

**The Advisory Board on Radiation and Worker Health
National Institute for Occupational Safety and Health
Centers for Disease Control and Prevention**

**Summary Minutes of the Forty-first Meeting
held telephonically on October 18, 2006**

The Forty-first Meeting of the Advisory Board on Radiation and Worker Health (ABRWH or the Board) was held telephonically on October 18, 2006. The meeting was called by the Centers for Disease Control and Prevention's (CDC's) National Institute for Occupational Safety and Health (NIOSH), the agency charged with administering the ABRWH. These summary minutes, as well as a verbatim transcript of the meeting certified by a court reporter, are available on the internet on the NIOSH/OCAS web site located at www.cdc.gov/niosh/ocas.

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Dr. Paul Ziemer, Chairman of the Advisory Board, called the meeting to order and announced a quorum was present.

Dr. Lewis Wade, Designated Federal Official, indicated the following members were present: **Dr. Ziemer, Mr. Brad Clawson, Mr. Michael Gibson, Mr. Mark Griffon, Dr. James Lockey, Dr. James Melius, Ms. Wanda Munn, Mr. Robert Presley, and Dr. Genevieve Roessler.** **Dr. John Poston** was unable to attend.

In the interest of time, staff and contractor participants, as well as members of the public, were not asked to identify themselves at the outset, but were urged to introduce themselves should they become participants in the meeting.

Dr. Wade asked if any representatives of members of Congress might be present, and **Ms. Felicia Escobar** introduced herself as a member of **Senator Ken Salazar's** staff.

Dr. Ziemer welcomed all present, noting that the time frames designated for various agenda items were estimates and need not be followed precisely.

Dr. Wade joined in expressing his appreciation to participants, and emphasized the purpose of the phone conferences were to wrap up loose ends and clarify issues between Board meetings.

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Before addressing scheduled agenda items, **Dr. Ziemer** asked for the status on Round 5 of the individual case reviews. **Ms. Kathy Behling** from SC&A reported that one more two-member team was to go through their assigned cases, which would be done by the following day. All others were complete.

With no further questions or comments offered on Round 5 cases, **Dr. Ziemer** recognized **Dr. Roessler** for her effort in reviewing the cases assigned to her team without the aid of **Dr. Roy DeHart**, who retired from the Board before the reviews were complete.

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**INDIVIDUAL CASE REVIEWS
ROUND 6 CASE SELECTIONS**

Having confirmed everyone had a copy of the 20 cases selected for the next review, **Dr. Ziemer** called on **Dr. Wade** to announce conflicts of interest. **Dr. Wade** noted the HHS Office of General Counsel indicated the following specific member/case conflicts:

- Case 18 -- **Griffon** and **Presley**
- Case 19 -- **Gibson, Griffon, and Poston**
- Case 22 -- **Griffon**
- Case 31 -- **Munn**
- Case 48 -- **Munn**
- Case 49 -- **Griffon** and **Presley**
- Case 96 -- **Griffon** and **Presley**
- Case 106 -- **Clawson** and **Griffon**
- Case 144 -- **Munn**
- Case 163 -- **Munn**
- Case 166 -- **Griffon, Poston, Presley** and **Ziemer**
- Case 171 -- **Gibson** and **Griffon**

Dr. Ziemer discussed team organization, and adjustments were made to form five two-member teams. Cases were then assigned to each team, being mindful of conflicts of interest, with the following results:

- Dr. Roessler/Dr. Lockey** -- Cases 18, 19, 22 and 163;
- Mr. Presley/Dr. Poston** -- Cases 26, 31, 33 and 48;
- Mr. Gibson/Dr. Ziemer** -- Cases 49, 93, 96 and 106;
- Mr. Griffon/Mr. Clawson** -- Cases 113, 125, 136 and 144;
- Ms. Munn/Dr. Melius** -- Cases 166, 171, 181 and 8.

Mr. Griffon expressed his belief that he should have shown to be conflicted on only one case, and **Dr. Wade** agreed the discrepancy will be resolved.

There were no objections or further comments regarding the case assignments. At **Dr. Ziemer's** request, **Ms. Behling** suggested the reviews for the sixth set of cases should be completed in time for presentation at the December Board meeting.

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Dr. Ziemer raised the issue of the matrix for the fourth set of cases. **Ms. Behling** reported she had completed the matrix for that set and provided it to NIOSH. She announced she would develop and circulate the matrix for the fifth set of cases shortly. The matrix for the sixth set would follow and could be discussed by conference call prior to the December Board meeting. **Ms. Behling** noted there would be three sets of matrices that will require resolution by the end of the year.

Dr. Ziemer, Mr. Griffon and **Mr. Stu Hinnefeld** from NIOSH discussed the meeting of the new subcommittee and the matrices to be reviewed prior to the December Board meeting. It was suggested there might be a telephone conference meeting around Thanksgiving.

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**CONFLICT OF INTEREST UPDATE
SC&A CONTRACT**

**Mr. David Staudt, NIOSH
Contracting Officer**

Mr. Staudt discussed the firewall plan SC&A has recently implemented, and noted SC&A is required to update their conflict of interest plan each December. He indicated a request has been made that SC&A include the firewall plan in their comments to his office as part of the COI plan updates. **Mr. Staudt** stated he anticipated that would be done by December or January, and will be available to the Board and posted on appropriate web sites. Those actions are expected to resolve the issues raised by SC&A's DTRA work.

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A second issue discussed by **Mr. Staudt** was special conflict of interest situations. The example provided was that of **Dr. Lynn Anspaugh** and an unidentified colleague, and their work on the Nevada Test Site and Pacific Proving Ground site profiles. **Mr. Staudt** and **Dr. Wade**

discussed the situation and determined **Dr. Anspaugh's** and others' participation was transparent to the specific workgroup, and when their work was done they would stop performance on the contract. **Mr. Staudt** then asked for guidance on how to proceed in future special situations so that the work of the Board keeps moving forward.

Dr. Wade explained that where there is variation in the plan, the government has certain responsibilities. In addition, there are certain responsibilities the Board wishes to reserve. Essential to this process, there must be complete and accurate disclosure by SC&A. While the Board can take formal action only with a quorum, chairs of workgroups have certain prerogatives. The government has certain prerogatives with respect to its opinions. And so the question becomes at what point does the Board wish the government to interject its opinions/decisions.

Dr. Ziemer observed that the answer may vary in each case. While the government may think the transparency of a given case meets the requirements of COI, the Board -- or some members of the Board -- may have questions about individuals involved in the case. Further, the Board has explicitly authorized working groups to act on its behalf in very limited ways, primarily in determining types of information required to develop matrices, for example. Final actions are always the Board's prerogative.

Dr. Melius remarked he had raised the issue because he was disturbed when there was no consultation between NIOSH, the contracting office and the Board about how the two individuals would be used. He felt the Board should have been informed of the limitations imposed on those individuals, although he thought the specific limitations were not appropriate. He added the situation had created conflict then between himself and SC&A's **Dr. John Mauro**, and the Board should be informed when such action is contemplated.

As a second point **Dr. Melius** suggested members of the Board should be allowed to express opinions on matters of this sort to their Chair and perhaps work out differences with the government and the contractor. This could be done without unduly delaying a project, and is important because the Board's credibility is on the line.

Dr. Wade agreed the responsibility for notifying the Board members is an issue that needs resolution. He noted he was informed by an e-mail which indicated working group chairs had been notified. He had assumed from the e-mail that Board members were notified.

Acknowledging he had received the initial e-mail, **Dr. Melius** commented there was no further consultation. He added the initial information

was also incomplete and he had gained additional information from the SC&A web site. If there had been a system in place to facilitate communications, he would have asked for additional information.

Dr. Wade queried whether the Board preferred notifications from SC&A or the contracting officer. As contracting officer, **Mr. Staudt** agreed with the suggestion that it should come through his office. As the next step in the process, it was suggested that Board member concerns be referred to the Chair to determine their disposition. It was further agreed that all Board members be notified of issues rather than the chairs of appropriate workgroups.

Dr. Wade explained the contracting officer might not be bound to follow recommendations made as a result of these notifications, although in all likelihood he would attempt to comply with the Board's wishes. Further discussion clarified the mechanics of the notification and comment process, with **Dr. Mauro** providing input on SC&A's part. **Dr. Wade** agreed to document the process described in the discussion and distribute it to the individuals involved.

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Prior to receiving the following reports, **Dr. Wade** reminded everyone that the telephone conference is not intended to include in-depth technical discussions of subcommittee or workgroup issues.

**REPORT FROM THE
SUBCOMMITTEE ON DOSE RECONSTRUCTION**

Mr. Mark Griffon, Chair

The subcommittee includes members **Mr. Gibson, Ms. Munn** and **Dr. Poston**, with **Mr. Clawson** and **Mr. Presley** as alternates. **Mr. Griffon** began by suggesting there may be a need for a subcommittee meeting before the next Board meeting to allow their review of the matrices one item at a time. They would anticipate completing the fourth matrix and get into the fifth matrix, to some extent. **Mr. Griffon** added that **Mr. Hinnefeld** has been compiling NIOSH responses, and those need to be incorporated into the matrices before a meeting is scheduled.

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WORKGROUP REPORTS

**Nevada Test Site
Site Profile**

Mr. Robert Presley, Chair

Members include **Mr. Clawson**, **Ms. Munn** and **Dr. Roessler**. **Mr. Presley** reported that a document NIOSH is currently reviewing is relevant to their next meeting and the workgroup is waiting to hear that review has been completed. He hoped that meeting could be scheduled during the same block of time as some other groups, as memberships overlapped.

Dr. Jim Neton from NIOSH noted there might be some concern about the **Anspaugh** writeup. **Mr. Gene Rollins** from ORAU had been asked to begin working on that, but it might take three to four weeks to accomplish the analysis. If that is to be a topic this group plans to address when they meet, it should be planned with that review time in mind.

Mr. Presley stated the plan was to have **Dr. Anspaugh** and **Mr. Rollins** present at the workgroup meeting to review the writeup. **Dr. Neton** cautioned that the resuspension calculations **Dr. Anspaugh** believes are incorrect will require three to four weeks for **Mr. Rollins** to accomplish. However, it is possible he could get to a point that he could estimate the significance of the difference and determine if it is a major issue.

Mr. Presley agreed to communicate with **Mr. Rollins** to discuss the meeting time.

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**Savannah River Site
Site Profile**

Mr. Michael Gibson, Chair

This workgroup includes **Mr. Clawson**, **Mr. Griffon** and **Dr. Lockey**. **Mr. Gibson** reported he had been in contact with **Mr. Joe Fitzgerald** of SC&A and **Dr. Sam Glover** from NIOSH in an effort to reach closure on some issues. Items of discussion include the fault tree data bank compilation about the other nuclides for the tank farm, and some so-called 3x5 data cards that bear some dose results. There is need for further discussion, but if things go well, there is a possibility the group can meet during the same block of time as other groups.

Mr. Clawson inquired as to the name of the incident database from the previous contractor for Savannah River Site. Neither **Mr. Gibson** nor **Dr. Neton** were able to provide the name, but agreed it is important to the review of the site.

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**Rocky Flats
Site Profile and SEC Petition**

Mr. Mark Griffon, Chair

Members of the workgroup include **Mr. Gibson, Ms. Munn** and **Mr. Presley**. **Mr. Griffon** reported that NIOSH and SC&A have responded to various items, but the critical question that remains is data reliability. Many others are close to resolution.

Speaking on behalf of **Senator Salazar, Ms. Escobar** emphasized that the Senator is following this review, and data reliability is an important part. It is important that time be available to study the issue and analyze it fully. **Ms. Munn** offered her reassurance that the workgroup is spending a considerable amount of time addressing data reliability.

Mr. Fitzgerald and **Mr. Griffon** discussed the number of cases and the data that would be available for discussion at the next workgroup meeting.

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**Chapman Valve
SEC Petition**

Dr. Wade announced the members of this workgroup include **Mr. Clawson, Mr. Gibson, Mr. Griffon** and **Dr. Roessler**, and is Chaired by **Dr. Poston**, who is not present.

Dr. Mauro was asked to provide a briefing on the workgroup's activities. He indicated **Dr. Poston** had expressed a desire to have a conference call meeting in late October or early November. **Dr. Mauro** noted SC&A's report might not be finished by that time, but there would be enough material to allow the workgroup to accomplish a great deal. That material would be graphs and tables that might be called talking points.

In a discussion with **Mr. Griffon, Dr. Neton** reported that revisions have been made to the Chapman Valve site profile. Some items have been strengthened by comments in the evaluation report. The internal dosimetry analysis has been partially redone, and work on draft dose reconstructions is underway.

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SEC Petitions -- 250-day Issue

Dr. James Melius, Chair

This workgroup includes **Mr. Griffon**, **Dr. Roessler** and **Dr. Ziemer**. **Dr. Melius** reported that scheduling of his group's next meeting is dependent on a report from SC&A which is forecast to be ready mid-November. The report is more conceptual in nature and looks at background material, so will not require NIOSH review.

Dr. Arjun Makhijani announced the report is currently in rough draft, suitable for internal review only. He suggested sending memoranda to **Dr. Melius'** workgroup for their use at a meeting in mid-November, with the final report ready for the Board meeting in December.

Dr. Mauro inquired about the status of a list of controlled documents, part of DTRA's NPTR program, which he hoped to obtain. **Dr. Melius** was unfamiliar with the list and suggested NIOSH might be helpful. **Mr. Larry Elliott** from NIOSH interjected he had been in touch with DTRA, and three of the four items could be provided. The fourth would require clearance from legal.

Dr. Wade expressed concern that **Dr. Melius** had no knowledge of the request, but it was clarified that the problem was simply a failure to identify the nature of the question.

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SEC Petitions Not Qualified

Dr. James Lockey, Chair

Members of the workgroup include **Mr. Clawson**, **Dr. Melius**, **Ms. Munn** and **Dr. Roessler**. **Dr. Lockey** announced the schedule for the group's first meeting.

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**Hanford Plant
Site Profile**

Dr. James Melius, Chair

Members include **Mr. Clawson**, **Dr. Poston** and **Dr. Ziemer**. **Dr. Melius** reported there are several updates underway. There is a review and response from NIOSH, and a conference call is needed to determine a work schedule and focus for the workgroup. In consideration of the heavy workload, scheduling of a conference call was postponed.

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Board Conflict of Interest Policy

Dr. James Lockey, Chair

Members include **Dr. Melius**, **Mr. Presley** and **Dr. Ziemer**. **Dr. Lockey** suggested the business of this workgroup could be done later in the year. **Dr. Wade** suggested the group meet informally during the December Board meeting to schedule further conferences.

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Subcommittee and Workgroup Schedule Summary

Currently Scheduled Meetings:

November 6:
Rocky Flats site profile and SEC Petition workgroup
10:00 a.m., Cincinnati

November 9:
SEC petitions not qualifying workgroup
9:00 a.m., Cincinnati

November 14:
Savannah River Site site profile workgroup
1:00 p.m., Cincinnati (tentative)

November 15:
Nevada Test Site site profile workgroup
10:00 a.m., Cincinnati

November 16:
Subcommittee on Dose Reconstruction
10:00 a.m., Cincinnati

November 17:
SEC petition 250-day issue workgroup
8:00 a.m., November 17, Cincinnati

Planned but not Scheduled:

Chapman Valve SEC petition workgroup -- Teleconference late
October/early November; **Dr. Poston** will inform by e-mail

Hanford site profile workgroup -- Teleconference to be scheduled; **Dr. Melius** to provide details

Board Conflict of Interest Policy workgroup -- To be scheduled

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**SITE PROFILE REVIEW ASSIGNMENTS
FY 2007**

Dr. Ziemer reminded the members that the two site profile review candidates judged to be top priority were Lawrence Livermore and Oak Ridge K-25. Others selected, in order of priority, were Pantex, Portsmouth and Argonne West. The Board has already authorized SC&A to begin work on the first two, and SC&A has announced it has resources to undertake a third at this time.

After discussion it was agreed Pantex should maintain its current position on the priority list, and will be the third site profile review conducted in FY 2007.

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BOARD WORKING SESSION

The issue was raised regarding the appointment of new working groups. **Dr. Mauro** reminded the Board it has identified 15 procedures for review, and their contract for 2007 calls for 30. Work has already begun on the first 15, one of which is OTIB-52 dealing with construction trades workers. This is an issue of widespread interest.

Dr. Mauro suggested it would be advantageous to have the full list of 30 by the December meeting, noting an additional seven have been reviewed, bringing the final list for '07 to 37.

Dr. Wade and **Dr. Mauro** agreed it would be beneficial to appoint a workgroup during this call which would be responsible for studying SC&A's procedures reviews. With **Ms. Munn** volunteering as chair, the group will include **Mr. Gibson**, **Mr. Griffon** and **Dr. Ziemer**. **Mr. Presley** expressed his interest in the task, and was added as an alternate.

A question was raised about the Battelle contract and whether there is a product for the Board. **Mr. Elliott** reported the Battelle contract is being modified to extend it through May, 2007. By that time the remainder of the funds will be used, and what they are expected to accomplish with those funds has been specified.

The issue of information on pay for Board members was raised, including a need for a way Board members can see what they're paid for meeting, expenses, et cetera. Other matters of interest included withholding of Georgia state tax. **Dr. Wade** agreed to make the matter an agenda item for the next meeting. It was recommended an expert on pay, per diem, et cetera, be present at the December meeting.

Discussion followed regarding specific locations for the Chicago meeting, and the impact of weather on meeting sites as it relates to travel issues.

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With nothing further to come before the Board, the meeting was adjourned at 12:05 p.m.

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End of Summary Minutes

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I hereby confirm these Summary Minutes are accurate, to the best of my knowledge.

Paul L. Ziemer, Ph.D., Chair

Date