

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

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ADVISORY BOARD ON RADIATION AND WORKER HEALTH

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ROCKY FLATS WORK GROUP

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THURSDAY
FEBRUARY 9, 2017

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The Work Group convened via teleconference at 10:30 a.m. Eastern Time, David Kotelchuck, Chair, presiding.

PRESENT:

DAVID KOTELCHUCK, Chair
R. WILLIAM FIELD, Member
WANDA I. MUNN, Member
PHILLIP SCHOFIELD, Member

ALSO PRESENT:

TED KATZ, Designated Federal Official
TERRIE BARRIE
BOB BARTON, SC&A
JIM BOGARD, ORAU Team
RON BUCHANAN, SC&A
BOB BURNS, ORAU Team
STEPHANIE CARROLL
JOE FITZGERALD, SC&A
JENNY LIN, HHS
DAN McKEEL
JIM NETON, DCAS
JUDY PADILLA
LaVON RUTHERFORD, DCAS
MUTTY SHARFI, ORAU Team
DAN STEMPFLEY, ORAU Team
JOHN STIVER, SC&A

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

10:30 a.m.

MR. KATZ: But let's continue with roll call with the NIOSH ORAU.

(Roll call.)

MR. KATZ: Okay, then. So let me just make a few preliminaries and then I'll turn it over to Dave - Dr. Kotelchuck. The agenda for today's meeting and most of the material for today's meeting are posted.

Most of these are posted under the NIOSH Board section, schedule of the meeting, today's date.

However, one of the documents, the SC&A review of the main documents that NIOSH is presenting today on the CML facility, that review was errantly posted still on the NIOSH section but instead of under schedule of the meeting, today's date, it was posted under - if you go to the Rocky Flats section of the website under the discussion papers for that it was posted there.

It shouldn't have been - it should have been posted there but it should also have been

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1 posted for today's meeting but it wasn't.
2 Apologies for that.

3 And then there is also a document that
4 was submitted by Terrie Barrie, the co-petitioner
5 - a memo from her and Dr. McKeel that was set for
6 posting but it hasn't been posted yet. So that's
7 the problems with the posting system. And it will
8 ultimately get posted.

9 And with that, I think that covers
10 everything. There are a number of people in the
11 public and particular on here that may not know how
12 this works.

13 But for them and everyone, please mute
14 your phones for this call. If you don't have a mute
15 button press *6 to mute your phone for the call and
16 you would press star six again to take your phone
17 off of mute.

18 Also, please do not put this call on
19 hold at any point. This is especially important.
20 I think it often happens with members of the public
21 who aren't familiar with this.

22 But putting the call on hold will cause
23 problems for everyone else in the audio and we will

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1 have to cut your line. So don't put it on hold.
2 Just hang up and call back in when - if you need
3 to leave for a piece.

4 And with that and no more, Dr.
5 Kotelchuck, it's your meeting.

6 CHAIR KOTELCHUCK: Okay. Very good.
7 And folks have the agenda and most of the materials
8 are posted, as indicated.

9 Just a discussion of - today's
10 discussion or ground rules as we note, this is a
11 meeting of the Rocky Flats Working Group.

12 There is on the agenda room for
13 petitioner comments with regard to the materials
14 that were sent out earlier this week and a chance
15 for a presentation by Ms. Barrie.

16 And but otherwise after the
17 presentations the discussion - all the discussion
18 will be by the Working Group.

19 It is not quite open in the way that the
20 Board meeting is and anything that's said here
21 today is recorded and if there are, if you will,
22 rejoinders to things that are said here, what is
23 said here is on the record and you will have a chance

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1 to discuss it when we go to the Board meeting in
2 March or any other Board meeting.

3 Board meetings - there is always time
4 for comments about anything the petitioners or
5 affected persons wish to speak about.

6 So, with that, let's go to the first
7 items and that is the reassessment for the Critical
8 Mass - report for the Critical Mass Laboratory by
9 NIOSH.

10 Who would like to present for that?

11 **DCAS/SC&A -- Discussion of SEC192 Rocky Flats CML**

12 **White Paper (issued 12/13/16) and of SC&A's**

13 **Review (issued 1/24/17), followed by the Working**

14 **Group's decision on closing the issue**

15 MR. RUTHERFORD: That would be me,
16 LaVon Rutherford.

17 CHAIR KOTELCHUCK: Okay. Very good,
18 LaVon.

19 MR. RUTHERFORD: Okay.

20 CHAIR KOTELCHUCK: Go ahead.

21 MR. RUTHERFORD: Yeah. I notice this
22 presentation isn't available online either. It's

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1 supposed to be but it's not there, at least not
2 under the Work Group.

3 I did provide a copy to Terrie this
4 morning and she did acknowledge that she did
5 receive it.

6 I am going to provide a summary of -

7 CHAIR KOTELCHUCK: However, if I may
8 say, LaVon, all of us on the Board received - all
9 of us on the Working Group received that a while
10 ago and all of the other materials that we need.

11 MR. RUTHERFORD: Okay. Yeah, so it's
12 true. Thank you.

13 CHAIR KOTELCHUCK: Okay.

14 MR. RUTHERFORD: I'm going to provide
15 a summary of NIOSH's reassessment of the internal
16 radiation dose at Rocky Flats Critical Mass Lab.
17 This is for SEC-192. Slide two, please.

18 The purpose of this White Paper was to
19 reevaluate prior assumptions used to assess upper
20 bounds on personal dose from mixed fission and
21 activation products at the Rocky Flats CML.

22 The report was reassessed because of
23 concerns identified by the CML lead physicist and

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1 a former radiological control supervisor. Next
2 slide.

3 A little background - we issued our
4 original White Paper on June 9th of 2015 and during
5 the Work Group meeting on July 15th of that year.
6 SC&A responded in general agreement with our
7 findings. Next slide.

8 During that same Work Group meeting the
9 former CML associate research scientist who's the
10 same person as I identified as the lead physicist
11 I mentioned earlier spoke, indicating that the
12 neutron flux for the CML experiment could not be
13 bounded and that the best one could say is the power
14 level was probably less than 50 kilowatts.

15 Based on this statement, NIOSH
16 committed to further evaluate or to further
17 evaluate to ensure the assumptions made in the
18 White Paper were appropriate. Next slide.

19 We did - additional interviews were
20 conducted with the former [identifying information
21 redacted] and with the former [identifying
22 information redacted] who's identified by the
23 petitioner as the person who may have information

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1 on the CML.

2 The interviews were conducted with the
3 Work Group Members, SC&A, and petitioners online
4 as much as possible.

5 The former [identifying information
6 redacted] reiterated his concern and indicated
7 that he sent approximately 50 boxes of documents
8 concerning CML to Los Alamos National Lab.

9 Additional concerns identified by the
10 [identifying information redacted] was a lack of
11 air sampling for build 886 and she also indicated
12 that when they did start sampling that the airborne
13 activity was high. Next slide.

14 So based on this we felt we should
15 review the documents sent to Los Alamos National
16 Lab to see if additional information was available
17 that could be used to support the dose model.

18 So in February of last year, NIOSH met
19 and they were able to review the documents at Los
20 Alamos National lab.

21 A number of the documents were
22 identified for capture. The documents were not
23 released until summer of 2016.

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1 Additional data captures were
2 conducted in Denver in search of air sampling data
3 and surface contamination surveys.

4 We did not receive all these documents
5 until the fall of 2016. So we were able to reissue
6 or able to issue this White Paper on November - in
7 November 2016.

8 Next slide. So the model used in
9 reconstructing the mixed fission and activation
10 products did not change from our original White
11 Paper to this new one.

12 However, the volumes of the specific
13 inputs did change based on the new information made
14 available from the data captures. So I am going
15 to go over the specific inputs used in our original
16 calculation and how the input changed in the
17 reassessment.

18 So power level - in our initial
19 calculation we used 10 milliwatts for one hour
20 duration and this was from a US DOE document.
21 However, from the CML documents captured at LANL
22 we found a more accurate estimate of thermal power
23 of 3.6 milliwatts averaged over 72 in five minutes.

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1 CML staff, however, reported to ERDA an
2 average thermal power of 6.7 milliwatts over 70 in
3 five minutes based on the same experiment.

4 So we concluded that we would use that
5 value, the 6.7 milliwatts over 70 that was reported
6 to ERDA in our revised calculations.

7 Next slide. Originally in our air
8 concentration used in our model was derived using
9 DOE surface contamination limits of 1,000 dpm for
10 100 centimeters squared.

11 We went back and captured data 885-886
12 surface contamination surveys for the 1980-90
13 period. We included some of that data in Table 3
14 in the White Paper and specific examples in Figure
15 225.

16 From our - from our review of the data
17 we concluded the surveys were conducted regularly.
18 Values in uncontrolled areas were rarely above the
19 limit and evidence indicates spills were promptly
20 cleaned up.

21 So use of the contamination limit in
22 deriving the air concentration seemed to be
23 abandoned.

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1 Next slide. So as I said, use of the
2 contamination limit and we resuspended that
3 contamination and to promote with our airborne
4 concentration and we determined that it would be
5 bounding - that using our original assessment was
6 bounding.

7 However, based on the concern that
8 there was no air monitoring data for building the
9 886 and the concern with elevated air
10 concentrations brought up, we decided to request
11 any air monitoring data for the '80-'89 period.

12 Since the only captured plant wide
13 procedures instead of the air monitoring program
14 for alpha particulate emissions, air sample
15 locations for Building 875 and 886 and air sample
16 results.

17 Next slide. We concluded that - well,
18 based on our review we concluded Rocky Flats plant
19 had a well-defined air monitoring program as
20 required by procedures.

21 Air samples for Building 886 and 875
22 appeared to have been routinely collected and
23 analyzed and samples were - results were evaluated

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1 against the RCG of 70 dpm per cubic meter.

2 Sample air results were also reviewed
3 and initialed by management. Next slide.

4 So using the air sample data collected
5 we were able to come up with a bounding air
6 concentration. We determined the weighted
7 average concentration by using the three recorded
8 values in the excess of the RCG. We used them as
9 they were.

10 Sample between 10 and 100 percent of the
11 RCG were 100 percent. Samples less than 10 percent
12 of the RCG were 10 percent and no risk for
13 detection. This results in a weighted average
14 concentration of 19.2 percent of the RCG or 13.5
15 dpm per cubic meter.

16 Next slide. So our concern was with
17 potential internal exposure to mixed fission
18 activation products from numerous spills and
19 enriched uranyl nitrate.

20 No indication of confirmatory bioassay
21 being performed for persons involved in this field
22 and no indication of routine bioassay for mixed
23 fission activation products.

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1 Next slide. So as mentioned earlier,
2 the approach used for bounding mixed fission
3 activation the dose is the same approach used - as
4 used in the previous White Paper.

5 The internal dose model - the maximum
6 mixed fission activation products internal dose
7 model we used a representative UNH experiment,
8 average thermal power and duration, average air
9 concentration from the CML data that we - that we
10 got - ICRP-68 dose conversion factors. We used
11 OTIB-54 to identify the dosimetrically
12 significantly nuclides and ORIGEN-S code.

13 Next slide. So our bounding values, as
14 you can see, came out significantly less than the
15 one millirem and a couple of orders of magnitude
16 lower than previous.

17 Now, the biggest driver of that
18 lowering dose was actually because of a calculation
19 that we had in the previous calculation.

20 Also, the other factors that drove the
21 lower dose are the reduced power levels from 10
22 milliwatts to 6.7 and also the reduced airborne
23 activity used in the calculation.

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1 And that's it. I have Jim Bogard and
2 Bob Burns, who were critical in developing this
3 White Paper online, to help answer any questions
4 and provide clarifications as well.

5 CHAIR KOTELCHUCK: Right. And that -
6 the Working Group Members, are there any questions
7 you want to ask of him before we go to the SC&A's
8 review?

9 MEMBER MUNN: This is Wanda. None
10 here. It appears to me that a very good job was
11 done parsing through this information produced.
12 Highly technical, difficult to follow and much
13 appreciated.

14 CHAIR KOTELCHUCK: Good. Good.
15 Further? And let's go on to SC&A's review of that
16 committee assessment paper.

17 DR. BUCHANAN: Okay. This is Ron
18 Buchanan and I did that reassessment and review of
19 the assessment paper, and that document is
20 available online. It's been cleared.

21 Essentially, I won't go through
22 everything in our paper because what I did was -
23 there was a comment made it's highly technical in

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1 areas and so what I tried to do in our paper was
2 in section two was outline what NIOSH did and go
3 through some of the sample calculations to verify
4 their assumptions and some of the references and
5 some of the calculations and play it out in a form
6 that, you know, a reader could follow it and I hope
7 that that was what I did there.

8 And if you can look at section two that
9 does - that it expounds on some of the calculations
10 and some of the references, and that brings up
11 section three, our evaluation.

12 Essentially, we went through those,
13 verified them and we did not rerun the computer
14 programs on simulations to determine the fission
15 activation product inventory.

16 But we did look at that inventory list.
17 We also compared it to OTIB-54 and what is available
18 for some of the reactors. And also I ran some
19 sample IMBA programs to do the dose calculations
20 to verify NIOSH's last table in there of the dose
21 that would result from the intake of the fission
22 activation products on a 50-year committed organ
23 dose and for the type S and M solubility.

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1 And essentially my conclusions and
2 summary there in section four is that the doses
3 would be very small. We looked at NIOSH's method
4 and did not see any outstanding flaws or errors in
5 them and if you did various assumptions - if you
6 changed the parameters by a factor of five or 10
7 one way or the other, the results would be - still
8 be that the dose would be very small.

9 The fission activation product
10 inventory would be very small under the critical
11 and subcritical experiments conducted at this
12 facility.

13 And so we find that the doses would not
14 be - reach the one millirem level which would be
15 included in dose reconstruction.

16 So we concur with their findings and
17 also that even if you went back and tweaked the
18 figures they'd know it wasn't - if it was 10 times
19 that, the dose still would not be significant.

20 CHAIR KOTELCHUCK: Okay. Thank you.
21 Are there any questions? Otherwise, we just -
22 let's discuss the Working Group let's - Members,
23 let's discuss the results.

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1 Wanda, you had mentioned before that
2 the NIOSH study was a thorough study and I agree
3 with you.

4 MEMBER MUNN: Ron seems to have
5 substantiated that.

6 CHAIR KOTELCHUCK: Yeah.

7 MEMBER MUNN: Thank you for another
8 good report, Ron.

9 CHAIR KOTELCHUCK: Yeah. I - in
10 looking over the reassessment reports from NIOSH,
11 the - I was a participant in the telephone
12 conversation with [identifying information
13 redacted] and he had - well, it seemed to me a matter
14 of great concern when he raised the fact that he
15 did not feel that the average power was reasonably
16 - was measured and was reasonably estimated and he
17 said - as LaVon said that all he could say was that
18 the average power output was less than 50
19 milliwatts.

20 I felt - the thing that impressed me
21 most about the NIOSH report was Table 2 on that -
22 on Page 8. There were - after the work that they
23 had done there were six criticality experiments for

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1 which thermal power and fission rate were estimated
2 by - by the way, by the staff at the CML and five
3 - well, first, one of them seemed to be in error
4 with 25 milliwatts of - actually 25 watts.

5 But there was - it turned out then and
6 they were - said on the record that there was a
7 mistake in that measurement.

8 For the other five measurements, they
9 went from - they went from 0.92 to 6.7 milliwatts.
10 And my feeling is that that certainly suggests that
11 one can measure the average power. It was done.
12 There were a number of cases in which it was done.
13 And there was a consistency and it was first well
14 below the 10 milliwatts that was done in the
15 original White Paper on this from NIOSH. And, as
16 they said, they decided to use 6.7 as the average
17 power in the work that they did later in the
18 assessment.

19 So that really gave me - gave me
20 reassurance that these numbers could be measured
21 and were measured and that it seemed to me to refute
22 [identifying information redacted] concern that we
23 really couldn't measure this, it was not reliable.

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1 So that reassured me and I think made
2 me feel that the report was a good one and the other
3 - the other aspects of it in terms of the air levels
4 and - also was thoroughly done and vetted by SC&A.

5 So I'm satisfied with that report. And
6 it says then that - it says - it concludes that we
7 can - we can make individual assessments - we can
8 make dose - individual dose reconstructions for
9 people who worked in the CML lab.

10 Other folks have thoughts and more
11 comments? Bill, I gather you may not be talking
12 a lot but if you have - or Phil.

13 MEMBER FIELD: Yeah. This is Bill. I
14 think you summarized it fairly well. I can't
15 understand the difference, but, you know, I'm
16 onboard with what you've just stated.

17 CHAIR KOTELCHUCK: Yeah. Yeah.

18 Phil, what are you thinking?

19 MEMBER SCHOFIELD: I agree with that
20 assessment there.

21 CHAIR KOTELCHUCK: Yeah. So seems to
22 me that we have the material for closing this issue
23 that we were asked - that we were charged with

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1 investigating back in, actually, 2013.

2 So I'm - I would wait for a motion from
3 someone and we close the CML issue.

4 MEMBER MUNN: I'll be glad to make that
5 motion. It appears that, after a thorough vetting
6 and reassessment by both NIOSH and SC&A, we have
7 come to the conclusion that the material has been
8 carefully covered and that we may move on and close
9 the issue.

10 CHAIR KOTELCHUCK: Okay.

11 MEMBER FIELD: This is Bill. I'll
12 second it.

13 CHAIR KOTELCHUCK: Good. Okay. So
14 let's just say in the - do we - do we all agree that
15 that's - that that is - excuse me, want to vote?
16 Those in favor of the motion say aye.

17 (Chorus of ayes.)

18 CHAIR KOTELCHUCK: Oppose.
19 Abstentions. Okay. So it's a unanimous
20 agreement on that.

21 **DCAS -- Brief overview of the status of SEC**

22 **Petition 192 Rocky Flats Plant**

23 Alright. Now we need - I think we will

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1 go on to discussing the petition, SEC Petition 192,
2 Rocky Flats Plant in general. And perhaps LaVon
3 will give us a brief overview of the status of the
4 petition, where we are now having closed the CML.

5 MR. RUTHERFORD: Okay. Well, I'll
6 start with the cobalt-60 source. At the last Work
7 Group meeting we discussed the petitioner's
8 concern with the cobalt-60 source. We provided a
9 leak check survey, an area survey for the unit and
10 the removal work package for the - for removing the
11 unit.

12 During that discussion, Dr. McKeel
13 indicated that it would be better if you had more
14 leak check surveys. We did do a number of data
15 searches at the records center in Denver and we were
16 not able to find any additional surveys themselves,
17 meaning the actual surveys.

18 But we did find a 1987 health physics
19 audit report that indicated the leak check had been
20 conducted and showed no leaks.

21 We found specific requirements in health physics
22 documents requiring leak tests be performed at
23 six-month intervals.

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1 We also found a document that indicated
2 who the source custodian was and we were able to
3 interview the source custodian last week. The
4 source custodian indicated that the source was
5 routinely checked and never found to be leaking.
6 The person indicated this unit was rarely used
7 after 1979 until its removal in 1999. The person
8 also indicated they had no idea where the actual
9 surveys had went to.

10 So after our review we concluded that
11 the requirements did exist for leak checking the
12 source. And based on that 1987 report and the
13 source custodian interview and leak test that we
14 do have from 1999, I believe, we concluded that leak
15 test measurements were made.

16 We also concluded that if the gamma cell
17 had leaked it would have been seen during
18 contamination surveys when they were prepping the
19 unit for removal. So we find the cobalt-60 source
20 is not an issue.

21 CHAIR KOTELCHUCK: Okay. And I think
22 that that was - we discussed this at an earlier
23 meeting and I think there was general agreement

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1 about that.

2 I don't think we - I don't think - I am
3 not sure if we had a vote on it but there was general
4 agreement by the Working Group that that closed
5 that issue.

6 And then - LaVon?

7 MR. RUTHERFORD: Do you want me to
8 continue on?

9 CHAIR KOTELCHUCK: Yes, please. I'm
10 sorry. Yeah.

11 MR. RUTHERFORD: Okay. Now, I do have
12 to say during that - during our interview with the
13 source custodian, the person indicated that they
14 were a [identifying information redacted] and that
15 they had other exposure concerns that they could
16 not discuss over the phone.

17 Given the status of this petition
18 evaluation I thought it was - you know, we - and
19 I discussed this with both Stu and Jim and we felt
20 it was important to conduct this interview.

21 So we are currently working on setting
22 up a classified - or a secure interview and we would
23 like to have a cleared Work Group Member and SC&A

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1 present for the interview as well.

2 CHAIR KOTELCHUCK: A-ha. Okay.
3 Good. I am not - well, I think two of us are
4 cleared, if I'm not mistaken.

5 MR. KATZ: That's correct.

6 CHAIR KOTELCHUCK: And so one of those
7 two you'll ask and -

8 MR. RUTHERFORD: Yeah.

9 CHAIR KOTELCHUCK: When do you think
10 this discussion will be held?

11 MR. RUTHERFORD: I am trying to
12 expedite this to get this done as quickly as we can.
13 I should - I would suspect we could have an estimate
14 on completion, you know, on when the interview
15 could be conducted within a week or so.

16 I just - I am working with our ORAU team
17 and then we have got to work around schedules for
18 Work Group Members and SC&A to ensure that we can
19 get it done. The hope is to have this interview
20 done before the March meeting.

21 CHAIR KOTELCHUCK: Yes, that would be
22 very good. So, now - go ahead.

23 MR. RUTHERFORD: Also, during the last

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1 Board meeting the petitioner indicated that she was
2 recently given access to all the safety concerns
3 from Rocky Flats.

4 She indicated she knew NIOSH and SC&A
5 went through the safety concerns in '07 and only
6 considered 40 of the almost 5,000 safety concerns
7 as possibly having effect on dose reconstruction.

8 She indicated she had concerns with
9 that and felt a number of concerns were associated
10 with the lack of quality control of the internal
11 and external monitoring data. She also indicated
12 that their review identified falsified issues and
13 other issues.

14 So, as the petitioner noted, you know,
15 we did look at these back in '07 and we haven't used
16 any additional resources at the time to relook into
17 that issue. So I just wanted to status that
18 because it was brought up at the December meeting.

19 CHAIR KOTELCHUCK: Let me get that.
20 You say it's the data - the safety concerns. Okay.
21 I was not aware that was ongoing.

22 MR. RUTHERFORD: No. Well, it's -
23 like I mentioned, it was looked at in the previous

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1 petition under SEC-30 back in 2007, but it was
2 brought up by the petitioner again at the December
3 meeting and we - again, I have not - you know, we
4 have not gone back through those safety concerns,
5 but I wanted to bring that up because I am sure
6 Terrie will bring it up later.

7 CHAIR KOTELCHUCK: Sure. No, that's
8 fine. I appreciate your raising it. Alright.
9 Go ahead. Or is that your - are you finished?

10 MR. RUTHERFORD: I'm finished with
11 discussing that. You know, we have not - as I
12 mentioned, we have not done anything with that
13 issue at this time.

14 CHAIR KOTELCHUCK: Mm-hm. Mm-hm.
15 But those are two - so those are two outstanding
16 issues that you've raised that we still have to
17 complete.

18 MR. RUTHERFORD: Well, yeah.

19 CHAIR KOTELCHUCK: Or we may want to -
20 let's put it this way. We definitely have to
21 complete the interview from the cobalt-60
22 employee. The data falsification, I'm not sure.

23 Wanda, are you about to say something?

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1 MEMBER MUNN: Yes, I certainly am.
2 And my first question is, do we have new information
3 that we did not have when we closed this after
4 considerable discussion almost a decade ago?

5 CHAIR KOTELCHUCK: Yeah.

6 MR. RUTHERFORD: I don't believe we do.
7 Based on my review of the information, I don't
8 believe we have any new information.

9 CHAIR KOTELCHUCK: Yeah.

10 MEMBER MUNN: Okay. My memory was
11 that this particular item received more than
12 considerable attention from the Work Group at the
13 time because there were serious concerns in this
14 regard.

15 And, again, from memory alone, it seems
16 to me that we spent a considerable amount of time
17 and did a great deal of onsite work, both by NIOSH
18 and SC&A in this regard, and came to the conclusion
19 that we had not reason to believe that there was
20 a serious problem we needed to pursue at that time.

21 CHAIR KOTELCHUCK: Yeah.

22 MEMBER MUNN: So, absent new
23 information - if we had new data, then that's one

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1 thing. If we do not, then it has been closed, in
2 my view.

3 CHAIR KOTELCHUCK: Right. And I
4 thought - I did not think that was an open issue
5 and I wasn't here in - I wasn't on the Board in 2007.
6 But if it - it doesn't seem to me to be an
7 outstanding issue unless later on there will be
8 time for petitioner comments. And if Ms. Barrie
9 or whoever wants to raise it we'll certainly talk
10 about it further.

11 So, really, we have just the one
12 outstanding interview, and hopefully that could be
13 done in March.

14 MR. RUTHERFORD: Right. The
15 remainder thing I wanted to mention was metal
16 tritides. Another - that was brought up again by
17 petitioner at the - actually brought up in, I
18 believe, in June of 2015 the first time. And this
19 issue was discussed thoroughly under SEC-30 as well
20 and was closed in agreement.

21 And you may - after the petitioner
22 brought this issue back up in 2015 we had additional
23 discussions internally and we found no new

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1 information that would - and we found no new
2 information at that time that would support
3 reopening the issue. And the petitioner has
4 provided documents, and I've reviewed those
5 documents, but I see nothing in those documents -
6 and those documents have been made available to
7 SC&A as well and the Work Group - and I have found
8 nothing in the documents that would support
9 reopening that issue.

10 CHAIR KOTELCHUCK: Yeah. And I think
11 the Working Group affirmed - it did not - affirm
12 that there was nothing to reopen. It was raised
13 and looked at and I think I see no reason to consider
14 that anything but closed. Or, that is to say, not
15 so much closed, but it wasn't an issue. It was
16 brought up, looked at and it's not an issue that
17 would raise to the level of Working Group
18 discussion beyond what you've reported. Okay.

19 MR. RUTHERFORD: And that's all I have.

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1 **Discussion by Working Group Members of the five**
2 **issues mandated for investigation at RF by the**
3 **Board (10/17/13) for the time period**
4 **after 12/31/83**

5 CHAIR KOTELCHUCK: Okay. So I would
6 like to - let's see. We're going to mention the
7 five issues mandated for investigation by the Board
8 - Item 3.

9 If you'd like, folks have it. The
10 PowerPoint that I presented to the Board in late
11 2015, the third slide there, Petition Overview,
12 lists the five items that we have - that we were
13 charged with investigating by the Board at its
14 October 2013 meeting.

15 And with the closure of the Critical
16 Mass Lab, the issues were, first, the
17 magnesium-thorium alloy at Rocky Flats, which we
18 closed.

19 There has been, earlier this week, a
20 letter and materials from a FOIA investigation and
21 those will be discussed later. But let's just say
22 that was closed.

23 That may be that we have the - we will

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1 listen to what the persons have to say, Terri, and
2 then if we wish to reopen it for any reason that's
3 in our - that's in our purview.

4 But in terms of what we have done so far,
5 we have five issues: magnesium-thorium alloy, the
6 neptunium exposure potential, the tritium issue,
7 the data falsification issues.

8 All of these have had White Papers and
9 NIOSH papers and they have been reviewed by SC&A
10 and we closed on them, and this morning we closed
11 on the Critical Mass Lab.

12 So in terms of the issues that we were
13 charged by the Board with going through, we have
14 closed all of them, which were issues essentially
15 to investigate in terms of whether we want to
16 approve the - or urge the Board to approve, and the
17 Secretary to approve, SEC-192 or not.

18 So maybe what we should do, first, I
19 think that that close - these close the issues that
20 we're charged with, all of them. It has taken a
21 long time. We were charged with this, as I said,
22 in October of 2013. This is now January - February
23 2017. So, and I think we should be ready to come

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1 to some conclusions beyond - or some broader
2 conclusions.

3 But before we do, let's talk. There
4 has been an issue, Barrie and Dr. McKeel raised the
5 issues about mag-thorium, and if they'd like to,
6 I would - well, before - I should say, before I
7 introduce them and ask them if they - or if Ms.
8 Barrie would present, I want to ask all of the
9 Working Group Members: have you seen and had a
10 chance to review the letter from - and the letter
11 in the enclosure from Ms. Barrie and Dr. McKeel?
12 Have you all seen it and had a chance to go over
13 it?

14 MEMBER MUNN: This is Wanda. I
15 certainly have.

16 CHAIR KOTELCHUCK: Yeah, and I. Phil,
17 Bill?

18 MEMBER FIELD: I looked at it last
19 night.

20 CHAIR KOTELCHUCK: Okay.

21 MEMBER SCHOFIELD: Yeah, this is Phil.
22 I looked at it also.

23 CHAIR KOTELCHUCK: Okay. Good. So,

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1 I mean, even though it's not posted because it has
2 to go through the posting process, we all have it
3 and I think we can talk about it.

4 So then let me ask Ms. Barrie to present
5 on that - on her email and the enclosure.

6 MS. BARRIE: Okay. Thank you, Doctor.
7 Yeah, when I - and I've only had - I didn't have
8 this interview for a very long time. I just got
9 it, like, last week. But I was really concerned.

10 You know, I realize that the - everybody
11 agreed that if there was - you know, previously that
12 if there was magnesium-thorium alloy plates it
13 would have been at Rocky Flats during the period
14 of time that is already covered by the latest
15 expansion of the SEC status.

16 However, when I read that this worker
17 said that he - that there was radioactive material
18 that he was not aware of in 1984 and 1986 - or 1989
19 - that's concerning to me because I think that NIOSH
20 and SC&A and the Board should go back through to
21 see if they can really identify this unknown
22 material that he's talking about.

23 You know, he's quite well aware of

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1 depleted uranium and other kinds of alloys, but
2 this one specific alloy that he refers to is
3 concerning to me because that would have an effect
4 on dose reconstruction.

5 And also I'd like to point out that he
6 admits that they weren't monitored for dose -or for
7 radioactive materials back then and here we have
8 depleted uranium in Building 440 and the
9 possibility of having magnesium-thorium plates
10 there also.

11 And is this my time to provide other
12 comments or should I wait?

13 CHAIR KOTELCHUCK: I would wait on
14 that, if you would.

15 MS. BARRIE: Sure.

16 CHAIR KOTELCHUCK: And I will
17 certainly give you a chance if we move on further
18 issues. But for the moment, I'd like to just focus
19 on your letter and the magnesium-thorium issue.

20 MS. BARRIE: Okay. Thank you.

21 CHAIR KOTELCHUCK: Okay. And we
22 certainly read the letter and also looked at the
23 interview.

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1 Now, the fact of that there was a person
2 who believes that he or she was working with - I
3 don't know the name and it's confidential - that
4 the person believes that they were working with
5 magnesium-thorium.

6 MR. RUTHERFORD: Can I make a
7 correction?

8 CHAIR KOTELCHUCK: Sure.

9 MR. RUTHERFORD: That person did not
10 indicate that they believed they were working with
11 magnesium-thorium alloy. That person was unaware
12 of exactly what metal was in the box. The person
13 never stated that they - in fact, that is not the
14 only person we interviewed that day.

15 CHAIR KOTELCHUCK: Absolutely.

16 MR. RUTHERFORD: We interviewed two -
17 a few other individuals and none of those
18 individuals could identify magnesium-thorium
19 alloy ever being used. And, you know, that was
20 part of those specific questions. In fact, one
21 individual indicated that they would have known if
22 magnesium-thorium alloy was used.

23 CHAIR KOTELCHUCK: Right. And I have

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1 to say that the Working Group Members were aware
2 that there were, I believe, five persons
3 interviewed, only one of whom believed that he
4 possibly was working with magnesium-thorium, and
5 that - and this interview is what I believe - this
6 - the fact that this was the case, that one person
7 said that they thought they had or might have, was
8 discussed with us really in December - let me see
9 - in our meeting on March 17th, 2016. And in the
10 report Joe Fitzgerald was saying, indicated that
11 there were a number of people interviewed.

12 First, that there was - the NIOSH and
13 ORAU - NIOSH went through the records and could not
14 find any objective confirmation that
15 magnesium-thorium was actually used at the plant.

16 However, we know that the person - that
17 some of the workers at Dow, the Dow Company in
18 Illinois, said that they were quite confident that
19 they had sent it to Rocky Flats.

20 But we could not verify that, and then
21 the interviews were done and there was one person
22 who - we have one that says Rocky was sent it.
23 That's on Page 38 of that transcript.

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1 So, we knew about this. I certainly
2 was aware that there was one individual. So, what
3 - do folks want to comment on what you believe -
4 let's first ask Board Members and Working Group
5 Members - what's your take on what was said in the
6 letter and the report by Ms. Barrie?

7 DR. McKEEL: Dr. Kotelchuck, this is
8 Dan McKeel. I didn't mean to intervene but I do
9 beg you to let me just say a word to correct the
10 record, please.

11 CHAIR KOTELCHUCK: Alright. You were
12 not in - by the way, you were not in on the original
13 roll call.

14 DR. McKEEL: That's correct.

15 CHAIR KOTELCHUCK: But you are here
16 now.

17 DR. McKEEL: Yes, sir. That's
18 correct. I joined.

19 CHAIR KOTELCHUCK: Alright.

20 DR. McKEEL: I'll make my comments very
21 brief.

22 CHAIR KOTELCHUCK: Oh, I hope so.
23 Good. But go right ahead.

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1 DR. McKEEL: The new interview we don't
2 believe is the same as the one in the
3 Bogard-Stempfley paper. The new interview was one
4 that I obtained through the FOIA process, and both
5 Ms. Barrie and I believe that it is a worker who
6 testified in a public comment made to the Board.
7 He identified himself by name. I won't give it
8 here.

9 But, anyway, he said that he had worked
10 specifically at the Building 440 modification
11 center at Rocky Flats for 17 years. And we believe
12 that that's the person that had a secure interview,
13 and I obtained the unclassified notes from that
14 interview and included it and sent it along to Ms.
15 Barrie, who sent it on to the Work Group. And
16 that's the interview that you all have.

17 And the thing that convinces us that,
18 with all due respect, I think the people who
19 interviewed that gentlemen failed to ask him the
20 right questions. And what he actually observed
21 was metal plates that he removed from a wooden box
22 that was marked radioactive material.
23 And in the interview this gentleman asked his

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1 supervisor about that material, what it was, and
2 the supervisor said, basically, don't worry about
3 it, it's safe, it's not radioactive.

4 Well, we do know that the gentleman also
5 said he used depleted uranium to shield railroad
6 cars and rail cars in Building 440 in the MOD
7 center. And so, if you think about it, the only
8 kind of metal plates, other than just steel armor
9 plates, would be magnesium-thorium alloy, which
10 has only 4 percent thorium.

11 And so although we all know that is, in
12 fact, radioactive, you know, his supervisor may
13 have thought, well, it's sort of like depleted
14 uranium, it's not very radioactive.

15 But anyway, that's what he told the
16 worker and so that's one of the main reasons the
17 worker didn't know what was in the boxes. I think
18 the worker was misled.

19 So what we are asking, and what I still
20 ask, and I don't believe it's happened yet, is the
21 four people that were interviewed and reported on
22 by Bogard and Stempfley in the earlier paper
23 mentioned, the worker interviews - we need somebody

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1 at Rocky Flats who actually managed the shipping
2 manifests and in the shipping department who would
3 know about shipments in and out of that plant. And
4 we know exactly what building it was used in.

5 So it shouldn't be that difficult to get
6 the records from Building 440 and shipments that
7 went into it and out of it, remembering that the
8 main thing that they modified in there were huge
9 semi-trucks and railroad cars, all of which,
10 particularly the rail cars, have extensive
11 identification. You know, and if they are from the
12 Department of Energy they are called APMX cars.

13 So we're asking that NIOSH go back and
14 get that kind of information and see what was in
15 those wooden boxes. And I don't think that's ever
16 been done before. I'll say for sure it's not on
17 the record that I am aware of. It's not in any
18 paper that I know of. And, of course, we are at
19 a huge disadvantage because we don't know - we can't
20 match up exactly the man's name in the secure
21 interview and the person that interviewed at the
22 - before the Board. But that should be easy for
23 you all to do.

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1 CHAIR KOTELCHUCK: I'd like to ask two
2 questions and then go back to a Board discussion.

3 DR. McKEEL: Yes, sir.

4 CHAIR KOTELCHUCK: The first question
5 is, you're asserting that this is one of the people
6 that was interviewed but not the person who
7 reported that they used the material - they used
8 magnesium-thorium?

9 MR. RUTHERFORD: Can I -

10 CHAIR KOTELCHUCK: Yes, I would - I
11 would be glad -

12 (Simultaneous speaking.)

13 MR. RUTHERFORD: No one has ever said
14 that they used magnesium-thorium alloy. That
15 needs to be corrected for the record. No one ever
16 said that.

17 DR. McKEEL: No, this gentleman that
18 I'm talking about was named in the Bogard and
19 Stempfley paper as his interview was a specific
20 SRDB document and that's what I requested.

21 CHAIR KOTELCHUCK: Dr. McKeel, I would
22 like to - I wanted to hear your report but we are
23 not having a general discussion among us all.

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1 DR. McKEEL: Alright. You said you
2 wanted to ask me some questions.

3 CHAIR KOTELCHUCK: This is a working
4 meeting. Oh, yes. No, I'm happy with the thing.
5 But at this point I asked you who it was. I was
6 going to ask for, and do ask for comment. And
7 Grady, I believe, you were speaking.

8 MR. RUTHERFORD: No, this is LaVon.

9 CHAIR KOTELCHUCK: LaVon - excuse me.

10 MR. RUTHERFORD: Yes. Actually -

11 CHAIR KOTELCHUCK: So I don't - I would
12 like to get information from you, as a - as a Board
13 - as a Board Member, your comments.

14 MR. RUTHERFORD: Okay. I want to
15 point out that this is not a new interview, that
16 was not as Dr. McKeel had indicated. This is an
17 interview - one of the interviews that was
18 conducted in support of the White Papers that we
19 developed.

20 And, again, there is no - and we also,
21 during our development of that report we asked for
22 design documents. We asked for - we went to
23 Sandia. We went to a number of other organizations

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1 looking for additional information to look for
2 magnesium-thorium alloy.

3 We talked to the individuals there and
4 we have found nothing that would support
5 magnesium-thorium alloy being used at Rocky Flats,
6 and we stand by that position at this time.

7 CHAIR KOTELCHUCK: Yeah.

8 MEMBER SCHOFIELD: LaVon, this is
9 Schofield. I've got a quick question on that. I
10 haven't seen anything in the way of - if they're
11 going to be doing that, I would assume they have
12 a casting where they would be casting this alloy
13 into sheets or whatever particular form they want
14 them. And I haven't seen any indication of any
15 casting being done. Did you see any such thing?

16 MR. RUTHERFORD: No, they didn't do any
17 casting. They - well, I can't get into too much
18 discussion but I will say that they did do some
19 modifications to the - to the sheets that they used
20 on the - on the rail car.

21 So there was things that they had to
22 cut, punch, or do different things to it. But
23 there was no casting.

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1 CHAIR KOTELCHUCK: Right. And there
2 was - in the - in the material that was sent in the
3 attachment earlier this week the indication was
4 that they received sheets and they were punched.
5 There was - must have been a - and there was - there
6 was a punch and these were punched and then mounted.

7 So the - so, LaVon, you - yeah, you'll
8 stand by the assertion. And could I ask you, Dr.
9 McKeel suggested that perhaps there - the manifests
10 of what was going in and out of the building were
11 perhaps not examined. Did you not examine those?

12 MR. RUTHERFORD: I can't - I can't
13 confirm that. We looked at so many different
14 documents to try to come up with an idea if the
15 magnesium-thorium alloy could have come to Rocky
16 Flats. And I know at one point manifests were
17 looked at, at least under SEC-30. I don't know if
18 they looked at those specific manifests
19 associating with Building 440. I don't know for
20 sure. It's been a while.

21 I could - I would have to go back and
22 actually look at our data capture request to see
23 what the specific items -

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1 CHAIR KOTELCHUCK: Yeah. Yeah. I
2 will say, I mean, the reports that you gave us in
3 the past, the examination investigation seemed to
4 us thorough. And at the time when we last
5 discussed this, we agreed that it did not - given
6 limited resources, it did not make sense for you
7 to continue further to go, I believe it was, to LANL
8 and look at things further. Am I correct? Is that
9 - was that LANL?

10 MR. RUTHERFORD: Yes, that's correct.

11 CHAIR KOTELCHUCK: Yeah. Yeah. And
12 this certainly is one person's interview. Just
13 now talking among Working Group Members, do we -
14 the magnesium-thorium, there was an assertion in
15 the letter that the RF worker interview
16 demonstrates that workers were being deliberately
17 misled by the supervisor.

18 I - as a Board Member, I don't believe
19 - it does not seem to me to be correct. That there
20 is an issue with magnesium-thorium - it has less
21 than, you know, 3 to 5 percent - say, roughly, 4
22 percent thorium, and there is a question as to
23 whether this constitutes a large dose of serious

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1 exposure to radiation, and that this is one of those
2 borderline cases.

3 And the letter by Dr. McKeel and Ms.
4 Barrie says that - it notes that magnesium-thorium,
5 in item four, certain NRC regulations exempt
6 magnesium-thorium with less than 4 percent for use
7 in commercial products such as lantern mantles and
8 welding rods.

9 And I certainly know that that is the
10 case with lantern mantles, which I happen to have
11 used and others may have, that that level of
12 radiation, certainly in the mantles, is not
13 considered a high level and therefore it's
14 perfectly okay to let people in the general public
15 use it.

16 And it's noted in the interview that
17 this is considered a cold area. That is to say,
18 the level of radiation is presumably low enough
19 that people are not required to wear badges and that
20 they can work there.

21 So this is a - this is, to me, a
22 situation where the amount of exposure is quite
23 small and the work that's done on the - that's

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1 reported does not suggest a high degree of
2 machining that would involve exposure to small -
3 to dust or to materials from the machining.

4 So it does not seem, to me, to be
5 deliberately misleading. The person - it is, as
6 Dr. McKeel pointed, the person there in supervisory
7 capacity may have just said that it was not enough
8 of a problem that people would have to worry about,
9 and therefore, from their point of view, it was not
10 radioactive.

11 Of course, in terms - in absolute terms,
12 of course, it is radioactive, and any
13 magnesium-thorium is. But the level is low.

14 So I don't see - I don't see that this
15 information from one person gives me the feeling
16 that we should overturn what - the decision that
17 we made earlier to close this. That is to say, it
18 doesn't - it doesn't provide enough information,
19 in my opinion, to reopen.

20 Certainly, the person being
21 interviewed says that the work was done from '84
22 to '89, which is beyond the SEC period that has been
23 granted. But that is one person among others who

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1 interviewed and among, in particular, a search for
2 documents that came up with nothing despite
3 extensive efforts to find something.

4 So that's my take on it. I don't know.
5 Others? Wanda, Phil, Bill?

6 MEMBER MUNN: This is Wanda. I had so
7 much to say about this when we discussed it last
8 time, I don't think I need to repeat all that.

9 The one new thing that I learned from
10 the information that's been provided to us recently
11 is the comment from the supervisor that workers did
12 not have a need to know.

13 CHAIR KOTELCHUCK: Pardon? Workers
14 should not have any -

15 MEMBER MUNN: Did not have a need to
16 know.

17 CHAIR KOTELCHUCK: Mm-hm.

18 MEMBER MUNN: And that was - I think
19 that's tantamount to saying this is above your pay
20 grade, which is pretty annoying to the person who
21 asked the question. I can testify from personal
22 information this is true, but not necessarily at
23 this site. But it was - that was new information

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1 to me, and from my perspective an incorrect
2 response to an inquiry from any worker.

3 But that's neither here nor there, and
4 it - but I see nothing new, other than that comment,
5 which psychologically makes an impact for me, but
6 in point of fact, for our deliberations, it does
7 not and I don't believe should.

8 CHAIR KOTELCHUCK: Yeah. Other
9 comments?

10 MEMBER FIELD: Yeah, this is Bill.
11 LaVon, you said the verify - you indicated - I think
12 you indicated that this person was indeed
13 interviewed. Was that correct?

14 MR. RUTHERFORD: That is correct.

15 MEMBER FIELD: Okay.

16 MR. RUTHERFORD: Yeah, and that
17 interview was used in support of developing our
18 White Paper.

19 MEMBER FIELD: Thanks.

20 CHAIR KOTELCHUCK: Okay. Phil?

21 MEMBER SCHOFIELD: I just - my question
22 was already answered, because I was just thinking
23 that if there is much scrap generated and stuff,

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1 typically those are either consolidated in some
2 form or sent back to the origin that they were
3 received from. And personally, going through
4 different documents, I haven't - could not find any
5 such reference or anywhere near documents I've
6 looked at.

7 CHAIR KOTELCHUCK: Yeah. Yeah. So,
8 in my opinion, and I think I don't see that this
9 provides information that would make us reopen the
10 magnesium-thorium. And -

11 DR. McKEEL: Dr. Kotelchuck, this is
12 Dan McKeel.

13 CHAIR KOTELCHUCK: Yes. This is Dr.
14 McKeel.

15 DR. McKEEL: Yes, sir. I must correct
16 what Mr. Schofield just said. I just must correct
17 that.

18 CHAIR KOTELCHUCK: I mean -

19 DR. McKEEL: It's incorrect.

20 CHAIR KOTELCHUCK: There is - this is
21 on the record. There will be, at some point, a
22 Board meeting and you have every right to comment
23 and critique anything that was said here. But this

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1 is - this is not - this is not a discussion.

2 This is a discussion of the Working
3 Group. There is, in general, no public comments
4 unless the Working Group asks it. And we have
5 requested you, Ms. Barrie and you asked, and we
6 certainly agreed. But and you have - and, of
7 course, you have things that you can write to Board.

8 **Petitioner's Comments**

9 But I don't - I don't wish to open a
10 debate between members of the public and
11 petitioners and the Group at this point. Again,
12 you will have an opportunity and by all means use
13 it if you wish.

14 So shall we - I don't know if it requires
15 a motion. Ted, do you think it requires a motion
16 that we do not reopen and -

17 MR. KATZ: No, it doesn't. It
18 doesn't, because you never had a motion to reopen
19 it.

20 CHAIR KOTELCHUCK: Right. And I don't
21 - I don't believe this requires a motion. I think
22 that there is agreement from the Working Group.
23 There was no indication that any of us want to

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1 reopen the issue, and therefore it remains - it will
2 remain closed. And I'm perfectly happy to just say
3 that.

4 And so are there - let's go to - let's
5 go to Item 5.

6 MR. KATZ: Well, wait, Dave?

7 CHAIR KOTELCHUCK: Yes.

8 MR. KATZ: I just - you had - so, Terrie
9 had sort of cut off her comments to just deal with
10 this one issue, but it seemed like she might have
11 had other issues beyond this that she wanted to
12 touch on. Do you want to get those before you move
13 on to 5?

14 CHAIR KOTELCHUCK: Well -

15 MR. KATZ: It's up to you.

16 CHAIR KOTELCHUCK: Yeah. Terrie has
17 other issues. I thought that we would ask her if
18 we - if we are going to make a decision on the path
19 forward. But we still have one outstanding
20 interview and I don't think we will be able to -
21 well, that will be open to the Group.

22 MR. KATZ: I mean, just to speak to
23 that, I mean, there is always more information.

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1 You can certainly take an action, make a
2 recommendation, develop a recommendation at this
3 Work Group meeting, and that be provisional to not
4 having the world turned upside down by whatever
5 comes out of this interview.

6 CHAIR KOTELCHUCK: I see. Okay.

7 MR. KATZ: But you don't need to hold
8 another Work Group meeting after that interview
9 information if it doesn't turn up anything that's
10 substantial.

11 CHAIR KOTELCHUCK: Alright. Well,
12 that's helpful because that's exactly - if they are
13 - I mean, I didn't know if we could make a
14 provisional recommendation provisional on that
15 interview.

16 MR. KATZ: Yeah. We have done that
17 many times.

18 CHAIR KOTELCHUCK: Okay. Well,
19 that's good to know, and thanks. In which case,
20 since Item 5 really discusses other issues, and Ms.
21 Barrie certainly said that she had some other
22 issues, I would be - I would be willing to ask Ms.
23 Barrie now to raise the other issues that she wishes

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1 to raise, if that's okay by Members of the Working
2 Group.

3 MEMBER MUNN: Yes, I support that.

4 CHAIR KOTELCHUCK: Okay. Alright.
5 Please, Ms. Barrie, go ahead, Terrie.

6 MS. BARRIE: Thank you. Thank you
7 very much. And to just briefly touch back on the
8 magnesium-thorium, and I appreciate Wanda's
9 statement about, you know, the need to know. That
10 was - that was very prevalent, you know, during the
11 production - well, actually during the entire years
12 of Rocky Flats' operations.

13 So you can't just discount because - it
14 was - it was common for the workers not to know what
15 they were working with, and I want you to understand
16 that and to take that into consideration.

17 Now, my other issues are, first, let's
18 get back to the safety concerns. In my
19 presentation to the Board on November 30th, I did
20 reference the NIOSH and SC&A investigation into the
21 safety concerns.

22 But there's this one I'm going to quote:
23 NIOSH continues its investigation of two safety

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1 concerns involving lost or invalid bioassays.
2 They are safety concerns number 90-169 and the
3 inadequacy of the internal and external dosimetry
4 program 92-048.

5 And I still have not been able to find
6 if this investigation of these two safety concerns
7 were completed. And I'd like to have NIOSH either
8 confirm and supply me with that investigation, or
9 to take another look at these.

10 I appreciate that you're going to have
11 that interview about the cobalt-60.

12 I'm concerned about the data
13 falsification White Paper. NIOSH is tying that
14 only to the SDI rate and I think that's illogical.
15 I mean, there is - I have identified falsification
16 outside and before the SDI rate and I think that
17 needs to be taken a look at again.

18 Let me see. Building 460 and 440.
19 You're saying that your assumption because these
20 were cold areas that there wasn't a need for
21 bioassay, and I disagree with that.

22 For instance, I'm still going through
23 the safety concerns, and I just found another one

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1 for Building 460, which was also a cold building.
2 It's safety concern number 91-093, which states
3 that an RCT was posted there in 1991. If it was
4 cold, why would they need an RCT to be there?

5 I also went to - and I am not sure if
6 this ever went to the Work Group, but LaVon and I,
7 last June, had a discussion about depleted uranium
8 in Building 444. And I don't want to get into all
9 of it, but he did explain to me that depleted
10 uranium would need a catalyst to emit neutrons.
11 And a worker told me that beryllium would act as
12 a catalyst, and in the other side of Building 444,
13 which was separated by a three-foot wall, was
14 beryllium.

15 So we had depleted uranium on one side
16 and Be on the other side. So LaVon said he was
17 going to take a look at that and I'm not sure if
18 he has or not yet.

19 The neptunium issue, I still have a
20 problem with the Department of Energy document that
21 says that you cannot use plutonium bioassay to
22 reconstruct dose for neptunium, and that's what's
23 being done here for Rocky Flats. And it's not

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1 being done for Los Alamos.

2 And the other issue I want to raise
3 again and on the record is the documents that I
4 filed a FOIA request for. I do not always get them
5 because they belong to someone else.

6 And I understand that the Board and SC&A
7 also have access to these documents, but you are
8 - you are involved with so many other sites I don't
9 see how it's possible that you go through each and
10 every - and maybe you do, I don't know - each and
11 every document that is cited by NIOSH and SC&A.
12 And it would just make me feel so much better if
13 I could get those documents also just in case
14 someone somewhere overlooked something.

15 And that's all I have for today and I
16 will - yeah, I will, you know, obviously, be
17 presenting, you know, at the March meeting also.

18 CHAIR KOTELCHUCK: Okay.

19 MS. BARRIE: Thank you.

20 CHAIR KOTELCHUCK: Okay. Thank you.

21 MS. BARRIE: Do you have any questions?

22 CHAIR KOTELCHUCK: I don't - well,
23 personally, I have - first, Working Group Members,

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1 if you want to say something. I will say that Item
2 3 - I'm taking notes - the data falsification and
3 the neptunium - those have been closed.

4 We have discussed them with you and
5 knowing - you know, and on the record, and those
6 were closed. And unless you bring up - you
7 expressed, you know, concern and I respect that,
8 and you - and nor do you need necessarily to have
9 agreement. But those items were closed and I don't
10 believe you raised issues that would suggest that
11 we should reopen them, or at least, put it this way,
12 I do not, as one Working Group Member.

13 For the FOIA request, that's Item 7,
14 what decisions are made in terms of -

15 MEMBER MUNN: We lost you, Dave.

16 MR. KATZ: Dave, we just lost you.
17 Hold on. I can address the FOIA thing.

18 CHAIR KOTELCHUCK: Can you hear me?

19 MR. KATZ: Yeah, now we hear you again.
20 Dave?

21 CHAIR KOTELCHUCK: Yeah.

22 MR. KATZ: So, you cut out. So
23 whatever you were trying to say about the FOIA, you

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1 cut out. But I can address that if you want. I
2 mean -

3 CHAIR KOTELCHUCK: Okay, fine. I was
4 just going to report - you go ahead.

5 MR. KATZ: I mean, just the FOIA issue
6 is, this is - this is just the way FOIA works, is
7 the owner of the document is the only agency that
8 can release them. And so - and I think going
9 through the right procedures to request them from
10 those agencies, and in some cases you have to appeal
11 if they don't provide what you want, and the appeal
12 may or may not succeed.

13 But in any event, NIOSH and the Board
14 are not in a position to release documents - neither
15 NIOSH or the Board, in effect. I mean, the Board
16 uses NIOSH's own documents. So there's nothing to
17 be done by this agency. The only recourse there
18 is the FOIA process.

19 CHAIR KOTELCHUCK: Yeah. Yeah.
20 Alright. Well, at some level, there were many
21 items that Ms. Barrie raised. I'm not - I don't
22 feel like - this is not a back and forth discussion.
23 They were presented.

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1 I'm going to ask the Working Group
2 Members or the technical consultants - NIOSH and
3 SC&A - if they have comments on any of those or on
4 - there was - there was an issue raised in Item 4,
5 Building 460 and 440, and Ms. Barrie, you said we
6 said that there was no need for bioassay, and I
7 don't believe that's a correct quote.

8 It's not the question of whether we
9 believe there should have been - there should be
10 a bioassay. The question is, were bioassays
11 conducted? And they were not, apparently. I'm
12 not sure whether not at all or rarely. Does
13 anybody - can anybody speak to that who has been
14 over the records?

15 MR. RUTHERFORD: This is LaVon
16 Rutherford. I can't remember - I know that - I
17 can't remember from the data whether we have any
18 bioassays from 440 and 460. I can't say for sure.

19 I don't know if Dan or Jim Bogard or
20 anyone has looked at it and can make a statement
21 on that. But I can't be for sure.

22 CHAIR KOTELCHUCK: Okay. Certainly
23 we know that those buildings were cold and that was

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1 the considered decision based on materials people
2 were working with.

3 And so LaVon or others, what about the
4 - her - the issue she raised about Building 444?

5 MR. RUTHERFORD: Building 444, I would
6 like to clarify that the, you know, neutron
7 exposure from depleted uranium is not an issue.
8 You don't have enough there. But I did commit to
9 looking into whether there had been any neutron
10 monitoring at all in 444 and which I have not done
11 yet. I'll admit that.

12 CHAIR KOTELCHUCK: Okay. Alright.
13 So that's another thing that would --

14 MR. RUTHERFORD: But I want to point
15 out that there is a - there was an NDRP report.
16 There was a lot of review done on neutron exposure
17 under SEC-30 that I see no reason why it should hold
18 up this petition at all.

19 CHAIR KOTELCHUCK: Mm-hm. I missed
20 the first part of that. Could you repeat?

21 MR. RUTHERFORD: I said the NDRP - and
22 Jim may remember what the acronym stands for - I
23 can't remember. But there was a detailed neutron

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1 study done at the Rocky Flats. And corrections were
2 made to dosimetry results from that, and also
3 neutrons were discussed thoroughly under SEC-30.
4 So I don't feel like this is an issue that should
5 hold up this petition.

6 **Further WG discussion as needed of any**

7 **other issues related to the SEC Petition 192**

8 CHAIR KOTELCHUCK: Okay. So, and that
9 leaves me only with we've talked about things now
10 on the items - the only - the first item she raised
11 on the safety concerns, and I think we have
12 discussed that already today.

13 So let me ask Members of the Working
14 Group, I'm on Item 5, are there any other issues
15 related to the SEC Petition 192 that you believe
16 should be or might need to be looked into at this
17 point?

18 MEMBER MUNN: No. The only questions
19 that I had were involved with issues that LaVon just
20 discussed.

21 CHAIR KOTELCHUCK: Yes. Okay. Then
22 it seems to me that we have - this has been - this
23 is year four of this effort on the 192 petition and

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1 we've closed out the item that we agreed to look
2 at. We've investigated some other items. What is
3 left outstanding is an interview with the person
4 who was working with the cobalt-60, and also that
5 the neutron monitoring in Building 444 will be
6 looked into by LaVon and confirm his remembrance
7 of that, right?

8 MR. RUTHERFORD: Correct. And I will
9 also - Terrie brought up the question on the two
10 bioassays, whether they had followed up on that
11 issue from SEC-30. I'll see if I can find what the
12 closure on that was and provide that.

13 **Working Group decision on path forward and/or**
14 **recommendations on SEC Petition 192 for the**
15 **March ABRWH meeting**

16 CHAIR KOTELCHUCK: Okay. But - okay.
17 Then I think those are issues that can be dealt with
18 and that we could and should move ahead with the
19 provisional decision on the recommendations to the
20 Board for the March meeting on Petition 192.

21 Is there - do I hear a motion?

22 MEMBER MUNN: Our specific question

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1 was whether or not to extend the dates of the SEC.
2 Is that not correct?

3 CHAIR KOTELCHUCK: That's correct.
4 From '83, which it is now, to I think the request
5 went to '89.

6 MEMBER MUNN: To '89. That was my
7 memory.

8 CHAIR KOTELCHUCK: Yes. Would you
9 like to make a motion?

10 MEMBER MUNN: I'd like to make a motion
11 that we do not extend the dates of the SEC that
12 currently exist.

13 CHAIR KOTELCHUCK: Okay. Second?

14 MEMBER FIELD: This is Bill. I'll
15 second it.

16 CHAIR KOTELCHUCK: Okay. Further
17 discussion on this? This is provisional on the
18 interview, the neutron monitoring, and the checkup
19 on the two bioassays, although I'm not sure how they
20 would exactly input. It's a question of were they
21 done, or LaVon, I'm not sure. Try -

22 MR. RUTHERFORD: I think it's a
23 question of - and I've got to go look into the issue

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1 myself, but I think it's a question on the path
2 forward or how they close the issue out that was
3 previously identified under SEC-30.

4 CHAIR KOTELCHUCK: Got it. Okay.
5 Okay. So I think - I think - do we - any further
6 comments?

7 MR. KATZ: Yeah, just - well, just to
8 add to your motion, to clarify, I mean, it's a
9 motion to find that dose reconstructions are
10 feasible for that period.

11 CHAIR KOTELCHUCK: That's right, that
12 - that recommending that we not approve the SEC
13 Petition 192, it means that all individuals who
14 have exposure in that post-'83 period, that we can
15 do individual dose reconstructions and that their
16 claims will be processed and acted upon based on
17 those.

18 MR. KATZ: Right. Thanks.

19 CHAIR KOTELCHUCK: Surely. Hearing
20 no further, I think - I mean, this - if we will,
21 let's do it in roll call fashion in terms of - to
22 approve - to approve the motion or disapprove.
23 Well -

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1 MR. KATZ: It's just to approve the
2 motion, Dave.

3 CHAIR KOTELCHUCK: Yeah.

4 MR. KATZ: And it's to make this
5 recommendation to the Board.

6 CHAIR KOTELCHUCK: Right. Do we -
7 should we - can we do this by voice or should we
8 -

9 MR. KATZ: We can do it by voice.
10 You've all already spoken to the motion.

11 CHAIR KOTELCHUCK: Okay. Right.
12 Okay. All those in favor of the resolution, please
13 say aye.

14 (Chorus of ayes.)

15 CHAIR KOTELCHUCK: Oppose? Abstain?
16 Okay. So it's a unanimous decision. It's
17 provisional and we will get a report back from -
18 hopefully during - before the March meeting so that
19 we can make a report to the Board in March.

20 And all issues that - either
21 petitioners or others in the public related to the
22 Rocky Flats petition that they want to raise, they
23 are welcome to do so at the March meeting and time

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1 will be given for that before the Board acts.

2 So that, I believe, will close this. I
3 don't - I think -

4 MR. KATZ: Dave, so just as an
5 administrative matter, it's important, I think it
6 makes sense for someone to prepare a presentation
7 for you to give to the Board on this.

8 CHAIR KOTELCHUCK: Oh, absolutely.

9 MR. KATZ: So, I mean, I know - it's
10 totally up to you. You're welcome to prepare it
11 yourself. You're also welcome to have SC&A
12 support and NIOSH support to the extent in drafting
13 that. I mean, I expect that, given that CML came
14 up before the whole Board, LaVon, I expect you'll
15 give a presentation to the Board. Isn't that
16 correct?

17 MR. RUTHERFORD: I can give the
18 presentation that I gave or modify it accordingly
19 if you think that's necessary.

20 MR. KATZ: Well, I think since that's
21 sort of a - sort of technical presentation - it's
22 up to you, Dave, whether you want LaVon to present
23 in - or you want me to summarize it or yourself,

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1 and either can be done. Certainly I can share all
2 the materials from today with all of the Board in
3 either case. So it's just a question as to how we
4 want to handle -

5 CHAIR KOTELCHUCK: Sure. I don't -
6 well, let's see what we did in the past. I don't
7 believe the White Papers on deciding the issues,
8 the four out of the five issues that we had, were
9 presented to the Board. I think I just reported
10 on it.

11 MR. KATZ: No. What I was saying is that
12 the CML issues came up before the Board and were
13 discussed some at the Board level, too, because you
14 discussed them and so on. But anyway --

15 CHAIR KOTELCHUCK: Yes. Yes. You're
16 right, we did. Well, since we raised it before the
17 Board there's - I would say that why not actually
18 then have - conclude the discussion before the
19 Board. That is, the reports - basically the
20 reports that LaVon made and Ron made should be given
21 before the Board.

22 MR. KATZ: Okay. I mean, they can give
23 them or you can just -- it's up to you, Dr.

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1 Kotelchuck.

2 CHAIR KOTELCHUCK: Well, I'm - if the
3 Board has been privy to this discussion we
4 certainly - I certainly should report it to the
5 Board that this issue was open and why it was open.
6 I think it would be worthwhile, and then I will
7 prepare a report. In this case, I'll look to your
8 advice for what I should do for a deadline because
9 I would like to circulate this to SC&A and NIOSH.

10 MR. KATZ: Well, do you want - do you
11 want SC&A to draft your presentation or do you want
12 to do the first draft yourself? It's up to you.

13 CHAIR KOTELCHUCK: It's - at one level,
14 I'm more than happy to have them do it. But let
15 me ask you, since this would be the first report
16 of this sort in terms of the Working Group. Is this
17 the way it's done customarily? I may ask -

18 MR. KATZ: It's done both ways. It's
19 just - it's really every Work Group Chair has a
20 difference preference. Some Work Group Chairs,
21 like Paul likes to make his own presentations and
22 generally prepare them himself and then run them
23 by. Of course, you'll run it by the staff so that

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1 they can check your work and -

2 CHAIR KOTELCHUCK: Right. I think
3 then I will - I will do the first draft.

4 MR. KATZ: Okay. Then -

5 CHAIR KOTELCHUCK: And I will make sure
6 I get it to people.

7 MR. KATZ: Yeah. Then in timing it, if
8 you can get your draft to everyone else in the Work
9 Group. Get them to me and I'll circulate it. But
10 I'll circulate it to the Work Group and the staff.
11 If you can do that three weeks - get it done three
12 weeks ahead of the Board meeting that would be fine,
13 in time for them to add any details that you might
14 add and you can -

15 CHAIR KOTELCHUCK: Okay. I'll set a
16 March 1st deadline for myself.

17 MR. KATZ: Yeah, and just - just do
18 parentheticals. If you want them to fill in
19 details that you don't have time to get to just do
20 a parenthetical with instructions and they can do
21 that.

22 **Adjourn**

23 CHAIR KOTELCHUCK: Okay. Sounds

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1 good. And thank you, everyone. I think we are
2 finished now, in time for lunch for some of us and
3 breakfast for others.

4 MR. KATZ: Yeah.

5 CHAIR KOTELCHUCK: And coffee for
6 others. Okay. Thank you all very much. And
7 Bill, I hope you're feeling better soon.

8 MR. KATZ: Yeah. Thanks, Bill,
9 especially for joining us.

10 MEMBER FIELD: Thanks. My pleasure.

11 CHAIR KOTELCHUCK: Yeah, appreciate
12 it. Okay.

13 MR. KATZ: Take care.

14 CHAIR KOTELCHUCK: Bye, folks.

15 (Whereupon, the above-entitled matter
16 went off the record at 12:04 p.m.)

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