators evacuated the areas during the shots.
20 SPOs remained in place.

21 SPOs were only given a TLD to wear with

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1 no procedures in place to make sure the TLD was
2 worn. SPOs were never given any internal
3 monitoring. Operating personnel for these areas
4 were given internal monitoring and other external
5 monitoring devices to wear for the operating
6 personnel.

7 Right now I am asking for a status on
8 this and if there is anything else that we can do
9 to help out to get this going. I am about to --
10 I think Dr. Glover's gone.

11 MR. RUTHERFORD: Yes, Dr. Glover is
12 gone.

13 MR. GIRON: And you're the new guy.

14 MR. RUTHERFORD: No, I am not the new
15 guy. Actually, Chuck Nelson, another health
16 physicist, will be the lead for -- is the lead for
17 that. We are actually planning to issue our
18 addendum on Sandia to close out or to address those
19 final years of that petition in June of next year.
20 So it's going to follow the Los Alamos petition
21 evaluation that's in February. It will be issued

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1 in June of next year.

2 MR. GIRON: Okay. If there is any help
3 that we can be please get a hold of us.

4 MR. RUTHERFORD: I will make sure that
5 I pass that information along. Yes, keep in touch.

6 MR. GIRON: Chairman --

7 MR. RUTHERFORD: And we actually
8 started -- one of our first questions this morning
9 that the Board had was what's happening with
10 Sandia. So we were -- been concerned also so and
11 we will keep it moving.

12 MR. GIRON: Okay. Chairman, Members
13 of the Board, thank you for your time.

14 MR. RUTHERFORD: Okay. Thank you.

15 CHAIR MELIUS: Is there anybody else
16 here that wishes to speak to issues related to LANL?

17 (No response.)

18 Okay. Then I will start going down the
19 list in the order that the people signed up.
20 Actually, I have one more person signed up. Chad
21 Walde. Okay. Go ahead. Yes.

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1 MR. CHAD: Good afternoon. Chairman,
2 Board Members, I appreciate your time in listening
3 to me. I am a common man, maintenance, execution
4 in Los Alamos. I was hired on there in 1999, fresh
5 out of the Navy, and worked my way up into
6 supervising craft and what not throughout the
7 laboratory.

8 I don't know what else I could add. I
9 don't know what information you've already had or
10 what have you but when it comes to Los Alamos and
11 the air monitors, what not, RCTs, yes, they made
12 tremendous strides for protecting the employees.
13 But there is quite a gap there regarding how people
14 were monitored, what was reported back to the
15 employees. The rad protection program has gotten
16 a lot more robust but it hasn't -- in my 17 years
17 wasn't always where it is now.

18 I've -- from 2011 to 2014 I was the work
19 execution manager for the rad liquid waste facility
20 when we had, you know, monitored RCTs and everybody
21 else, CAM alarms, respirators issued, what not,

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1 working in the plant. There were several times
2 that the alarms would go off but nobody knew why
3 or what have you. There was also times where
4 employees as TLDs would start taking hits and
5 nobody can explain why. The evaporator was found
6 to be contaminated at one point in time during the
7 maintenance inspection and nobody knew -- so but
8 nothing had alarmed. Nothing told anybody. So
9 there is still more reason to dig and look.

10 Another thing was during Cerro Grande
11 I was assigned to the fire protection maintenance
12 crews as superintendent and sent employees out to
13 -- after the fire was released or after the fire
14 was contained we were allowed to access the site
15 again.

16 The fire alarm systems throughout the
17 hill that were in alarm, either powered down or
18 contaminated with smoke. Contaminated meaning --
19 I am sorry -- don't know if they were contaminated
20 or not. I just know that they'd taken in the smoke
21 and set off the alarms and I was tasked with sending

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1 crews out into the field, a lot of times going with
2 them, and either cleaning the detectors and
3 cleaning them and nobody still knows what was put
4 in the air that day or those two weeks.

5 None of us had -- not -- I shouldn't say
6 none, excuse me -- not everyone was issued a TLD.
7 Not everyone was monitored. Not everybody -- some
8 of us were outside the categories that were
9 monitored or found to be in a working Class that
10 needed to be monitored even though we routinely
11 went throughout the laboratory and the -- we just
12 -- I guess what I am here to say is, you know, I'd
13 really like you to -- I urge you to look at --
14 looking at the people who worked there after 1995
15 because it still wasn't locked tight and solid that
16 we got everybody covered. I myself am diagnosed
17 with cancer. In 2014, I was diagnosed with stage
18 four glioblastoma. When I filed my documentation
19 I was told, yes, we gave you so much radiation but
20 in order to -- based on our models for the central
21 nervous system you would need five rem for us to

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1 be able to have more likely than not. Well, I asked
2 them well, what model did you use. They said a
3 thyroid. And I am not here to plead my case or poor
4 pitiful me or anything like that. I am sorry if
5 that's what I'm coming off.

6 But there is a lot of work to still be
7 done. There is people being denied. To me, I'll
8 be honest, I could care less about the money. I
9 am more worried about the insurance part of it,
10 taking care of what not. But, you know, so to me
11 a brain is different than a thyroid, a more
12 sensitive organ. That's why it was protected and
13 built that way, and I got three rem documented.
14 There is periods of work there that we don't have
15 any documentation on. So it's -- it is personal.
16 So and I, again, being supervisor for that fire
17 protection crew I won't say any names but I do know
18 several other employees that hired in and worked
19 those periods, worked nights, worked what have you,
20 weren't always monitored and have been developing
21 cancer as well and they don't fall under extended

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1 cohort and if there is some trick, some way around,
2 it's not quite enough or what have you. What we
3 are doing here is not 100 percent, I guess, is why
4 I am asking you to -

5 CHAIR MELIUS: No. Thank you, and it
6 would be helpful if you can give your name and at
7 least contact information to LaVon.

8 MR. CHAD: I do apologize for that.

9 CHAIR MELIUS: Because we are
10 evaluating this. We will follow up and may want
11 to interview you and, you know, get more
12 information and you can answer questions that,
13 obviously, from a distance we can't. So --

14 MR. CHAD: Yes, sir. I apologize.
15 I'll catch you --

16 CHAIR MELIUS: You don't need to
17 apologize.

18 MR. CHAD: You asked us to start out
19 with that so --

20 CHAIR MELIUS: Yes. That's fine.
21 But if you want to talk to LaVon and just catch him

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1 on the way out and that or --

2 MR. CHAD: I will, sir.

3 CHAIR MELIUS: Okay. Thank you.

4 MR. CHAD: Thank you.

5 CHAIR MELIUS: Again, anybody else
6 from LANL that wishes to speak? Okay. Okay.
7 I'll start at the top of the list. Terrie Barrie.

8 MS. BARRIE: Good evening, Dr. Melius
9 and Members of the Board. It's a pleasure to be
10 back in front of you again. It's been a long time.

11 My name is Terrie Barrie and I am a
12 founding member of the Alliance of Nuclear Worker
13 Advocacy Groups and co-petitioner for the Rocky
14 Flats SEC petition.

15 Thank you for this time. About three
16 months ago, the United Steelworkers Local 8031
17 generously donated hard copy documents including
18 safety concerns from the Rocky Flats site to ANWAG.
19 I realize that NIOSH and SC&A reviewed some of the
20 concerns or at least the database back in 2007 but
21 this donation is the first time the petitioner,

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1 [identifying information redacted] and I, along
2 with other site experts had a chance to review these
3 records. Of the almost 5,000 safety concerns in
4 DOE's possession, NIOSH and SC&A determined that
5 only about 40 or so could possibly affect NIOSH's
6 ability to reconstruct dose for Rocky Flats.

7 This limited amount of safety concerns
8 may have stunted the complete review of the safety
9 concerns. According to SC&A's main report in
10 2007, and I quote, a number of safety concerns
11 relate to a lack of quality control in the internal
12 and external monitoring programs. These concerns
13 collectively reinforce issues raised in the
14 petition regarding data quality, end quote.

15 Our review found a lot more. The
16 site-specific concerns -- the specific safety
17 concern numbers and the related issues can be found
18 in the attached spreadsheet and a copy of it is
19 available online and it's a pretty long address and
20 I'll give it to the transcriber if that's okay, but
21 it's <http://www.rockyflatsambushgrandjury.com>,

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1 terriebarrieanwagpresentsrockyflatssafetyconcer
2 ns and I'll give this to the transcriber.

3 We reviewed the safety concerns which
4 were not included in the NIOSH SC&A list. Briefly,
5 we identified falsification of plutonium waste on
6 the run sheet, falsification of medical records and
7 falsification of RECA inspections.

8 We identified multiple problems with
9 the health and safety labs from 1985 to 1999
10 including this comment, quote, the HS&E laboratory
11 has a major problem with contamination and efforts
12 are underway to correct this situation, end quote.

13 There was a possible criticality in
14 Building 774 in 1986. It was serious enough to
15 have Rocky Flats, quote, obtain a nuclear
16 criticality specialist from Albuquerque, end
17 quote.

18 I cross checked this incident with the
19 Department of Energy Rocky Flats assessment of
20 criticality safety report and that is not listed
21 in that report. We also identified a strong

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1 indication that radioactivity materials and
2 contaminated equipment were present in Building
3 460 at least through 1996. The vast majority of
4 these workers were not monitored for radiation
5 since Building 460 was considered a cold building.

6 Numerous concerns were filed for faulty
7 alarms, lack of qualified RCT coverage or even no
8 coverage at all, and instruments being incorrectly
9 calibrated. There were so many of these types of
10 safety concerns that I stopped recording them on
11 a spreadsheet.

12 But these concerns are directly related
13 to NIOSH's ability to reconstruct dose. If an
14 alarm doesn't alarm, then the worker or the RCT will
15 not know there was a release. If the area doesn't
16 have an RCT, the worker won't know if he's been
17 exposed.

18 If the RCT's instrument is not
19 calibrated correctly, then it's unlikely that an
20 accurate assessment of contamination would be
21 recorded. In any of these situations it is quite

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1 possible that the contaminated worker would not be
2 decontaminated or given the opportunity to provide
3 samples to see if there was an internal or external
4 deposition. These are issues that affect NIOSH's
5 ability to reconstruct dose. As I mentioned,
6 NIOSH and SC&A did identify a limited number of
7 safety concerns. Some were resolved in 2007.

8 However, the SC&A report states, quote,
9 NIOSH continues its investigation of two safety
10 concerns involving lost or invalid bioassay
11 results, number 90-169, and the inadequacy of the
12 internal and external dosimetry program number,
13 92-048.

14 I have not been able to find if this
15 investigation into these two safety concerns is
16 completed. If they have not been resolved, NIOSH
17 needs to complete this investigation and include
18 the additional safety concerns the petitioners
19 have now identified.

20 I would like to remind the Board of two
21 outstanding issues. Metal tritides -- this issue

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1 was raised during the Rocky Flats March 17th, 2015
2 Work Group meeting. NIOSH promised that they
3 would look into it again but I have not seen where
4 that has been completed either.

5 I found safety concern number 94-158
6 which alludes to the presence of tritides.
7 Earlier this year, I also supplied NIOSH with a
8 couple of documents which I feel supports the
9 possibility that tritides was present at Rocky
10 Flats. I would like to remind the Board too that
11 you approved SEC status for General Atomics in 2014
12 in part because NIOSH determined that, quote, metal
13 tritides were present during the operational
14 period with no indication of any analysis performed
15 to determine the type of tritide and that, without
16 that knowledge, NIOSH admitted they cannot
17 reconstruct dose with sufficient accuracy.

18 The other instance where consistent
19 decisions on SEC petition affects Rocky Flats
20 involves dose reconstruction for neptunium
21 exposure. One LANL SEC petition was approved

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1 because a petitioner provided a document which
2 states that plutonium bioassay cannot be used to
3 reconstruct dose for neptunium exposure yet that
4 is exactly what NIOSH is doing for Rocky Flats
5 workers after 1983. How can this methodology be
6 okay for Rocky Flats but not for LANL?

7 Lastly, I am concerned about the legacy
8 of the weapons production being ignored. The
9 workers employed from 1990 through the date of
10 closure must not be forgotten. Many of the safety
11 concerns we reviewed occurred during this time
12 period, well after the 1989 raid by the FBI. The
13 SEC should be extended to 2005 and I believe we have
14 ample -- we have provided ample evidence that
15 supports this position.

16 Thank you for allowing me to present
17 these comments. I would also like to express my
18 appreciation to the United Steelworkers and
19 especially [identifying information redacted] of
20 Local 8031 for donating these documents and to Cold
21 War Patriots who generously provided the funds for

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1 this project. Thank you.

2 CHAIR MELIUS: Thank you, Terrie.
3 John Lipsky.

4 MR. LIPSKY: Greetings to the
5 honorable Dr. Melius and Members of the Advisory
6 Board. Hello, my name is John Lipsky. I was the
7 lead FBI agent of the criminal investigation of
8 Rocky Flats in June -- it actually started in 1987.
9 The raid was in June of 1989 and Rockwell pled
10 guilty to felonies and misdemeanors in 1992.

11 I was also a subject matter expert
12 witness in the Merilyn Cook v. Dow Chemical,
13 Rockwell and Boeing civil trial regarding the
14 adjacent property in 2005. That verdict ended up
15 going through the court system but last May there
16 was a settlement of \$375 million for the plaintiffs
17 who I testified for.

18 I am legally constrained from
19 disclosing protected government information and as
20 a result of my previous employment in support of
21 those protections, I make the following comments

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1 regarding publicly available information.

2 In March 1988, the U.S. Department of
3 Energy environmental safety and health reported
4 its technical safety appraisal for Buildings 776
5 and 777. I am going to call it the 1988 TSA and
6 there is a contract number of DE88016374 and its
7 findings.

8 The 1988 TSA was conducted as an
9 appraisal -- some of us government employees called
10 it an audit -- by outside experts who reported
11 similar concerns by Rocky Flats nuclear workers.
12 The 1988 TSA documented four major problem areas,
13 85 specific findings, nine of which had to be
14 promptly within two weeks remedied.

15 It is not surprising that a good share
16 of the deficiencies assessing the safety of
17 activities was a result of management breakdown.
18 The pervasive inadequacies in radiological
19 protection at Rocky Flats, fire protection and
20 maintenance, are indicative of management
21 inattention.

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1 This is further evidenced by the
2 appraisal team's categorizing of 41 concerns as
3 involving failure to comply with some aspect of DOE
4 mandatory requirements.

5 In regards to Ms. Terrie Barrie's
6 public statement that you just heard, the list of
7 Rocky Flats safety concerns and the interest of
8 extending the Rocky Flats SEC petition, please
9 consider the following safety concerns.

10 1986-013 regarding receiving
11 dosimeters twice; 1986-115, molten salt crew high
12 gamma radiation; 1988-121, barrels filled with hot
13 materials next to work area ;1992-345, tritium
14 detection alarm failure contact in Building 707;
15 1996-161, no requirement to submit nasal mouth
16 smears contaminated step-off pad; and 2000-025,
17 management interfering with medical decision in
18 addition to the 1988 TSA.

19 Radiation protection of all nuclear
20 workers should be paramount at DOE facilities.
21 The 1988 TSA was also concerned with a lack of

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1 essential coordinated information system of
2 radiation records. Rocky Flats safety concern
3 94-064 and 94-065 dealing with cross-contamination
4 of air head filters in the analytical health
5 physics laboratory, also known as Building 123,
6 among other radiological issues range from 1985 to
7 1996 and they still didn't fix it.

8 These safety concerns also refer to --
9 inside the file itself refers to other safety
10 concerns, 1985-064, 90-051 and 90-212. It is not
11 claimant-favorable to ignore the documented 1988
12 TSA, previous TSAs with unresolved findings and the
13 safety concerns that were contemporaneously
14 documented issues regarding radiological
15 protection for Rocky Flats nuclear workers, and I
16 thank you for your time and attention.

17 CHAIR MELIUS: Thank you. Next person
18 I have on the list, Donna Hand.

19 MS. HAND: Thank you very much for your
20 time and listening. The Board Members have a
21 yellow packet that's there in front of them.

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1 First, I would like to bring in to procedure number
2 OCAS PR004, Pages 17 and 18, about the timeliness
3 policy and that if the director of OCAS may, which
4 is discretionary, determine that the records or
5 information requested is not provided in a timely
6 manner, it shall go ahead and issue a SEC.

7 Also at the bottom of that, it says that
8 if the petition raised issues that have not been
9 fully addressed then the comprehensive and
10 timeliness is important and they are to address
11 those issues even if they said they could feasibly
12 do the dose reconstruction and do not delay the SEC
13 petition waiting on the documents.

14 In the packet on the left-hand side you
15 have what they call occupational radiation
16 exposure. Whenever the 2010 petition was appealed
17 and asked for an administrative review, Lara Hughes
18 says what is REMS because I asked to review the DOE
19 REMS on the Pinellas plant.

20 Well, the REMS is the radiation
21 exposure monitoring system that DOE has and in 1992

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1 they had a report on Pinellas plant. Behind that
2 you will see emails going back and forth stating
3 that the Tiger Team report does satisfy the
4 evidence for one of the criteria.

5 Later on, LaVon Rutherford also says in
6 the email, we have accepted SC&A issues to be in
7 the HP report to go ahead and be qualified. Then
8 you also have the professional judgment report
9 showing that Donald Staplefield said we qualify.
10 But yet, we did not qualify.

11 You had a new SEC petition recently also
12 denied, denied based on there is no new evidence.
13 According to the regulation in the preamble, new
14 evidence is only required if it's been put in the
15 federal registry. Our SEC has never been put in
16 the federal registry because we never were
17 requiring -- never qualified. Then you had in that
18 SEC petition information that was given to the
19 March Board at Tampa that also qualified that SEC
20 petition before they finally decided and they never
21 used any information that was also given to the

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1 Board.

2 Then you also have a new information
3 report that was put into a journal regarding the
4 flaking and gassing of the metal tritides and how
5 they couldn't actually do a dose reconstruction for
6 that. That's new evidence but yet that was
7 ignored. You have metal tritides on the neutron
8 tube and neutron generator that for ten -- over 20
9 years was done there at the Pinellas plant. It was
10 sent to Sandia and then it was sent to Los Alamos
11 -- part tube and generator they have an SEC for
12 their neutron generator workers after 1995 -- after
13 1990.

14 So if one of the workers that worked at
15 Pinellas plant now goes to Sandia and they work
16 there still on the neutron generator, same thing
17 they worked at the Pinellas plant, they get an SEC
18 cancer, they qualify, but all those years at
19 Pinellas they do not. So why couldn't you use the
20 surrogate data from Pinellas plant for the neutron
21 generators at Sandia? Sandia, Livermore in

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1 California also had neutron generators, metal
2 tritides. You can't do their dose either.

3 Recently a study came out in 2008 by
4 Sandia saying that you can't use resuspensions on
5 metal tritides. So all the -- you do not have the
6 DAC. Also, there was recently a new report about
7 the bioassays in metal tritides. You can't use
8 tritium bioassay to determine the bioassay of a
9 metal tritide because they are insoluble and
10 soluble and there are other things. So your
11 bioassays cannot be used. So these are some of the
12 issues.

13 Finally, on the other side you have
14 documentation of what I am saying. In my first
15 petition for SEC they -- it was -- they said well,
16 you have a hazardous substance list.

17 That hazardous substance list listed 28
18 radionuclides that have never been addressed. The
19 Technical Basis Document listed several radio
20 generating devices. Never been addressed. And
21 on and on and on.

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1 Also it says the peer reviewed that the
2 site exposure -- the site expert in their peer
3 review, well, it's not supposed to be -- have any
4 task with it. Well, their site expert is the
5 person that does the dose reconstruction. They
6 did the template and it's not even an HP and that
7 all the dose reconstructions that have been --
8 being done now are not even reviewed by HPs.

9 So we are having a big issue with this.
10 The Board was tasked with a certain responsibility
11 and in *Perez v. Mortgage Bankers Association* the
12 U.S. Supreme Court ruled policy and procedures do
13 not -- and legislative rules do not have the weight
14 of law, the force of law or the effect of law. So
15 that statute and that regulation is what is
16 effective, is what is mandatory and whenever in a
17 qualification stage they use -- you must use a
18 report. You must do this. Good guidance and the
19 Information Quality Act -- they cannot use that.
20 You cannot mandate. Only the law can mandate.
21 Also, under the Information Quality Act if a

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1 professional judgment is to be used that must be
2 backed by scientific and accepted
3 community-established knowledge.

4 So in Ms. Lin's statement I think that
5 August the 10th was your second day -- also stated
6 the job's duty of the Board is to help
7 reconstructors do the dose reconstruction for the
8 people that is not with the SEC and that is when
9 you come up with a Site Profile or default values.
10 Well, 10 CFR 835 has default values. Why can't we
11 use those default values? Thank you.

12 CHAIR MELIUS: Okay. Thank you.
13 Next Robert Amigo.

14 MR. AMIGO: I don't have anything.

15 CHAIR MELIUS: Okay. I want to make
16 sure, give you another chance. Thank you. Hugh
17 Stephens. I thought I saw you here.

18 MR. STEPHENS: Hello. My name is Hugh
19 Stephens. I am an attorney with Stephens &
20 Stephens and we have been representing claimants
21 since about 2010 and one thing I can report is that

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1 we challenge dose reconstructions when we can find
2 arguments against portions of those, and for a long
3 time the Department of Labor did not want to engage
4 in kind of a substantive assessment of those
5 objections.

6 And over the years they've changed
7 their procedure and our objections are now being
8 reviewed by, I believe, a health physicist at the
9 Department of Labor and then sent on very often to
10 NIOSH for response. And so I can report that the
11 process has improved significantly with respect to
12 dose reconstructions and the claimants' ability to
13 make objections to those.

14 We have struggled to understand the
15 dose reconstruction process and we don't claim to
16 be experts in it but we can review the documents,
17 the referenced documents and do our best to make
18 an argument.

19 We have had a couple overturned on
20 circumstances as simple as a dosimeter badge
21 exchange rate being biweekly instead of monthly and

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1 so that doubled the dose. So we are experts in
2 arithmetic primarily in that one.

3 And another one that was -- that we were
4 able to overturn related more to what we were doing
5 today, which is improving the Site Profile and I
6 think there was a sense today about the work that's
7 done here and how important it is to prioritize and
8 very often we might spend a year or two trying to
9 get something right and if we were to think about
10 it for a second we'd say well, it doesn't matter
11 so why don't we just skip it.

12 But that's the key. So when we are
13 talking about a Site Profile and a change, it's very
14 difficult for us to go back and look and try and
15 figure out if it matters. And I don't know that
16 there is any kind of solution but certainly some
17 of what we did today has a big impact on the dose
18 reconstruction process and some has no impact at
19 all. And in a program where we are supposed -- the
20 claimant is supposed to be able on their own to
21 understand this whole process, the dose

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1 reconstruction process, and then review the
2 transcript of this meeting and understand that the
3 new Site Profile is going to have an impact on their
4 claim and therefore they should request reopening.

5 These are difficult problems. I don't
6 claim to have a solution. But we will continue to
7 study these Site Profiles and try and understand
8 whether our claimants can get compensated. And so
9 there is that issue of prioritization.

10 The other thing that I think everyone
11 struggles with and I think Donna Hand referenced
12 it in her presentation just now is when the SEC is
13 passed, now NIOSH can't do certain aspects of the
14 dose reconstruction and so we then have a new
15 assessment.

16 NIOSH has backed away. Their
17 expertise cannot be brought to bear. We have made
18 a decision what they can do is not sufficiently
19 accurate. So from there we lead directly to a
20 determination that we know is false which is that
21 that person received no dose connected to that

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1 aspect of the dose reconstruction.

2 I don't claim to have the answer to this
3 one either. But zero is what we know didn't happen
4 or at least we know that zero is probably not the
5 right number. When we do missed dose for external
6 dose we know that if the limit of detection is .2,
7 then .1 is kind of a happy medium -- halfway between
8 zero and the limit of detection.

9 That's a reasonable method of dealing
10 with the problem. But what we know is happening now
11 on all these claims where they don't qualify for
12 the SEC but there is an SEC, and then you have the
13 Site Profile and they do a partial dose
14 reconstruction, the number that has been chosen is
15 the one we know is wrong and that's zero. That's
16 all I have. Thank you.

17 CHAIR MELIUS: Thank you. If you come
18 up with solutions, let us know. Do that, and I just
19 would like to add the one thing -- maybe LaVon was
20 going to jump in on this.

21 MR. RUTHERFORD: (off mic)

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1 CHAIR MELIUS: Okay. Well, one of the
2 things -- I'll correct him and you can take him
3 outside and deal with it. But is -- one issue with
4 the Site Profiles is when a Site Profile is updated
5 any -- all of the claims that have been dose
6 reconstructed under the old Site Profile are
7 reviewed and if it does change the value in favor
8 of the claimant then that is redone through DOL and
9 so forth. So that is built in.

10 I agree that it's a complicated program
11 and it's very difficult for the claimant or their
12 representative to weigh in on all the technical
13 information and understand it and advocate for
14 their client or whatever or for themselves. That
15 cover it?

16 MR. STEPHENS: You got it.

17 CHAIR MELIUS: See, you taught me
18 something. Yes. Thanks. Okay. Al Frowiss.

19 MR. FROWISS: Senior.

20 CHAIR MELIUS: Senior. Okay.

21 MR. FROWISS: Mr. Chairman, thank you.

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1 This is Al, Senior, like I've got an (telephonic
2 interference) Anyway, (telephonic interference)
3 phone number [identifying information redacted].

4 My question today is about Lawrence
5 Livermore. I am an advocate nationally and I am
6 the petitioner for the recently approved Lawrence
7 Livermore lab for the 1964 to '89. My question is
8 of the materials (telephonic interference) known
9 as the MCA at the Lawrence Livermore (telephonic
10 interference) official archives on the LLL job site
11 show that the MTA was built there starting in 1950,
12 which is the first year the original SEC. It was
13 not under the state of California. It was
14 (telephonic interference) with a company
15 California (telephonic interference) which was a
16 Standard Oil subsidiary.

17 MR. KATZ: Can I -- Mr. Frowiss, can I
18 just stop you one second? Are you using a speaker
19 phone?

20 MR. FROWISS: I didn't (telephonic
21 interference)

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1 MR. KATZ: Because your audio is very
2 strange. It's very echoey and so on.

3 MR. FROWISS: I expect (telephonic
4 interference) Anyway, I'll try to shorten it up.
5 The MTA employees were California (telephonic
6 interference) I am looking for --

7 MR. KATZ: Mr. Frowiss, you're cutting
8 in and out. I wonder if you can't maybe at least
9 in follow-up send me your statement in writing so
10 that we can capture this correctly. Thanks.

11 MR. FROWISS: I'll do that.

12 CHAIR MELIUS: And we will -- and there
13 will be a response to it. I mean it's not --

14 MR. FROWISS: Thank you.

15 CHAIR MELIUS: Yes. Thank you.
16 Okay. Next person I have is Stephanie Carroll.

17 MS. CARROLL: Hello. My name is
18 Stephanie Carroll. Thank you for allowing me to
19 make a comment. It is green. Okay. I am
20 Stephanie Carroll. I am an authorized rep mainly
21 for workers at Rocky Flats. I specialize in

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1 chronic beryllium disease and I've been helping on
2 this SEC petition.

3 Today I would like to present some
4 documents that I've had for a little while. That
5 one on your desk, Dr. Melius, I have the documents
6 I am referring to and then my statement for the
7 Board Members and the statement includes
8 documentation and quotes from [identifying
9 information redacted] during a telephone interview
10 by NIOSH subsequent to the CML White Paper.

11 The first document that I am going to
12 refer to is dated 2/17/2012. It's an affidavit by
13 [identifying information redacted]. He was
14 [identifying information redacted]. The document
15 identifies incidents and accidents between 1955
16 and 1988 that are not found in the Site Profile.
17 It also lists chemicals used in Building 771 that
18 personnel came into contact with and it includes
19 neptunium. The affidavit reads, the attached
20 document was compiled by [identifying information
21 redacted] for me [identifying information

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1 redacted]. The document is one that identifies
2 accidents and incidents that happened between '55
3 and '88 in Building 71. The purpose was to educate
4 the Building 771 personnel to the potential issues
5 that caused either radiation exposure,
6 contamination or injury to the people in the
7 building environment.

8 The second attachment is a list of major
9 chemicals used in Building 771 that personnel came
10 into contact with, and if you look at the document,
11 you will see many incidents and I am just going to
12 talk about a couple of them.

13 First one I find is in 1984 in Room 169,
14 a file cabinet. A file cabinet contained vials
15 holding PU of about 20 grams. I think it's grams
16 -- 20g. The vials we returned to the blood box in
17 Room 128. In Room 149 line 42, valve failure on
18 tank 470 caused a four-foot area to be
19 contaminated.

20 Now, we don't -- I don't know where the
21 neptunium line was but if it had anything to do with

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1 149. NIOSH has been saying that there were no
2 incidents reported on the neptunium line. So I
3 would like people to go through these incidents to
4 see if they are related to the neptunium line in
5 771.

6 And this is -- these are all incidents
7 after the SEC. So I am not going back. The
8 incidents actually go back all the way to I think
9 the '60s is when it started.

10 So in 1985 a tank containing nitric acid
11 overflowed. The operator left the room without
12 turning off the transfer valve. Automatic shut-off
13 valve failed also. In '85, tank overflowing onto
14 floor while operator was out of room. '85 again,
15 liquid was transferred from a safe pencil tank to
16 an unsafe annular tank. How long did that stay in
17 that annular tank?

18 I also found something really
19 interesting because it has the date, the room that
20 the incident happened in and then a description.
21 So 12/15/85 there was -- it's just blank what room

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1 this happened in or where this happened. But it says
2 high urine samples sensitive report. So it looks
3 like another one in '86, contaminated employee --
4 sensitive report. So it's something that they
5 didn't want to talk about and I am very interested
6 in, you know, why did the [identifying information
7 redacted]-- why was he unable to document this.

8 And then the second attachment is
9 interesting because it shows reagents and
10 chemicals that were used in 771 that employees came
11 into contact with. This is what his affidavit --
12 his sworn affidavit reads. Production materials
13 -- americium oxide, americium nitrate, ammonium
14 dichromate and neptunium. Plutonium isn't even
15 mentioned so I find that interesting in this -- in
16 this appendix.

17 Okay. So that's the affidavit by
18 [identifying information redacted] and I've turned
19 that in and I am hoping that it can be put on the
20 site.

21 Number two, I also turned in a document.

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1 It's dated 6/2/97 from the USW and it was titled
2 Location of Known Beryllium Areas Document.

3 I have a question for NIOSH on this.
4 Has inertial fusion in Building 881 been addressed
5 by NIOSH? See the second page of the submitted
6 Page 7 document. Inertial fusion in Rooms 143E,
7 143F, 199 and 283A. I want to know more about that.

8 And during the telephone conference
9 call with [identifying information redacted] I was
10 on the line and recorded his quotes. The Critical
11 Mass Lab White Paper, unfortunately, isn't going
12 to come out until next week and it would have been
13 great to have it out a week earlier and to be able
14 to comment on it more thoroughly today. But
15 [identifying information redacted], who was
16 [identifying information redacted] is my client.
17 He's lived in the same house for 50 years.
18 Nobody's ever interviewed him, questioned him,
19 talked to him.

20 He's been very easily accessible. But
21 I got a hold of him, which was great, and he loves

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1 to teach me things. So anyway he had seen the first
2 White Paper and he found a lot of problems with it.
3 And so I gave you -- when you do get the White Paper,
4 you're going to have quotes from this telephone
5 call on the issues that he was having with the first
6 White Paper. So I hope you keep that with you so
7 when you're reviewing it you can kind of see what
8 [identifying information redacted] was thinking
9 about this. He also wrote a book about the
10 Critical Mass Lab, which I have a copy of, and he
11 detailed all the documents that he owned. He's
12 very meticulous and a fantastic site expert. I
13 wish he would have been used many years ago.

14 Anyway, some of the things that he said
15 -- any future White Paper must acknowledge that the
16 desired radiation dose reconstruction at Rocky
17 Flats plant can never be known with any reasonable
18 degree of accuracy. All assumed conditions are
19 likely to have been -- to have not been the case.
20 No one can ever know the radiation levels at the
21 Critical Mass Lab. Any -- these are all quotes

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1 from him -- any attempt to define or bound
2 experimental power levels, neutron fluxes and
3 gamma exposures as from fission fragments or the
4 unavoidable ingrowth of unknown amounts of
5 neptunium 239 and plutonium 239 has no defensible
6 grounds.

7 He was arguing over the phone with them
8 about the facts. He did not -- there is no way that
9 you can get a power reading from the experiments
10 he was doing. He said this over and over and over
11 again.

12 Body counts were never done at Rocky
13 Flats, only lung counts that measured
14 gamma-emitting radionuclides absorbed in the lung.
15 The White Paper refers to body counts being done.
16 They weren't done. It was lung counts.

17 The CML used outside neutron sources of
18 polonium, californium and cobalt 60. This is a
19 quote -- that was a quote -- [identifying
20 information redacted] does not know how they were
21 disposed of. The sources were added and removed

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1 by increments until the neutrons began to grow
2 exponentially above critical levels during his
3 experiments.

4 That's a quote from him. Flux rates
5 were not important to the experiments. That was
6 not what they were looking for. You cannot bound
7 the neutron flux rate. We never knew the power
8 level, never knew the number of neutrons that were
9 produced.

10 There is no estimate of total fissions
11 during these experiments. Many incidents
12 happened in the lab and there were no special
13 bioassays done. So he had some bioassays but never
14 any special bioassays.

15 We had plutonium solution gamma
16 standards that were never documented anywhere. I
17 always turned off the criticality alarms during
18 testing of sources. The alarm sounds during a
19 prompt criticality and is meant to evacuate the
20 building and because we were doing experiments that
21 were meant to go critical we had to turn off the

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1 alarm to the building. NIOSH cannot reconstruct
2 radiation doses at the Critical Mass Lab or in
3 Building 886. Thank you very much.

4 CHAIR MELIUS: Thank you. Okay.
5 Anybody else in the room want to make public
6 comments? Okay. Now anybody on -- oh, I am sorry.
7 You have to come to the mic and identify yourself
8 please.

9 MR. SALAZAR: Mark Salazar. I used to
10 work in LANL and I had cancer about three years ago.
11 I had oral cancer. 1988 to 1989 I worked in Los
12 Alamos as a contractor and then I started back in
13 about '90s until present. The problem I am having
14 and they keep on denying me because they cannot find
15 records of me working up there.

16 Again, I have submitted dosimetry badge
17 issued to me in 1988 and it shows me there -- being
18 there from 1988 until present when I was really
19 there from '88, '89 roughly until '90, I think. So
20 it still showed me as an active employee up there
21 and I was wondering what's the solution to having,

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1 you know, dosimeters that don't match employment
2 records. Because back then we used to get visitor
3 badges and I don't know if they are documented. I
4 am not sure about that.

5 CHAIRMAN MELIUS: Okay. If you talk
6 to somebody from NIOSH we can get the individual
7 information and then can follow up on -- I mean,
8 we can't answer --

9 MR. SALAZAR: Okay.

10 CHAIRMAN MELIUS: -- directly here and
11 I don't want that to -- LaVon Rutherford over there
12 will talk to you.

13 MR. SALAZAR: Alright. Thank you.

14 CHAIRMAN MELIUS: Thank you.
15 Appreciate it. Anybody else? Does anybody on the
16 phone wish to make public comments? You're
17 shaking your head, Terrie. I can't --

18 MS. BARRIE: I am sorry. No. I have
19 a sidebar comment.

20 CHAIRMAN MELIUS: Yes. Okay. I
21 couldn't tell if you knew of somebody that was going

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1 to call in and -

2 MS. BARRIE: No, I didn't.

3 **Adjourn**

4 CHAIRMAN MELIUS: Okay. Hearing no
5 one, then I will close the public comment period
6 and we will adjourn the meeting until tomorrow
7 morning. Thank you, all.

8 (Whereupon, the above-entitled matter
9 went off the record at 5:42 p.m.)

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