

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

+ + + + +

ADVISORY BOARD ON RADIATION AND
WORKER HEALTH

+ + + + +

SUBCOMMITTEE ON PROCEDURES REVIEW

+ + + + +

THURSDAY,
AUGUST 13, 2009

+ + + + +

The Subcommittee convened in the Zurich Room of the Cincinnati Airport Marriott Hotel, 2395 Progress Drive, Hebron, Kentucky at 10:00 a.m., Wanda I. Munn, Chair, presiding.

PRESENT:

WANDA I. MUNN, Chair
MICHAEL H. GIBSON, Member
MARK GRIFFON, Member*
PAUL L. ZIEMER, Member

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

ALSO PRESENT:

TED KATZ, Designated Federal Official
NANCY ADAMS, NIOSH Contractor*
ISAF AL-NABULSI, DOE*
HANS BEHLING, SC&A*
LARRY ELLIOTT, NIOSH OCAS
STUART HINNEFELD, NIOSH OCAS
EMILY HOWELL, HHS*
TOM LEBONE, ORAU Team*
JAN LOVELACE, ORAU Team*
STEPHEN MARSCHKE, SC&A
JOHN MAURO, SC&A*
JIM NETON, NIOSH OCAS*
MICHAEL RAFKY, HHS*
MUTTY SHARFI, ORAU Team*
SCOTT SIEBERT, ORAU Team
MATTHEW SMITH, ORAU Team*
ELYSE THOMAS, ORAU Team

*Present via telephone

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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

10:06 a.m.

MR. KATZ: This is the Advisory Board on Radiation and Worker Health, Subcommittee on Dose Reconstruction Review.

MR. HINNEFELD: Procedures Review.

MR. KATZ: Thank you. Procedures Review. Sorry. Mark is not even here. Procedures Review. And we'll begin with roll call with Board members in the room.

CHAIR MUNN: Wanda Munn, Chair of the Subcommittee.

MEMBER GIBSON: Mike Gibson.

MEMBER ZIEMER: Paul Ziemer.

MR. KATZ: And then one last check. On the line, any Board members? Mark? Bob?

(No response.)

MR. KATZ: Okay. And then in the room, the NIOSH ORAU team?

MR. ELLIOTT: Larry Elliott, Director of the Office of Compensation

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Analysis and Support.

2 MR. HINNEFELD: Stu Hinnefeld,
3 Technical Program Manager, same office.

4 MS. THOMAS: Elyse Thomas, ORAU
5 team.

6 MR. SIEBERT: Scott Siebert, ORAU
7 team.

8 MR. KATZ: And on the line, NIOSH
9 ORAU team?

10 DR. NETON: Jim Neton on the line.

11 MR. SMITH: Matthew Smith, ORAU
12 team.

13 MR. KATZ: I'm sorry? You were
14 hard to hear.

15 MR. SMITH: Matthew Smith.

16 MR. KATZ: Matthew Smith. Okay.
17 Thanks.

18 MR. KATZ: Okay. Any other NIOSH
19 ORAU team on the line?

20 MR. SHARFI: Mutty Sharfi, ORAU
21 team.

22 MR. LEBONE: Tom Lebone, ORAU

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 team.

2 MR. KATZ: Thank you.

3 SC&A in the room?

4 MR. MARSCHKE: Steve Marschke.

5 MR. KATZ: And on the line, SC&A?

6 DR. MAURO: John Mauro here.

7 DR. BEHLING: Hans Behling.

8 CHAIR MUNN: Good morning, Hans

9 MR. KATZ: Welcome, both of you.

10 And now HHS and other government
11 employees on the line?

12 MS. HOWELL: Emily Howell, HHS.

13 MR. RAFKY: Michael Rafky, HHS.

14 MS. AL-NABULSI: Isaf Al-Nabulsi,

15 DOE.

16 MS. ADAMS: Nancy Adams, NIOSH

17 Contractor.

18 MR. KATZ: Welcome to all of you.

19 And any members of the public on

20 the line?

21 (No response.)

22 MR. KATZ: Okay. Folks, please

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 mute your phones on the line. And, Wanda,
2 it's yours.

3 CHAIR MUNN: Thank you, Ted.

4 As all of you know, we have been
5 having a great deal of trouble in this IT
6 transition from the old database to the new
7 database. It's maintaining the same format,
8 but it's been very difficult for us to all get
9 on board with getting into it.

10 So we are going to do the best we
11 can from both directions. Fortunately, Steve
12 is able to access what we need from the old
13 system. And I believe that most of us in the
14 room now with the help of our own internal IT
15 folks have been able to get up this morning
16 onto the database that we need. We hope this
17 works well.

18 The first item that we have on our
19 agenda today is the summary report to the
20 Secretary, which we have all agreed needs to
21 go out sometime in the immediate future. I
22 have provided for you, thanks to Dr. Ziemer,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 electronic copies of the material that we sent
2 during our first contact with the Secretary,
3 which was this time last year. The issue
4 seems in my mind to be whether we will
5 essentially follow this same format or whether
6 we will make significant changes in our
7 request for our contractors' report
8 summarizing the second year of activity.

9 We had felt that it was very
10 important the first time out to include tables
11 that made it very clear what the data looked
12 like when we were dealing with it. Whether we
13 need to retain that type of attachment each
14 time we make this report to the Secretary is
15 a key item in my view. As you at the table
16 here all know, I much prefer the briefest
17 possible reports with the maximum amount of
18 information in the simplest form we can
19 create.

20 So I am open to comments from
21 anyone here with respect to their feelings as
22 to how to approach this. I was hesitant to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 even begin a draft of the letter until we had
2 this discussion in hand. My preference would
3 be a letter similar to this one, only modified
4 to meet current expectations and a much
5 reduced report, which our contractor would put
6 together for us and including this time,
7 rather than the tables, the graphs and charts
8 that have been a part of our standard review
9 in the past meetings.

10 Steve has one such chart up on the
11 screen right now. That is the type of thing
12 I had hoped we would include, rather than the
13 large numbers of forms we have.

14 Any comments? Any thoughts?
15 Mike, do you feel that it is necessary for us
16 to continue repeating the format forms for the
17 sake of the new readers, who obviously will
18 not be the same readers as they were a year
19 ago? I guess that's the real question.

20 We know that these are likely to
21 go to entirely different people. And do we
22 want it to be a completely stand-alone form

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 process this time with no reference at all
2 other than the date of the preceding
3 communication, or can we shorten, abbreviate,
4 and expedite this format?

5 MEMBER GIBSON: Are you talking
6 about the report for this round to the new
7 administration?

8 CHAIR MUNN: Yes, yes.

9 MEMBER GIBSON: I would almost
10 think it would probably be appropriate to
11 provide them with the same format that the
12 previous holders of the office had for the
13 first round.

14 CHAIR MUNN: Paul?

15 MEMBER ZIEMER: One of the
16 problems with our first report was that we
17 hadn't finished the first round even.

18 CHAIR MUNN: Correct.

19 MEMBER ZIEMER: So we were
20 reporting sort of what we are doing, you know.

21 CHAIR MUNN: Yes.

22 MEMBER ZIEMER: We exist. We have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 these under review. We have closed some, so
2 on. I would hope that we could have a report,
3 in my mind something that would look a little
4 more like the summary report the dose
5 reconstruction group did on their first 100
6 cases.

7 CHAIR MUNN: Yes.

8 MEMBER ZIEMER: It seems to me we
9 need to be able to summarize that first set
10 now in some form or another and make some
11 statements about what it means. And, again,
12 the bottom line of all of this is to critique,
13 I guess, whether or not we think that
14 procedures are being followed and if the
15 procedures are appropriate. So we need to be
16 able to make some more definitive statements,
17 I think, than we were able to make in the
18 first report.

19 I agree with Mike that I think we
20 need to try to follow that format, but I think
21 we are in a position of being more definitive.

22 Also, I am not sure how helpful it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 is for these groups -- and by "these groups,"
2 I mean the Secretary's staff -- to have the
3 SC&A report. I think that's probably more
4 technical detail than might be useful to them.
5 I am not sure how useful.

6 Our previous report was a cover
7 letter that kind of summarized what we're
8 doing and then the SC&A report. And if we can
9 have something that looks more like the bar
10 graphs that Steve showed, maybe summarize the
11 SC&A stuff in some way, it seems to me it
12 would be more useful to the non-technical
13 people who are the support staff of the
14 Secretary.

15 Well, she probably has technical
16 people, too, but I am trying to get maybe a
17 median between the first report, which I
18 looked at as just a description of what we
19 were doing versus something that can allow
20 them to say, "Okay. Here is what this group
21 has found." We will still have a description
22 of what we are doing on the other sets. But

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 anyway --

2 CHAIR MUNN: Thank you. You are
3 articulating it, I think, more completely than
4 I was. And it sounds as though you're
5 thinking much the same as I am.

6 Would that be a problem for you,
7 Mike, if we followed that general direction
8 and you saw what came out?

9 MEMBER GIBSON: No. Sounds good.

10 CHAIR MUNN: We'll see how we get
11 with that. And if we have need to reference
12 the nitty gritty of how we do it, then we can
13 always respond to that in a different way.

14 MEMBER ZIEMER: I am just noting.
15 I am looking here. This, I guess, was a
16 draft. Maybe I'm not looking at the final
17 copy, but I think it was the same. We told
18 them how often we were meeting --

19 CHAIR MUNN: Yes.

20 MEMBER ZIEMER: -- and who is on
21 the Committee.

22 CHAIR MUNN: Yes, right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MEMBER ZIEMER: The first set of
2 33 procedures, there were 153 findings of
3 various weights. Ninety-nine have been
4 resolved. Fifty-four are open. I don't think
5 that tells them very much.

6 CHAIR MUNN: No. I think they
7 will get a great --

8 MEMBER ZIEMER: We don't know what
9 varying weights mean.

10 CHAIR MUNN: No.

11 MEMBER ZIEMER: We don't know what
12 closed means.

13 CHAIR MUNN: No.

14 MEMBER ZIEMER: I mean, we do, but
15 they don't. So I would like to see something
16 that would give them a better understanding.

17 CHAIR MUNN: My personal feeling
18 is that visual graphs do a better job of doing
19 that than words do. So at our next meeting,
20 I will come to you with draft words.
21 Actually, I will try to get those to you
22 beforehand so that you can think about them,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 add to them, flesh them out in any way that
2 you feel necessary.

3 And for the moment, we'll proceed
4 with the concept that this letter will be more
5 specific with regard to what we have
6 accomplished. And it will contain at least a
7 paragraph about observations relative to the
8 efficiency and effectiveness of the procedural
9 activities as they are now performed.

10 Any other comments with respect to
11 our proposed report to the Secretary?

12 (No response.)

13 CHAIR MUNN: If not, I hope you
14 all have from me the letter that I sent last
15 night to you, a draft of suggestions for
16 information to be included in transfer
17 letters, when we are transmitting one or more
18 of our site-specific or, in Mike's case, Work
19 Group-specific procedures that have been
20 assigned to SC&A for review.

21 I had a note back from Mark saying
22 that he had no problem with the letter. He

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 thought it was fine the way it was. Nancy
2 Adams weighed in, said she found it okay.

3 Does anyone have any grief with
4 that? Is it adequate? Is it too much? Is it
5 okay?

6 MEMBER ZIEMER: I just have one
7 question, Wanda.

8 CHAIR MUNN: Yes?

9 MEMBER ZIEMER: On this particular
10 one, remind me. We transferred completely the
11 two OTIBs to them, right, all of the findings?

12 CHAIR MUNN: Yes. That's why I
13 worded the letter the way I did when I said we
14 would hold it in our database until we
15 received either their agreement on what had
16 been done already or their resolution,
17 inferring, I thought, that it was now their
18 responsibility --

19 MEMBER ZIEMER: Right.

20 CHAIR MUNN: -- to resolve the
21 issue that was outstanding in each case.

22 MEMBER ZIEMER: Right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR MUNN: As I indicated, this
2 is an unusual case in that both of --

3 MEMBER ZIEMER: Both are canceled.

4 CHAIR MUNN: -- these have now
5 been canceled and incorporated into the Site
6 Profile.

7 MEMBER ZIEMER: In other cases, we
8 would specifically enumerate the items and
9 cull them out because --

10 CHAIR MUNN: We could do that or I
11 felt that issue was covered by including a PDF
12 file of that entire transaction with the
13 transmittal. Until Steve gives me the PDF
14 file, I can't send the transmittal. But he
15 will send me the PDF file, which will show how
16 each of the outstanding items that are -- each
17 of the items that are closed have been closed
18 and will indicate the status of the
19 outstanding item as well.

20 So I am relying on the Chair of
21 the Work Group involved to work from that PDF
22 file that they'll have. That was what we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 discussed as being the best way to make sure
2 that people who were not familiar with the
3 database have the full set of information
4 transferred to them. And we made a point of
5 saying we are transferring the information to
6 them.

7 If that is all right with all
8 concerned -- and, Mark, have you shown up on
9 the phone yet?

10 MS. ADAMS: I got an e-mail from
11 him, Wanda -- this is Nancy Adams -- saying
12 that he was going to be late and to let you
13 all know.

14 CHAIR MUNN: Okay. That's fine.
15 Thanks, Nancy.

16 Hearing no -- Paul?

17 MEMBER ZIEMER: One other
18 question. Do we need to have a confirmation
19 that the Work Group Chair has accepted these,
20 this transfer?

21 CHAIR MUNN: We can certainly ask
22 for it or we can -- we can either ask for it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 in the transmittal or we can ask for it
2 verbally and ask for written --

3 MEMBER ZIEMER: I am trying to
4 think whether we can do this unilaterally or
5 do we need confirmation that they agree that
6 it is their task? I don't know the answer to
7 that.

8 MR. HINNEFELD: Sometimes it's
9 more efficient to say has to object if they
10 object and assume their concurrence.

11 MEMBER ZIEMER: That's a good way
12 to do it.

13 CHAIR MUNN: That's better than
14 just saying, "If you have questions or
15 concerns."

16 MR. HINNEFELD: In my experience,
17 people will tend to say, "Yes. I've got a
18 problem with that" and they never do or they
19 don't have any problem with it.

20 MEMBER ZIEMER: What is the
21 effective date of transfer when we transfer --

22 MR. KATZ: I am going to think

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 it's actually good to get -- I mean, it's not
2 that it's very difficult to confirm that you
3 are accepting these. I think it's good to get
4 a positive affirmation, as opposed to the
5 assumption that all is well if they didn't --
6 just in terms of completing that process.

7 MEMBER ZIEMER: Well, either way
8 affirmation that it is in their loop.

9 MR. KATZ: Right, it's in their
10 hands.

11 CHAIR MUNN: All right. May I
12 suggest that we leave the letter as is with
13 the exception of the final sentence? I would
14 revise that final sentence to say, "Will you
15 please forward your acceptance of the" --

16 MEMBER ZIEMER: "Please confirm
17 your acceptance."

18 CHAIR MUNN: "Confirm," yes,
19 acknowledge acceptance of the transfer. And
20 "Let us know if you have any questions." And
21 I'll change that. And we'll ask Steve to get
22 me the PDF files. Do I need to make that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 transfer?

2 MEMBER GIBSON: Do you want --

3 CHAIR MUNN: Yes?

4 MEMBER GIBSON: Do you want to put
5 in that last sentence something like "Please
6 respond or affirm by" --

7 CHAIR MUNN: Yes, yes.

8 MEMBER GIBSON: -- such and such
9 or it will be assumed that, you know, put a
10 date in there so I mean, it's not just kind of
11 hanging out there.

12 CHAIR MUNN: I would do that if we
13 were not transferring these internally. If we
14 were transferring it outside of the Board, I
15 would do that.

16 MR. KATZ: If you would copy me
17 when you do these, send these?

18 CHAIR MUNN: I will.

19 MR. KATZ: Copy me. Then I can
20 sort of dog it down to make certain that we
21 actually get an acknowledgment.

22 CHAIR MUNN: I will. I will do

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that. I hate to get too formal with our own
2 colleagues inside the Board, but yes, we will

3 --

4 MEMBER GIBSON: Just we are all so
5 busy sometimes it just seems like it might be
6 two weeks before you get to your e-mail or
7 whatever.

8 CHAIR MUNN: Well, and you forget
9 that you made that commitment or that you were
10 asked for it. That's true.

11 MEMBER ZIEMER: And in our
12 records, Steve, you would show the transfer
13 date as the date of Wanda's letter, then, or

14 --

15 CHAIR MUNN: I would think so.

16 MR. MARSCHKE: Yes. We can do
17 that several ways. When we actually change
18 the database to indicate that it has been
19 transferred, the database automatically keeps
20 track of when the last change was made.
21 Additionally, in case something happens and we
22 make another change to that record, that date

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 may change. I'm not exactly sure how that
2 works.

3 We don't want that to occur. So
4 we will also make a note in the Board or the
5 Work Group action area indicating that it was
6 transferred via this letter to the Work Group.
7 So we will take care of it in a couple of
8 ways.

9 CHAIR MUNN: That's good.

10 MR. MARSCHKE: And, actually, we
11 can make that note before. Do you want to
12 make that note before I create the PDF file or
13 do you want to make it after?

14 When the PDF file comes, you
15 probably want to show the old status so that
16 the recipient will see the old status, not the
17 transferred status, right?

18 CHAIR MUNN: What old status?

19 MR. HINNEFELD: Whether it is in
20 progress or closed or open or, see, because
21 that way, then, the receiver understands if
22 they understand the terminology, they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 understand we are in the process.

2 MEMBER ZIEMER: They see the
3 finding and so on.

4 MR. MARSCHKE: Right now we have
5 something in here for each one. I guess we
6 could probably get a better example than this
7 one, but OTIB-0058 is what we are talking
8 about. That's August 27th. Just look at
9 that.

10 So it is closed. So basically
11 when I make the PDF file, you want to indicate
12 this to be closed. And then when I go back
13 and I will change it to transferred on our
14 database and I will make a note down here
15 saying, on such and such a date, the Work
16 Group transferred it.

17 MEMBER ZIEMER: Or the
18 Subcommittee transferred.

19 CHAIR MUNN: I understand what you
20 mean. Yes, we want the old status there so
21 that they --

22 MR. MARSCHKE: The old status in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the PDF file.

2 CHAIR MUNN: -- understand that
3 our viewpoint, this item is closed.

4 MR. MARSCHKE: Exactly.

5 CHAIR MUNN: As long as they
6 understand that, then that is the purpose of
7 my last sentence, "If you have any problem
8 with this status."

9 And one of the reasons we are
10 transferring it the way we are is if that Work
11 Group does not agree with the resolution that
12 we have reached, then that is their
13 opportunity to --

14 MR. MARSCHKE: Now, this is going
15 to affect our statistics somewhat in that we
16 are going to basically remove any findings
17 like this that are closed.

18 We are taking them from the closed
19 bin and putting them over into the transferred
20 bin. So our statistics on the number of
21 findings closed is going to change.

22 CHAIR MUNN: Can we split our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 transfer bin into two parts? Can we split
2 them into an active transferred and closed
3 transferred? Is that --

4 MR. MARSCHKE: In theory, we can.
5 Again, it comes down to the fact we are
6 basically not making any changes to the
7 database until we get -- probably get behind
8 the firewall and start using the SQL database.

9 And so when we start using the SQL
10 database, you know, we would just add another
11 -- you know, we have this drop down menu here.
12 Maybe we could just add another transferred,
13 you know, transferred/closed or just
14 transferred/active or transferred/closed or
15 something like that.

16 CHAIR MUNN: Yes, yes. That would
17 seem to be ideal.

18 MR. MARSCHKE: I don't think
19 that's a big thing, or we could do it the
20 other way. We could say closed/transferred.

21 CHAIR MUNN: Closed/transferred.
22 That would be my preference or in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 abeyance/transferred or whatever.

2 MR. MARSCHKE: Actually, we could
3 have another whole set. You know, you could
4 go down each one and just say, you know,
5 closed/transferred, well, imported, in
6 abeyance/transferred, in progress/transferred.

7 MEMBER ZIEMER: How are you going
8 to track that, though, in your final
9 statistics?

10 MR. MARSCHKE: Well, we are going
11 to have more bars.

12 CHAIR MUNN: We're going to have
13 one more bar or two more bars.

14 MR. MARSCHKE: Unless you want to
15 roll it up. Again, we can roll all the
16 transferred up into one. We can roll all the
17 closed up into one. You know, you tell us how
18 you want to roll it up, and we can roll it up
19 whatever way you want to.

20 MEMBER ZIEMER: If we closed it
21 and transferred it and the group that got it
22 probably should be reopened, then our closure

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 gives sort of a false sense of information.

2 CHAIR MUNN: Yes, it does. I
3 don't think we're going to have very many of
4 those.

5 MEMBER ZIEMER: No, but --

6 CHAIR MUNN: Statistically they
7 may not be significant, but in terms of --

8 MEMBER ZIEMER: I'm trying to
9 think of whether it would be good to have the
10 transferred as the main subset rather than
11 having closed period and closed/transferred.

12 MR. HINNEFELD: What is the down
13 side of this transfer and so that you're
14 opened/closed, all of your various statuses
15 that you're tracking are the ones that are
16 being tracked by the Subcommittee? Anything
17 that is transferred is somewhere else.

18 I mean, what is the down side of
19 dropping your number of closed by one and your
20 number of --

21 MR. MARSCHKE: You'll still have a
22 history that, in fact, the -- this record will

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 still -- on March 24th, the Work Group closed
2 it. Still this history will remain, and you
3 will have a new record down here that on
4 September 14th, we transferred it or something
5 like that.

6 So you will still when you print
7 out the summary here, you will still have the
8 whole history associated with this finding.
9 But it just won't show up here when you do the
10 summary sheet.

11 CHAIR MUNN: Well, I guess in
12 answer to Stu's question with respect to the
13 down side, the only down side that I see is
14 the difference between transferred to another
15 work group and transferred to another issue.
16 We have several things where we have
17 transferred to another issue.

18 MR. HINNEFELD: No. We don't call
19 those transferred. Those are --

20 CHAIR MUNN: We don't?

21 MR. MARSCHKE: Addressed in.

22 MR. HINNEFELD: Those are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 addressed in.

2 CHAIR MUNN: We call them
3 addressed in.

4 MR. MARSCHKE: Addressed in
5 finding.

6 CHAIR MUNN: So it wouldn't be a
7 duplication, then?

8 MR. MARSCHKE: The only thing I am
9 thinking that may not be true on is some of
10 these generic issues. And way back when with
11 the first set, there was something like -- I
12 don't know if it was re-suspension --

13 CHAIR MUNN: Well, we transferred
14 it to --

15 MR. MARSCHKE: -- or something
16 like that.

17 CHAIR MUNN: -- to the global
18 issues --

19 MR. MARSCHKE: The global issues.
20 Exactly.

21 CHAIR MUNN: -- concerns that are
22 being addressed separately.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. MARSCHKE: I'm not sure if
2 they were transferred or if they were
3 addressed in. I would have to go back.

4 MR. HINNEFELD: I think they were
5 transferred.

6 MR. MARSCHKE: I think they were,
7 too.

8 CHAIR MUNN: I think that --

9 MR. MARSCHKE: That would be the
10 only --

11 CHAIR MUNN: Because we didn't
12 have anything in which they were addressed.
13 I think we just transferred them. But those
14 are relatively smaller numbers.

15 MEMBER ZIEMER: We need to
16 distinguish between that kind of a transfer,
17 and this is really a reassignment or
18 something.

19 CHAIR MUNN: Yes, it is.

20 MEMBER ZIEMER: Do we need a
21 separate word to distinguish those or two
22 types of transfer?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. MARSCHKE: Well --

2 MEMBER ZIEMER: I think your
3 suggestion that we don't otherwise need
4 subsets of transfers for our purposes, it's
5 transfer. But if we are using the same word
6 for a different process, we need to
7 distinguish it.

8 MR. HINNEFELD: Well, I don't
9 know. It's your guys' business. I have a
10 certain hesitation to expanding your status
11 list.

12 CHAIR MUNN: Yes. I can
13 understand that.

14 MR. HINNEFELD: Because we did
15 that in NOCTS. And we got like 30 statuses or
16 claims in NOCTS. It's unduly. I mean, you
17 have to be very careful to write the query if
18 you're looking for certain kinds of things to
19 make sure you include all the statuses that
20 might be what you're looking for. So it's
21 very difficult to manage once you start
22 expanding your statuses. It's kind of based

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 on the history of the claim or the history of
2 the --

3 CHAIR MUNN: Well, since we can
4 always tell ourselves, we can query our
5 database. And we can always tell if we have
6 a question in our mind which kind of transfer
7 we are talking about.

8 But if it's not going to foul up
9 our statistics terribly, if we understand what
10 we are looking at when we look at Steve's
11 graphs and if we have a problem with the
12 number of transfer items there, I guess we can
13 individually look it up or we can put it on
14 the record here at a meeting if we have a
15 problem with it.

16 Any grief with that?

17 MEMBER ZIEMER: Let's try it.

18 CHAIR MUNN: We'll try it and see?
19 Yes. This is a first time trial for
20 everything. So let's try just leaving it
21 transferred, understanding that it will skew
22 the report. But we will understand what that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 skew is, hopefully.

2 MEMBER ZIEMER: So anything
3 transferred will remove the statistic from
4 another category.

5 CHAIR MUNN: Yes.

6 MR. MARSCHKE: When you do that --

7 MEMBER ZIEMER: Yes. But that
8 will happen automatically, right?

9 MR. MARSCHKE: That will happen
10 automatically. Basically this table here is
11 automatically generated. And if you transfer
12 a closed finding, it will go from here over to
13 here.

14 MEMBER ZIEMER: Yes.

15 CHAIR MUNN: So we will have
16 significantly more than seven percent
17 transferred. We will probably have double
18 that transferred after --

19 MR. MARSCHKE: If there is room,
20 yes.

21 CHAIR MUNN: Yes.

22 MEMBER GIBSON: Would you just put

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 a footnote on that report that these numbers
2 may change due to blah blah blah, just so if
3 someone was concerned about seeing unusual
4 changes?

5 MEMBER ZIEMER: Yes. The number
6 of closed will go down.

7 MR. MARSCHKE: In theory, you
8 could do that, Mike. Again, it's a question
9 of we can get somebody or we can get down --

10 MEMBER ZIEMER: Yes. We only use
11 this sort of internally anyway.

12 MR. MARSCHKE: I could write
13 something on it.

14 CHAIR MUNN: You know, if we are
15 going to break that out at all, this summary
16 might be the right place to bring it out; the
17 difference, that is, between closed and
18 closed/transferred, if we feel that it is
19 necessary.

20 MR. MARSCHKE: If you don't have
21 the data --

22 CHAIR MUNN: Yes, immediately.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. MARSCHKE: If you don't have
2 the data back here in the status box, you
3 can't. I mean, that is all that this table is
4 looking at is just what is in those status
5 boxes up there.

6 CHAIR MUNN: Right.

7 MR. KATZ: But it doesn't really
8 matter much. I mean, it's off your table.

9 CHAIR MUNN: Yes.

10 MR. KATZ: It's in someone else's
11 hands. And that's really your main concern,
12 I think.

13 CHAIR MUNN: That is quite true.

14 MEMBER ZIEMER: Let's try it this
15 way and see.

16 CHAIR MUNN: Because in truth,
17 anything that is transferred goes to us as
18 closed.

19 MR. KATZ: Yes.

20 CHAIR MUNN: So all right. We
21 will leave it as it is for the time being.
22 We'll move on to an enormous piece of work

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that Steve has put together for us, the
2 commonality findings, which he sent to us
3 earlier and which I hope we all have. I need
4 to pull it up. I don't have it yet.

5 What date did you send it, Steve?

6 MR. MARSCHKE: I think it was
7 either yesterday or it would be the 11th or
8 the 12th.

9 CHAIR MUNN: The 11th or 12th.
10 Commonality findings. This is the 12th. I
11 don't know whether anyone has had an
12 opportunity to really absorb this. I did not.
13 I scanned it.

14 We asked Steve to put this
15 together. And it turned out to be clearly a
16 monumental task. These kinds of comparisons
17 are not easy. The list is pretty
18 overwhelming.

19 Steve, do you want to tell us
20 about this?

21 MR. MARSCHKE: Okay. I guess this
22 really started off back at the May 1st

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Procedures Subcommittee meeting, where we
2 would notice that's -- when we were talking
3 about site-specific procedures that were
4 reviewed by the Subcommittee and we were
5 concerned about similar findings on different
6 procedures and that we came up with kind of a
7 uniform resolution to these findings.

8 And so the first thing I was
9 tasked to do was to go back and just get a
10 list of how many site-specific procedures were
11 reviewed. And I had -- and that's what this
12 Table 1 is. And it shows seven for Y-12 and
13 five for Savannah River and so on and so
14 forth.

15 CHAIR MUNN: Yes. You got those
16 to us --

17 MR. MARSCHKE: And I got those two
18 quite early. And the table, Table 2, is
19 basically just a listing of what those seven
20 Y-12 procedures were, what those five Savannah
21 River site procedures were. And so it lists
22 all the site-specific procedures. All of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 these site-specific procedures were reviewed
2 in the third set that SC&A put together.

3 CHAIR MUNN: Yes.

4 MR. MARSCHKE: Okay. And I think
5 we did talk a little bit last meeting, in the
6 June meeting. If you look at the Table 2
7 procedures, you will see that, really, most of
8 the procedures are pretty much site-specific.
9 And they wouldn't lend themselves to having
10 common concerns except for the coworker
11 procedures, the internal dosimetry coworker
12 procedures and the external dosimetry
13 coworker. Each site or a lot of the sites
14 have their own specific internal and external
15 dosimetry coworker models.

16 So those are the ones that we
17 focused on. And Table 3 is a listing of the
18 external dosimetry coworker procedures that
19 SC&A had reviewed. And we reviewed them for
20 five different sites.

21 You can also see included on Table
22 3 are the procedures numbers, who the SC&A

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 reviewer was because if you have the same
2 reviewer, it's more likely you would have the
3 same findings was my rationale for including
4 the SC&A reviewer in there, and also a number
5 of issues that were associated with each of
6 the procedures that were reviewed.

7 Now, the fourth table, Table 4, is
8 basically we found one similar issue that came
9 up on two different sites, X-10 and Hanford.
10 Both had the same issue, the same wording.
11 And you can see X-10 and Hanford, again, were
12 two sites that were reviewed by Ron Buchanan.
13 And he had the same issue, which is written
14 out there.

15 All the other issues were unique.
16 And all the issues are listed at the end of
17 this file in Appendix 1. And Appendix 1 is
18 what I really showed to the Subcommittee back
19 in June was in an Excel file format at that
20 point in time. And I just brought it over and
21 put it into this Word file. So Appendix 1 is
22 that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 The next thing we did or the next
2 thing I did was look at these two Table 4
3 issues. And I went to the database and looked
4 at what the status of them, both of the
5 issues, were.

6 And the status of the X-10 issue
7 is open because we have not received a NIOSH
8 response on the X-10 issue. Status of the
9 Hanford issue, OTIB-0030, is closed because
10 basically NIOSH presented their response,
11 SC&A, we concurred with it. And the
12 Subcommittee back in March agreed to close it.
13 So, again, it's highly likely that we could
14 probably use the same rationale to close the
15 X-10 one, but we probably want to look at that
16 by itself.

17 So that's really the external
18 dosimetry ones. Table 5 is similar to Table
19 3 in that it's a listing of the internal
20 dosimetry coworker models that SC&A reviewed.
21 And there were six of them. And, again, we
22 have a list of the procedure numbers, the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 reviewers, and the number of issues.

2 And, again, Appendix 2 lists all
3 of the issues, 32 of them that we came up with
4 for those six procedures. Only two issues
5 were common between the procedures. Paducah,
6 Rocky Flats had an identical finding. And you
7 could see it there.

8 Both of those findings are open at
9 this point. We have not received a NIOSH
10 initial response. So they're shown in the
11 database as being open.

12 There was another finding which
13 was pretty similar across that wasn't
14 identical. The external dosimetry one and
15 that first internal dosimetry finding, those
16 were identically worded findings.

17 This finding on Table 7 is pretty
18 much similar across the four sites that are
19 indicated there on the table. The wording is
20 a little bit different, but I thought they
21 were close enough together to say that they
22 were a common finding.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR MUNN: They certainly appear
2 to be.

3 MR. MARSCHKE: Yes. And the NIOSH
4 responses to these issues were all very
5 similar. Basically it came back and they
6 asked SC&A for site-specific documents or data
7 that NIOSH may adequately respond to the
8 finding.

9 In three of the four sites, SC&A
10 came back and said, you know, we recommend
11 that you close this, that you can't -- we
12 understand now that you can't put all
13 documentation and information in every
14 procedure. So we basically came back and
15 recommended that the issue be closed. And you
16 can see the rationale for that there.

17 And I believe on June 9th, the
18 Subcommittee agreed with us or agreed with our
19 recommendation and proceeded to close the
20 issues associated with OTIB-0034, 0037, and
21 0038.

22 On OTIB-0029 for Y-12, SC&A, we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 took a little bit different tact. And we did
2 respond to NIOSH's request for specific
3 documents with a list of specific documents.

4 And we did that back, I guess,
5 probably in March. And at that point in time,
6 the Subcommittee decided that that one was in
7 progress. And that is the analysis that was
8 done.

9 So what do we have? We have ten
10 issues which are common, you know, or -- they
11 fall into three groups of commonality. And
12 many of those issues have already been closed,
13 three out of four in the third group.

14 Both of the ones in the external
15 group -- no. One of the two of the external
16 group, the first one in the -- in the internal
17 group are both open. So maybe, you know, you
18 can come up with a common way to address
19 these.

20 CHAIR MUNN: It would be very
21 helpful if we could work out a method for SC&A
22 and NIOSH to look at these commonalities and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 see if a decision that is made in one case can
2 be applicable to the other as well.

3 Continuing to see the same concern appear at
4 each site if we have already closed that
5 concern is not a very effective way to address
6 them.

7 MR. MARSCHKE: I guess that's one
8 thing we can keep on our -- when we review
9 procedures, we can look and see that if we
10 have a similar procedure that was reviewed for
11 another site, and we had a comment in there.
12 You know, if that comment had been resolved
13 and so on and so forth, we can take that and
14 factor that into our review in the future.

15 CHAIR MUNN: Is that a reasonable
16 instruction for us to pass along to our
17 contractor as one additional item to cover in
18 their review? Yes, Paul?

19 MEMBER ZIEMER: Well, I think it
20 is, and this is very helpful. I have sort of
21 a procedural question for us. Is this an
22 official -- this is obviously a Subcommittee

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 working paper, is this an official product of
2 SC&A?

3 And the reason I ask that, this is
4 a document that appears to be undated and
5 although in reading it, you -- obviously it's
6 clearly an SC&A document. But it is not so
7 labeled.

8 Does this have the status of a
9 white paper or --

10 MR. MARSCHKE: Not at this point
11 in time, Paul. I mean, we can make it into --
12 and, John Mauro, if you want to jump in?

13 DR. MAURO: The answer is no.
14 It's just for the convenience.

15 MR. MARSCHKE: Yes.

16 DR. MAURO: It was really
17 something we did for the convenience of this
18 meeting after suggestion at a previous
19 meeting, but no, it did not go through the
20 process that normally a white paper would.
21 Most white papers receive official status
22 because they go toward very often a site

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 profile and SEC closure.

2 MEMBER ZIEMER: Well, also, John,
3 I'm just thinking in terms of your own sort of
4 internal review and so on, that I'm sort of
5 asking, has this sort of been blessed by the
6 appropriate people within SC&A?

7 DR. MAURO: No.

8 MEMBER ZIEMER: Okay.

9 DR. MAURO: No. This is --

10 MEMBER ZIEMER: Right now it is
11 just a working paper that --

12 DR. MAURO: Yes. Steve took the
13 initiative to be as helpful as he could, but
14 no, it has not gone through due process as
15 other deliverables often do.

16 By the way let me point something
17 out that is sort of a dilemma. These are all
18 the procedures that are going to be
19 transferred. So it really doesn't -- you
20 know, this issue, I mean, the bridge that we
21 are creating here when we transfer these
22 site-specifics when and if we do.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 This matter is something I think
2 that is interesting, almost falls through the
3 crack. How do we make sure that the --
4 there's parity -- let's say we recommended
5 closure on a given item for a given -- whether
6 it's Y-12. Meanwhile, let's say the same item
7 has been transferred over to some other group,
8 Rocky, but it's really now in their hands to
9 ensure parity.

10 MEMBER ZIEMER: Right.

11 DR. MAURO: And so there is
12 another level of complexity, as I see it. Do
13 you see it that way also?

14 MR. MARSCHKE: Well, John, I would
15 think when it leaves our hands here, we can
16 make sure that it's in parity across a site.
17 Now when the site work group gets it, of
18 course they can do whatever they want to. And
19 they could make the response different.

20 But I think, you know, we haven't
21 transferred anything yet. And we are going to
22 transfer 58 and 27. I don't know if -- I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 don't think -- those two don't happen to be
2 any of the ones here that have been
3 identified. I don't think. No.

4 So but if we were to transfer any
5 one of these back, I think what we could do
6 is, again, we could indicate in Wanda's letter
7 saying, you know, "There was an issue in here
8 that is commonality across sites. We have
9 addressed it. And so that it's in parity with
10 the other sites, change it at your own peril."

11 CHAIR MUNN: Peril.

12 MR. MARSCHKE: There's no --

13 DR. MAURO: That was the reason
14 for my question. So this goes toward the
15 transfer process --

16 MR. HINNEFELD: There is no need
17 --

18 DR. MAURO: -- the information
19 package that goes over to the receiving end.

20 MR. HINNEFELD: There is no need
21 to transfer a finding that you believe is a
22 general finding that just happens to appear in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 a site-specific document. You don't really
2 have to transfer that.

3 MEMBER ZIEMER: Well, in any
4 event, if one did, you would want the new Work
5 Group Chair to be aware that the issue has
6 been addressed, you know, at these other sites
7 -- I think a work group as you have suggested,
8 Steve, would always have the prerogative to
9 say, "Well, yes, but in our site, there is
10 this little nuance that's different."

11 MR. HINNEFELD: That is true.

12 MEMBER ZIEMER: And, therefore, we
13 are going to consider it in somewhat of a
14 different way than you have. I think we have
15 to allow for that to occur. Even though it
16 looks like the same finding and the same sort
17 of general parameters, there may be some
18 little quirk or twist that is very
19 site-specific that we hadn't thought of at the
20 time.

21 MR. HINNEFELD: Yes.

22 MEMBER ZIEMER: And I don't have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 anything specific in mind other than sort of
2 as a general concept to think of it that way.
3 So it seems to me it's helpful if SC&A helps
4 us point out to the others, particularly if a
5 transfer is made, that this appears to be a
6 finding parallel to what we have had in other
7 cases. And these have been resolved in the
8 following way. And you may need to consider
9 that as you -- or we can say, "No. We don't
10 need to transfer it. We're satisfied."

11 MR. HINNEFELD: You have a good
12 point. You make a good point.

13 MEMBER ZIEMER: Yes. We may or
14 may not. I don't think it's automatic.

15 CHAIR MUNN: But as a matter of
16 course in reviews, in future reviews, would it
17 not be reasonable for us to anticipate that
18 SC&A will include this concern in their
19 review?

20 MR. MARSCHKE: One of the things
21 you asked us to do at the last meeting was to
22 go back and look at our review procedure. We

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 have started to do that to some extent. And
2 if we are going to make modifications to that
3 review procedure, we can certainly add a
4 sentence to that procedure to say basically
5 "Look for commonality with other sites."

6 CHAIR MUNN: This would seem to be
7 a reasonable request.

8 MR. KATZ: It is commonality with
9 the resolution of this issue at other sites.

10 MR. MARSCHKE: Yes.

11 MEMBER ZIEMER: Well, the
12 commonality of the finding as well, I think.

13 MR. KATZ: Yes.

14 MEMBER ZIEMER: Could I make one
15 other comment? John Mauro, for you and for
16 Steve, even though this is not an official
17 white paper or anything, I think it would be
18 helpful for our records if you showed this,
19 for example, as a Steve Marschke paper and a
20 date on it.

21 DR. MAURO: We will retransmit in
22 a more official, you know --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MEMBER ZIEMER: You know, it
2 doesn't have to be an SC&A document.

3 CHAIR MUNN: No.

4 MEMBER ZIEMER: In fact, it would
5 be good to identify that this was prepared by
6 Steve for the Work Group or for the
7 Subcommittee.

8 MR. MARSCHKE: We also need to put
9 the disclaimer headings on it and so on and so
10 forth, which --

11 MEMBER ZIEMER: Yes. And you may
12 --

13 DR. MAURO: Yes. We will take
14 care of that.

15 MEMBER ZIEMER: John, you may even
16 want to say that this is not officially --
17 well, whatever you would say that --

18 DR. MAURO: Yes. There are
19 certain ad hoc --

20 MEMBER ZIEMER: This is not an
21 SC&A --

22 DR. MAURO: Yes. That brings us

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 -- I mean, I think you bring up an important
2 nuance related to material we provide. We
3 have developed quite a bit of formality,
4 certainly, with our major deliverables.

5 We are now actually in the mode
6 where even our white papers because they are
7 so fundamental to dealing with the issues
8 resolution for SEC petitions especially are
9 being treated as if they were site profile
10 reviews or official SEC petition review
11 evaluation. In other words, they're actually
12 at a level of official deliverables going
13 through the full QA process.

14 But there's this other level
15 where, as a matter of convenience, this would
16 be a perfect example, so a richer
17 understanding. So there really is no
18 resolution of an issue here in terms of some
19 scientific fact.

20 MEMBER ZIEMER: No. It is just
21 providing information.

22 DR. MAURO: Yes. And I like --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MEMBER ZIEMER: Just to identify
2 it by date and who generated it.

3 DR. MAURO: Right.

4 MEMBER ZIEMER: Because, in
5 essence, we are taking action based on this
6 information.

7 DR. MAURO: Yes. But it is a
8 class of report that I agree with you 100
9 percent. In fact the first thing I noticed
10 when I was looking at it was it should have a
11 date and author on it. Certainly we will do
12 that. But I think a little introductory words
13 to the effect that you just mentioned, that
14 this is something being provided for the
15 convenience of the Work Group.

16 MEMBER ZIEMER: Right. So we
17 understand the status of it.

18 DR. MAURO: Right. Yes.

19 MEMBER ZIEMER: Because two or
20 three years from now, someone is going to say,
21 "Well, now, was this a white paper or is this"

22 --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR MUNN: Just a document
2 title, a page in front of it.

3 MEMBER ZIEMER: Yes. Well, it has
4 a title.

5 CHAIR MUNN: Well, yes, but the
6 title is what we are looking at.

7 MEMBER ZIEMER: Yes.

8 CHAIR MUNN: I am suggesting that
9 we consider a face page on it that says,
10 "Summary data for internal discussion" because
11 that is what it is. It is a summary of data.

12 MEMBER ZIEMER: Well, I don't want
13 to make too big of a burden on formalizing
14 this. It's just a matter of tracking these
15 things. And I find it helpful, even
16 internally, for filing stuff.

17 MR. HINNEFELD: Here's a
18 disclaimer.

19 DR. MAURO: You know, the only
20 reason I am sort of like raising this is that
21 we do have a requirement for certain QA before
22 we put out our work product. And that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 includes all white papers. This didn't go
2 through that.

3 MEMBER ZIEMER: Yes. Right.

4 DR. MAURO: And I don't think it
5 needs to.

6 CHAIR MUNN: No. It is just for
7 our use in seeing what we have done so far and
8 identifying how common these themes are that
9 we see recurring.

10 MR. KATZ: You may want to just
11 call all of these working papers, John, or
12 something like that. They are working papers
13 of the Board in a legal sense with respect to
14 the Federal Advisory Committee Act. So --

15 DR. MAURO: Yes. Okay.

16 CHAIR MUNN: So we are asking SC&A
17 to take these commonality issues into
18 consideration in future reviews, correct?

19 MEMBER ZIEMER: Yes.

20 CHAIR MUNN: Yes. Thank you very
21 much, Steve. This is quite an exercise. It
22 was much appreciated and, I think, revealing.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Have we heard from Mark yet? No?

2 MEMBER GRIFFON: Yes. I am on,
3 Wanda. I just caught the tail end of that
4 discussion. Forgive me.

5 CHAIR MUNN: Oh, good. We are so
6 pleased that you are here because several of
7 these things are going to have something to do
8 with you.

9 MEMBER GRIFFON: Okay.

10 CHAIR MUNN: And we want to make
11 sure now that you're here before we take a
12 quick ten-minute break, you have indicated
13 that your schedule is pretty tight today and
14 that you may not be on for the whole call. So
15 we have an issue with respect to our upcoming
16 meeting that I would like to take care of
17 while I know you are still here before we have
18 to look at other housekeeping items.

19 MEMBER GRIFFON: Sure.

20 CHAIR MUNN: I didn't check to see
21 if you were on copy. Paul indicates that he
22 cannot make a September 6th meeting.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. KATZ: Not 6th. That's a
2 Sunday.

3 CHAIR MUNN: I am sorry. October
4 6th meeting. And my memory was that we had
5 quite a time finding that particular date.
6 But it would seem incumbent upon us to try our
7 best to find a date when both you and he can
8 be here if we're not going to use the 6th.
9 He's not even going to be able to call in.

10 And that being the case --

11 MR. KATZ: What about October the
12 8th? Does that work?

13 CHAIR MUNN: It would for me, but
14 Paul said he's --

15 MEMBER ZIEMER: I am out that
16 whole week.

17 CHAIR MUNN: -- out the whole
18 week.

19 MR. KATZ: I see. Sorry.

20 MEMBER ZIEMER: And I can't call
21 in that whole week.

22 MR. KATZ: That's right. That's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 what I recall.

2 CHAIR MUNN: So there has been
3 some discussion about other meetings taking
4 place the week of October 12th.

5 MR. KATZ: There are two meetings
6 that week. There's a meeting on the 13th and
7 a meeting on the 14th. And the 12th is
8 Columbus Day, so there will be no meeting that
9 day.

10 CHAIR MUNN: Yes. So is the 6000
11 meeting, then, agreed to be on the 14th?

12 MR. KATZ: Yes, the 14th. What
13 about the 15th of October? I just remind
14 everyone that the next week is the Board
15 meeting. So that would be a full week in
16 Cincinnati a week before a full Board meeting.

17 CHAIR MUNN: A full week in Port
18 Jefferson the next week.

19 MR. KATZ: The following week,
20 right.

21 MEMBER ZIEMER: The following
22 week?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR MUNN: Yes.

2 MR. KATZ: The following week is
3 Port Jefferson.

4 CHAIR MUNN: The 15th is about the
5 only day I could.

6 MEMBER GRIFFON: When is the Board
7 meeting? I'm sorry. What dates again?

8 MR. KATZ: It's the 20th to the
9 22nd, I believe.

10 MEMBER GRIFFON: Okay.

11 MR. KATZ: So the 15th would be
12 the only option before that meeting, I think.

13 CHAIR MUNN: Is that a possible
14 for you, Mark?

15 MR. KATZ: October 15th.

16 MEMBER GRIFFON: Yes. Yes. It
17 looks good right now. I'll be in the TBD-6000
18 meeting on the 14th, too.

19 CHAIR MUNN: And so would you,
20 Paul.

21 MEMBER GRIFFON: Yes.

22 MEMBER ZIEMER: I have got a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 different Board meeting on the 16th, 17th, and
2 18th.

3 MR. KATZ: Oh.

4 CHAIR MUNN: Can you get there
5 from here?

6 MEMBER ZIEMER: The other one is
7 in Chicago, so to go from here to there. I
8 can do it.

9 CHAIR MUNN: How is the 15th?

10 MEMBER GIBSON: Yes.

11 CHAIR MUNN: We are getting yes
12 from Mike as a possible. Do you want to do
13 that, Paul?

14 MR. KATZ: He doesn't want to do
15 it, but --

16 MEMBER ZIEMER: I can do it.

17 CHAIR MUNN: If that's a
18 reasonable thing to do.

19 MR. KATZ: Okay.

20 CHAIR MUNN: And, Mark, you are
21 fairly sure you can be with us?

22 MEMBER GRIFFON: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. KATZ: Okay. Then I will get
2 in the works to switch that to October 15th.

3 CHAIR MUNN: All right. We have
4 got it. Thank you very much.

5 And now before we go on, let's
6 take a very quick five-minute comfort break
7 here. And then we will come back and start
8 our look at outstanding procedures if that
9 fits the needs of all here. We will start
10 with NIOSH and the Board's --

11 MR. HINNEFELD: Our conference
12 call?

13 CHAIR MUNN: Yes, the conference
14 call.

15 MR. HINNEFELD: I actually have
16 that.

17 CHAIR MUNN: Yes. I think we have
18 that report ready to go. So let's take ten
19 minutes. We'll be back at 11:20 and very
20 quickly get going with the conference call
21 report.

22 (Whereupon, the above-entitled

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 matter went off the record at
2 11:08 a.m. and went back on the
3 record at 11:20 a.m.)

4 MR. KATZ: We are back.

5 CHAIR MUNN: That's good. The
6 next item on our agenda is a report on the
7 technical conference call on OTIB-0029 that we
8 had asked to take place last month. And,
9 indeed, it did.

10 Steve has given us a report on
11 that. And, Steve, would you like to summarize
12 it for us, you or John, whoever wants to do
13 that?

14 MR. KATZ: Let me just check and
15 see. Mark, are you back with us?

16 MEMBER GRIFFON: Yes, I am on.

17 MR. KATZ: Okay. Great. Thanks.

18 MR. MARSCHKE: I would prefer to
19 defer to John on issue 29 if that's the same
20 with him. John, are you there?

21 (No response.)

22 MR. MARSCHKE: No. Well, I have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 to do it then, I guess. On July 8th, we had
2 a conference call between NIOSH and SC&A. And
3 we talked about the issue 29 -- typo here
4 already -- or OTIB-0029, issues 3 and 5.
5 Issue 3 had to do with the distribution,
6 blindly accepting the full distribution. Jim
7 Neton stated that that's not NIOSH policy,
8 they don't blindly accept the full
9 distribution. And I think he suggested that
10 they would make some changes to the OTIB to
11 indicate that. And, with that, SC&A concurred
12 and recommended issue 3, that the status
13 should be changed to in abeyance.

14 The other issue that was discussed
15 was issue 5. And what was discussed was the
16 Monday morning sampling or, in other words,
17 collecting a bio sample after the worker has
18 had two days off. Actually, if you look at
19 the set of issue 29 or OTIB-0029 issues, the
20 Monday morning issue is more related to issue
21 4 than it was issue 5.

22 CHAIR MUNN: I am trying to get

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that. I'm trying to pull up the database
2 again, which has closed down on us, so that
3 you can refresh our memory on the actual
4 findings that were of issue. You have it up.
5 Good.

6 MR. MARSCHKE: I have it up here
7 from a PDF file that I have. I don't know how
8 to fix that so that you can read the whole
9 thing either, but I guess you can read most of
10 it.

11 Issue 5 is more to do with the
12 solubility type, what solubility type to
13 assign to uranium compounds. Issue 4 if you
14 read issue 4 was SC&A's concern about the
15 timing of the bio sample collection being
16 Monday morning after the worker has had two
17 days off.

18 Now, these two issues are
19 interrelated because, in particular, if you
20 have a solubility type F or a fast solubility,
21 after two days the uranium compound may have
22 significantly less per worker. And you would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 not pick it up in the bio sample.

2 So even though in the
3 teleconference we have talked primarily about
4 the Monday morning issue, it is related. I
5 mean, these two issues are related.

6 DR. MAURO: Steve, this is John.
7 I just joined you. I had to step away for a
8 second. I just wanted to let you know that
9 Joyce is looking at this. She was on
10 vacation. That's back about a week ago.

11 And I did e-mail her, and she did
12 e-mail me back that she would be looking at
13 the exchange of information that has taken
14 place to date related to this combined type
15 F,S,M link to the date when the bioassay
16 samples are taken and the response and
17 material that NIOSH has provided regarding
18 this matter. So she had indicated to me that
19 she would get -- she is now working on it.

20 I don't know if you already
21 mentioned that.

22 MR. MARSCHKE: No. We haven't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 gotten that far. No. I was just filling in
2 for you, John. And you can feel free to take
3 over.

4 DR. MAURO: No, no, no. You
5 answered the question perfectly. I wanted to
6 let everybody know that we haven't ignored it.
7 Joyce, who is our go-to person when it comes
8 to these kinds of matters, was on vacation in
9 Israel for about a month. Otherwise we would
10 have had something for you today.

11 DR. BEHLING: This is Hans, too,
12 Steve. I think the last time when we had this
13 discussion, I did make reference to another
14 TBD. It is the Harshaw TBD that's ORAUT
15 TKBS-0022.

16 I was also making a reference to
17 pages 23 and 24 for that TBD that is not only
18 just this issue of Friday versus Monday
19 morning. And I believe during that last
20 meeting, I read to you a passage from that
21 Harshaw TBD that acknowledges the fact, and I
22 quote here, a worker and one that could see a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 tenfold drop in uranium content between Friday
2 night and Monday morning, samples for those
3 exposed to soluble forms, but little drops for
4 those exposed to insoluble forms.

5 So that issue was, in fact, also
6 acknowledged in the Harshaw TBD.

7 MR. MARSCHKE: Thank you.

8 DR. NETON: John, this is Jim
9 Neton now. But Harshaw is an SEC is it not?
10 I understand maybe you're trying to set a
11 precedence that this happened at Harshaw, but
12 this facility is really Y-12 that we're
13 talking about here.

14 DR. BEHLING: Yes. I realize
15 that, but it's the same problem.

16 DR. NETON: Right. But our
17 contention wasn't specifically Monday morning
18 sampling at Y-12. We went back and looked at
19 the database and determined that it was
20 smaller. It was certainly not the majority of
21 the samples. There was a smaller percentage
22 that were Monday morning.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 And I think the issue was on our
2 conference call that John Mauro recalled that
3 Joyce or someone had looked at that and said,
4 "Well, yes, there were samples on other days,
5 but they were always after two days off."

6 DR. BEHLING: Yes. I think I
7 mentioned that when I was part of the
8 discussion previously. I think the Monday
9 morning is really a coined term that has to be
10 looked at in the broader scale. You may have
11 to realize that Monday morning is more or less
12 a reference to a two-day hiatus.

13 DR. NETON: I understand that,
14 Hans, but the question was, we had never seen
15 that analysis --

16 DR. MAURO: Right. And we always
17 --

18 MR. MARSCHKE: -- demonstrated
19 that. And that is what we are waiting on
20 Joyce to find.

21 DR. MAURO: Right. And that's in
22 our -- you know, we've got the ball on that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 We were supposed to provide you with that, and
2 we haven't.

3 DR. NETON: Okay.

4 DR. MAURO: In addition, you had
5 also made an important point where you had
6 indicated that the reality is, though, these
7 types of exposures are more episodic, not
8 continuous. And I think that was another
9 reason to buffer concerns.

10 So there are two issues at play
11 that would argue for maybe this is not as
12 important as represented by some of our
13 calculations. And that is one that, you know,
14 there wasn't always this two day hiatus, and
15 second, that the actual exposure scenarios
16 were, in fact, not continuous.

17 And right now I asked Joyce to
18 take a look at that.

19 DR. NETON: We will be happy to
20 look at it when the analysis comes our way.

21 DR. MAURO: Right, and this other
22 matter where we found -- I have to admit, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 remember discussing it that we looked at it.
2 And we're probably going to have to go back
3 and look at the data again.

4 This is one of those things where
5 we went into the records to take a look at
6 what is their two day hiatus, even though you
7 may have collected on Wednesday. I remember
8 we looked at it. I remember our answer was,
9 it looks like that.

10 This Monday is sort of a surrogate
11 for a two-day hiatus. But we owe you
12 something better than that, something that
13 shows, you know, we looked into this and here
14 is what the records show and the degree to
15 which that, in fact, did occur. So the ball
16 is in our court on that one.

17 CHAIR MUNN: John, were you on
18 when we changed our meeting date from the 6th
19 to the 15th -- our next meeting date?

20 DR. MAURO: No. So the next one
21 is October 15th, which is, what, linked up to
22 the GSI?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR MUNN: That's correct.

2 DR. MAURO: Okay. That's good.

3 That's back to back. And yes, that makes it
4 better for me.

5 CHAIR MUNN: Do you have a feeling
6 that we will have a response from Joyce by
7 that time?

8 DR. MAURO: Yes.

9 CHAIR MUNN: So we'll be able to
10 have that as an action item for our next
11 meeting?

12 DR. MAURO: Yes.

13 CHAIR MUNN: Very good.

14 MEMBER GRIFFON: Wanda, can I ask
15 about the first one, finding number 3 --

16 CHAIR MUNN: Go right ahead.

17 MEMBER GRIFFON: -- on OTIB-0029?
18 Steve, you mentioned that you are recommending
19 this be in abeyance. My understanding --
20 maybe I'm still confusing these terms, but in
21 abeyance is SC&A basically accepts the change.
22 It just hasn't been made yet, right? Is that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 --

2 MR. MARSCHKE: That's correct.

3 MEMBER GRIFFON: And what are you
4 accepting? I'm not following what you're
5 accepting. I noted -- I wasn't on that
6 conference call, but apparently, you know, Jim
7 acknowledged that it's not in the procedure.
8 But what's not in the procedure? What exactly
9 is the protocol for finding the full
10 distribution or the 95th?

11 It sounds like that information
12 usually is in the site profiles at this point,
13 but what are you accepting as kind of --

14 MR. MARSCHKE: What we are
15 accepting -- and either Jim or John can jump
16 in here when I get it wrong, but let me try
17 and explain it. The way the procedure is now,
18 SC&A reads it. And to the way we read it, it
19 looks like they apply the full distribution
20 always.

21 What Jim Neton explained to us in
22 the teleconference and before, I think, even

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 was that no, that's not the way NIOSH really
2 applies that full distribution. They don't
3 really apply it all the time across the board.

4 Again, it comes down to
5 engineering judgment as to which of the
6 distributions should be applied depending upon
7 the type of worker who is being evaluated and
8 so on, so forth.

9 So we went with that approach to
10 assigning the distribution. And we just want
11 the procedure to be a little clearer that that
12 is, in fact, the approach that is being taken.

13 MEMBER GRIFFON: Do you agree with
14 the fact that you can just say, "No, we're not
15 always going to do that, we'll use our
16 judgment?"

17 DR. MAURO: Well, unfortunately --

18 MEMBER GRIFFON: I mean, I think
19 there might be a little more to this. I don't
20 know. Maybe not.

21 DR. MAURO: Well, there are other
22 procedures where we have encountered this. In

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 all the other cases, the way in which it was
2 described, whether it was a generic procedure,
3 I forget if it was OTIB-0060 -- there is a
4 generic one, and also -- and other
5 site-specific applications.

6 There is guidance basically
7 explaining that under certain circumstances,
8 you picked the 95th percentile. Sometimes you
9 picked the full distribution. And sometimes
10 you picked either the low end of the
11 distribution or their environmental
12 assignment.

13 Now, the reality is that is on a
14 case-by-case basis. And the rationale for
15 what's picked is something that needs to be
16 justified when it's applied in the dose
17 reconstruction.

18 So the way we see it -- and I
19 don't know if the Work Group agrees, but the
20 way we see it, as long as the procedure alerts
21 the dose reconstructor that he has an
22 obligation to make his case for why he picked

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 what he picked, then that has to, of course --
2 would stand scrutiny as the rationale for why
3 he did what he did in the dose reconstruction.

4 I don't know if we could ask more.
5 I mean, if you think that there is more that
6 could go into the guidance in these procedures
7 on how you make that judgment, you are
8 correct. We did not explore that further.

9 MR. MARSCHKE: Well, I think one
10 of the things we did talk about -- I don't
11 know if, again, it was with this or a
12 different one. Whenever engineering judgment
13 is used or judgment is made by one of the
14 NIOSH dose reconstructors, it really gets
15 reviewed internally by NIOSH. And it's not
16 just one person's opinion. It kind of goes up
17 the chain of command, I guess, at least one
18 step up.

19 MR. ELLIOTT: Five reviews.

20 MR. MARSCHKE: Five reviews. So
21 it is just not --

22 MR. ELLIOTT: Two at ORAU, three

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 at our place.

2 MR. MARSCHKE: -- so, it's just
3 not one guy's judgment call out there.

4 And then the other thing is that,
5 you know, if we don't -- if SC&A doesn't
6 really agree with the way these judgments are
7 being made, I think we picked that up, I
8 think, in our review of the dose
9 reconstructions. And so, again, I don't know
10 if we were talking about this particular issue
11 when we talked about that, but I think we did
12 bring that up at one of the Subcommittee
13 meetings.

14 DR. MAURO: I've got a question
15 for Jim. Maybe he could help us out a little
16 bit here. In the other procedures, where
17 they're more generic, is there some language
18 in there on what types of considerations go
19 into making these judgments?

20 DR. NETON: I think there is. I
21 can't bring it to mind right now, but there is
22 a procedure out there that sort of delineates

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the type of work categories which could have
2 received higher exposures versus lesser
3 exposures, that sort of thing. And they kind
4 of broadly fall into what you would expect,
5 things like chemical operators and those types
6 of workers are in the higher exposed category
7 and then maybe administrative folks on the
8 lower end.

9 And then there's a middle area of
10 like maybe security guards and such. And
11 that's delineated. And I can't remember the
12 name of the TIB right now, but that is out
13 there.

14 But I do think that it's hard.
15 You cannot specifically cast in concrete these
16 types of categories. You do need to use some
17 professional judgment at the end of the day
18 looking at a guy's work history, his file, you
19 know, what he was doing, that kind of thing.

20 And we are willing to say that in
21 general that the 50th percentile or the full
22 distribution would apply to unmonitored

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 workers. However, we need to be careful, have
2 caveats in there that it's quite possible that
3 a highly exposed worker's bioassay records may
4 have just been lost or something and we need
5 to be aware of that and deal with it on a
6 case-by-case basis.

7 DR. MAURO: One of the things that
8 brought this to our attention when we reviewed
9 it for Y-12 was I believe we looked into
10 "Okay. Do we have some workers here who at
11 some time period" -- this might have been
12 related more to Fernald, but, in any event,
13 one of the ways we check is do we have a
14 worker here who either has a title where we do
15 have data where if he didn't have data, he
16 would have been assigned a full distribution,
17 but we do have data. And it looks like he's
18 at the high end.

19 Similarly, do we have a person who
20 maybe for a time period he had no data? Then
21 you have to fill it in. This is what we did
22 on Fernald. And you have to fill it in.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 And if you follow the procedure,
2 you would have filled it in with the full
3 distribution. But then we have some data for
4 other time periods for this person where he
5 was above, well above the median. So what I'm
6 saying is I think the rationale of why we felt
7 that it was important that this be done was
8 given with those examples.

9 Certainly those examples almost
10 give some indication of how do you go about
11 making those judgments, for example, if you
12 are working with a person who has some data
13 but missing data in other years taking
14 advantage of not only his job title but also
15 what his other data show and what his patterns
16 have been.

17 The only reason I bring all of
18 this up is if the Work Group believes that, a
19 little bit more needs to be said, more than
20 just "Use your judgment, and there will be
21 some due process to make sure that judgment
22 seems reasonable." There is some language or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 some ways of being a little bit more
2 prescriptive.

3 But right now as far as SC&A's
4 position is, is that we accept the fact that
5 the language in the procedure in this
6 particular OTIB to the effect that these
7 matters will be dealt with on a case-by-case
8 basis and the rationale for picking what was
9 picked is provided, we basically agree that
10 that does the trick. If the Work Group wants
11 more, you know, the kinds of things I just
12 described, you know, I could see that being
13 reasonable, too.

14 MEMBER GRIFFON: This is Mark.
15 John, I mean, you said several buzz words in
16 both your responses which made me go back to
17 the dose reconstruction review process. But
18 one of them certainly is, even if this
19 procedure said, you know, something to the
20 effect that we understand there has got to be
21 some best judgment in these cases, but dose
22 reconstructors should be careful to clearly

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 document it in the case file.

2 I haven't seen that in past cases.
3 So if that is something to be added, that
4 would be a good thing because my concern is
5 that it is this shell game thing again. We
6 say it's a case-by-case thing. We only are
7 reviewing a small percentage of cases, as you
8 know.

9 DR. MAURO: I agree.

10 MEMBER GRIFFON: So then we get to
11 the cases. And I can name two, at least two,
12 for Y-12 where we came up with this issue
13 where it was more regarding neutron exposure.
14 It wasn't bioassays.

15 DR. MAURO: I agree.

16 MEMBER GRIFFON: It was a neutron
17 exposure. And they weren't in an identified
18 building.

19 DR. MAURO: Yes.

20 MEMBER GRIFFON: And then it ended
21 up sort of going away on those two cases
22 because we said, "Well, it wouldn't affect

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 this case." And then it gets lost. That's,
2 I guess, more my concern.

3 So all I'm saying, my initial
4 reaction was, how can it be in abeyance until
5 you see how NIOSH -- you know, at least ask
6 NIOSH, how are you going to modify this? Is
7 it just going to be judgment is going to be
8 used, you know, case-by-case basis, or is it
9 going to be a little more than that and the DR
10 constructor shall clearly outline the basis
11 for the judgment or whatever in each case
12 file?

13 That would make me feel more
14 comfortable, you know. I just didn't think
15 something belonged in abeyance until you saw
16 the exact language that was going to be
17 changed in the procedure.

18 MEMBER ZIEMER: Isn't that why it
19 is in abeyance?

20 DR. MAURO: I think that is the
21 definition of abeyance, though.

22 MEMBER ZIEMER: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. MAURO: And we agree in
2 principle, but, of course, we really can't
3 close the issue.

4 MEMBER GRIFFON: Okay. I wasn't
5 sure what principle we were agreeing to. So
6 I guess that's the discussion now maybe.

7 DR. MAURO: Okay. Okay.

8 MEMBER ZIEMER: I think we are
9 agreeing with the idea that NIOSH is going to
10 reword that, at which point the rewording
11 comes back, does it not, for review?

12 MR. HINNEFELD: What we have
13 provided previously is we would say, "We will
14 revise this to do something. We haven't shown
15 you or tracked revision documents in order to
16 move it into abeyance."

17 MEMBER GRIFFON: That's how I
18 recall the process that Stu just described.
19 You know, we revise it as follows. You know,
20 we don't need to wait for the official change
21 in the official TIB or procedure, you know.
22 But we at least have a sense of the language.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MEMBER ZIEMER: What was said in
2 the teleconference document, maybe it needs to
3 be more specific. But it says that NIOSH will
4 revise it to better describe the practice that
5 NIOSH uses for assigning distributions to
6 claimants.

7 MEMBER GRIFFON: Right. And I
8 just don't know what that practice is for
9 Y-12.

10 DR. NETON: Well, Mark, I guess I
11 don't want to jump in in the middle of this
12 process description, but I'm a little
13 uncomfortable with where you are heading with
14 this specificity because, if you recall, when
15 we do have a coworker internal model, in
16 particular, we go to great lengths to
17 demonstrate, before we can use it, that the
18 highest exposed workers were actually
19 monitored. So almost by definition we've got
20 a cadre of highest exposed workers who are in
21 this database.

22 Now we are presented with some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 workers who, for whatever reason, have zero
2 monitoring data, I mean, none because if they
3 had any at all, we would use it to reconstruct
4 some type of a chronic exposure scenario.

5 In general, it is our opinion
6 that, by and large, most of those workers will
7 fall into the category of full distribution.
8 That would be our default position. But we do
9 allow for the possibility 95th percentile
10 should be used on occasion if it appears that
11 the person fell through the cracks, so to
12 speak, was a more highly exposed worker that
13 has no evidence of any monitoring data.

14 MEMBER GRIFFON: Jim, is that the
15 default? I am trying to remember Y-12 as
16 well, but --

17 DR. NETON: Fiftieth --

18 MEMBER GRIFFON: If they had no
19 monitoring, wouldn't you assign environmental
20 or no?

21 DR. NETON: No. I mean, if --

22 MEMBER GRIFFON: You wouldn't --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 okay, okay.

2 DR. NETON: That's who we used
3 this for, is the people who have no monitoring
4 data --

5 MEMBER GRIFFON: Right.

6 DR. NETON: -- that might have
7 been security guards or other type job
8 categories that frequented the process areas
9 or production areas but were certainly not in
10 there doing grinding, welding --

11 MEMBER GRIFFON: Right. No. I
12 understand. I understand the reluctance to
13 have specificity. I'm just saying even what
14 John said seems to be going further than what
15 I read in the technical call notes. At least
16 the DR would document in the case file the
17 rationale for selecting the distribution he or
18 she did.

19 DR. NETON: Well, I'm not sure
20 that -- you know, I think that there is an
21 overarching rationale for that. And, like I
22 say, we are prepared to acknowledge that that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 full distribution should not be blindly
2 applied in all cases if it looks like there is
3 a reason not to use it. But we do believe
4 that the full distribution is a default where
5 we have demonstrated that the highest exposed
6 workers were monitored.

7 MEMBER GRIFFON: So then can't you
8 say that, you know, the normal protocol would
9 be to use the full distribution? However, if
10 there is a case-specific reason --

11 DR. NETON: That's exactly what we
12 --

13 MEMBER GRIFFON: -- we may use the
14 95th. And if so, it will be documented in the
15 case file why we use this?

16 DR. NETON: Exactly. That's what
17 we exactly --

18 MEMBER GRIFFON: That's different
19 than what I saw in the notes, but, I mean, I
20 think that document --

21 DR. NETON: I am totally
22 comfortable with what you just said.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MEMBER GRIFFON: Okay, but
2 documenting in the case file is important to
3 me because then we have a way to track it when
4 we do review the cases.

5 DR. NETON: Right. I thought that
6 you were suggesting that every situation be
7 documented as to why it was the 50th or the
8 95th.

9 MEMBER GRIFFON: Well, I mean, I'm
10 discussing this with you as we go. So I am
11 agreeable with that situation as well, you
12 know, Jim, that you just --

13 DR. NETON: But I would prefer not
14 to have to document every single instance.

15 MEMBER GRIFFON: It would just be
16 exceptions?

17 DR. NETON: Yes.

18 MEMBER GRIFFON: That's fine.

19 DR. NETON: Okay. We're okay.
20 I'm okay with that.

21 MEMBER GRIFFON: So that wording
22 if you have that down, then I would be more

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 comfortable with that, yes.

2 DR. NETON: Okay. Fine.

3 MEMBER ZIEMER: So it's in
4 abeyance until wording such as Jim just
5 described gets incorporated into the revision.
6 Is that what is being said?

7 MR. HINNEFELD: It moves to
8 abeyance, and will stay in abeyance until that
9 document has been revised.

10 MEMBER ZIEMER: Like the wording
11 that Jim said.

12 DR. MAURO: By the way, this does
13 establish an important precedent and guidance
14 for SC&A. What I mean by that is when we came
15 to our agreement that we think it should be in
16 abeyance, it was based more on the principle
17 that Jim described, rather than the actual
18 language.

19 In other words, we did not
20 establish the -- we didn't have such a high
21 bar. That is, once in concept, there was
22 agreement that yes, by making these types of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 changes without actually saying what the words
2 are would resolve the issue. And, therefore,
3 it goes into abeyance.

4 It's important that we know that
5 we need a little bit more than that in terms
6 of maybe something along the lines of example
7 language that might be used. Maybe it's not
8 the final word, but certainly example language
9 as being, you know, which really holds it a
10 little bit stricter.

11 If that's what the Work Group
12 would like when we make our recommendations
13 regarding when something goes into abeyance,
14 that's fine. And we will proceed down that
15 path.

16 MR. MARSCHKE: Well, I think,
17 really, what you're doing is, is you're
18 tasking NIOSH with -- when they give us a
19 response, which is a word change to the
20 procedure, it's going to require wording
21 changes to the procedures, then they should
22 include sample words --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. MAURO: Right.

2 MR. MARSCHKE: -- so that we can
3 then agree with them or disagree with them --

4 DR. MAURO: Right. That is the
5 question I am asking the Work Group. If
6 that's how you would like us to -- you know,
7 when we go down this road on the next one,
8 should we be looking for sample words,
9 recognizing that they're draft words and they
10 could change but at least a shot at what the
11 words might look like?

12 MEMBER ZIEMER: I think in some
13 cases, we have described the nature of the
14 change, where -- and this is a case where in
15 describing the nature of the change, I think
16 there has been a request for a little more
17 specificity to understand what the change
18 really entails. I think that is fine in
19 certain cases.

20 There are other cases -- and I
21 don't have a particular one in mind, where the
22 general nature of the change has been

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 agreeable to the Subcommittee. And the exact
2 wording may be less critical in some cases as
3 long as the concept is adhered to.

4 DR. MAURO: So we will work with
5 this on a case-by-case basis. That is, the
6 next time we are in a situation like this, we
7 will -- what we are saying is we are not
8 making any hard and fast rules.

9 MEMBER ZIEMER: I think the nature
10 of the changes has always been described.
11 This one may be a little more specific.

12 DR. MAURO: Okay.

13 CHAIR MUNN: Are we clear what
14 we're doing, who has the action and what is
15 the action?

16 MR. HINNEFELD: I believe we have
17 an action to provide some sort of language
18 about how we're proposing to change the OTIB.

19 MEMBER ZIEMER: And the language
20 reflects what Jim described?

21 MR. HINNEFELD: Yes, in more
22 specificity, more specificity about what we're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 proposing as to revision that reflects the
2 conversation that John and Jim had.

3 MR. ELLIOTT: It is not
4 necessarily the language that we say we're
5 going to insert. It's more the concept of
6 what the language will deal with.

7 MR. HINNEFELD: Yes. And another
8 thing to consider here -- I don't know if we
9 need to get into this very far, but there are
10 a number of site-specific coworker sets that
11 have this finding. And so the question is,
12 are we going to make these series of page
13 changes on each one of these or is there
14 another way that we can write it, prepare a
15 document, some other document, we can put that
16 change in?

17 I don't know sitting here today.
18 So that will be some aspect.

19 MEMBER ZIEMER: But you want to be
20 consistent.

21 MR. HINNEFELD: Yes, yes, some
22 aspect of what we need to prepare to set forth

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 what we're going to do.

2 DR. MAURO: This is one of those
3 commonalities.

4 MR. HINNEFELD: Yes. Yes, it is.

5 CHAIR MUNN: All right. Our next
6 item on the agenda --

7 MR. MARSCHKE: Can I ask a
8 question, Wanda?

9 CHAIR MUNN: Yes.

10 MR. MARSCHKE: So right now the
11 status of OTIB-0029-03 is in progress. And we
12 basically have agreed to leave that as in
13 progress until we see the wording from NIOSH?

14 CHAIR MUNN: That is my
15 understanding. And we have two action items
16 on, one the overall OTIB-0029. One is a
17 report back from Joyce Lipsztein after she has
18 had an opportunity to review that data. And
19 the other is language to be decided by NIOSH
20 giving a summary of what changes will occur in
21 the document when they do review.

22 MEMBER ZIEMER: It seems to me

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that on item 3, issue 3, that it goes into
2 abeyance until we see while NIOSH prepares the
3 exact language because we have defined or in
4 the discussion between Jim and Mark, Jim has
5 defined what the language will contain.

6 I believe, Mark, you will speak
7 for yourself, but you agreed to the nature of
8 the language, I believe.

9 MEMBER GRIFFON: Yes. Paul, I
10 agree. I'm not trying to bring this out
11 further. I mean, I agree. Now that we --

12 MEMBER ZIEMER: In terms of how we
13 handle this when rewording is going to be
14 done, we put it in abeyance, as opposed to in
15 progress, do we not?

16 MEMBER GRIFFON: Yes. I think --

17 MEMBER ZIEMER: Trying to be
18 consistent --

19 MEMBER GRIFFON: The discussion
20 that Jim and I just had, if all other members
21 of the Subcommittee are happy with that, I'm
22 happy with that language. And, as far as I'm

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 concerned, that's documented on our
2 Subcommittee call here. And that's good
3 enough.

4 MEMBER ZIEMER: That would show up
5 in the action that puts it in abeyance.

6 MEMBER GRIFFON: I agree.

7 MEMBER ZIEMER: Because if it's in
8 progress -- I mean, everything else where
9 NIOSH agrees to rewording, doesn't it go into
10 abeyance?

11 CHAIR MUNN: Yes. It has in the
12 past.

13 MEMBER GRIFFON: Yes. I agree.
14 And I think this satisfies my request of draft
15 language. It doesn't have to be a written-out
16 document. We just outlined it on the meeting
17 right here.

18 MEMBER ZIEMER: Right.

19 MEMBER GRIFFON: So that's fine.

20 MEMBER ZIEMER: And it is
21 documented in the transcript.

22 MEMBER GRIFFON: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR MUNN: All right. Are we
2 happy with that?

3 MR. HINNEFELD: Okay now, now I
4 have a question, does that mean that we do not
5 have action to provide that more specifically?

6 MEMBER ZIEMER: You have an action
7 to revise based on that.

8 MR. HINNEFELD: Yes. But we have
9 an action to provide the document but not to
10 provide back to the Subcommittee more specific
11 language. Okay. Great. Great.

12 MR. MARSCHKE: What I wrote in
13 here was NIOSH will change the procedure to
14 describe the practice that NIOSH uses for
15 assigning distributions to claimants and
16 document any change from the default. And
17 then I put in parentheses full distribution in
18 the case file. Is that what I heard, Mark,
19 you and Jim talking about?

20 MEMBER GRIFFON: That sounds about
21 right to me, yes.

22 DR. MAURO: And that is in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 abeyance.

2 MR. MARSCHKE: And then basically
3 in the Working Group directives box, I have
4 "Change status to in abeyance." So on the old
5 database, it has been changed to in abeyance.

6 CHAIR MUNN: Hopefully it will
7 transfer when the new database comes out.

8 MEMBER ZIEMER: Just one comment.
9 It sounds like NIOSH is going to change the
10 wording, and then, as a separate action,
11 something gets documented in the file. I
12 think what we want to say is that the wording
13 will include a requirement to document in the
14 file or something like that. It's part of the
15 wording that we're talking about, as opposed
16 to the action. I mean, the action obviously
17 follows the procedure, but this is a procedure
18 change, right?

19 MR. HINNEFELD: Okay.

20 MEMBER ZIEMER: I just want to
21 make sure that what we reflect here -- will
22 indicate the need to document or something.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Does that sound okay, Mark?

2 MEMBER GRIFFON: Yes, Paul. I
3 agree.

4 MEMBER ZIEMER: Yes. Okay. That
5 ties the documentation issue in with the
6 wording of the procedure. That's all I was
7 getting at.

8 CHAIR MUNN: We are good on that
9 item. The next item on our agenda list is
10 NIOSH checking the status of the new OTIB.

11 MR. HINNEFELD: Yes. Now, this is
12 part of the discussion we just had, the
13 two-day-off, two-day-off for sampling
14 discussion. That was a draft.

15 CHAIR MUNN: Right.

16 MR. HINNEFELD: The OTIB that was
17 discussed at one of the meetings, OTIB-0068,
18 that kind of accounts or recounts our
19 investigation of that issue and our conclusion
20 that really it doesn't seem that the majority
21 of the samples were Monday samples. And so
22 since that is not the case, there is no

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 adjustment necessary.

2 And so since we arrived at that
3 conclusion, we said, "Well, what do we need
4 this document for because it doesn't say to do
5 anything?" It just says, "What we are doing
6 is okay."

7 So if the nature of that OTIB --
8 we're at the point now where we don't see a
9 reason to issue this OTIB. And so it stopped.
10 And there is a draft sitting out there, but
11 our plan now is not to issue it because it
12 doesn't say -- it doesn't tell us to do
13 anything. All it does is it provides -- it's
14 sort of the summary of our investigation of
15 the issue of did the samples really occur on
16 Monday?

17 MEMBER ZIEMER: And separate from
18 that, Joyce hasn't analyzed that other --

19 MR. HINNEFELD: Joyce has not
20 analyzed --

21 MEMBER ZIEMER: -- information
22 which you will need to take a look at, in any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 event.

2 MR. HINNEFELD: Yes, yes.

3 MEMBER ZIEMER: That may or may
4 not impact on this, right?

5 MR. HINNEFELD: Yes. I mean, if,
6 in fact, there is evidence that we haven't
7 found that this does, in fact, overwhelmingly
8 a two-day-off sampling regimen, despite
9 whatever day the sample is left, that would
10 cause us to reconsider our position.

11 CHAIR MUNN: So the wise thing for
12 us to do, it would appear, is to carry this
13 action item over into our next meeting, by
14 which time we hope to hear from Joyce. And
15 depending upon her response, this may become
16 a moot point next time.

17 MEMBER ZIEMER: If it is not
18 already.

19 MR. HINNEFELD: If it is not
20 already.

21 CHAIR MUNN: If it is not already.
22 We're just giving ourselves the extra --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. HINNEFELD: But if you are
2 going to leave it on there, be sure you put
3 OTIB-0068 on there.

4 CHAIR MUNN: Right.

5 MR. HINNEFELD: Because otherwise
6 I am going to lose track of --

7 CHAIR MUNN: Okay. I've got it.
8 I have OTIB-0068. All right.

9 MR. ELLIOTT: Before we bust for
10 lunch, could we take up the IG-004 issue while
11 Jim is on the line?

12 CHAIR MUNN: Why not?

13 MR. ELLIOTT: I know Jim is
14 hanging around for that discussion.

15 CHAIR MUNN: We will --

16 MR. ELLIOTT: Sorry, Madam Chair.

17 CHAIR MUNN: No. That's quite all
18 right. That's quite all right. No reason why
19 we shouldn't address the IG-004 right now. Do
20 you want to take the lead on that, Jim?

21 DR. NETON: I wasn't planning on
22 it, but I could.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR MUNN: Well, tell me who
2 should.

3 DR. NETON: Well, Stu has got the
4 document in front of him. I don't happen to
5 have it with me right now.

6 CHAIR MUNN: All right. Then,
7 Stu, you have --

8 MR. HINNEFELD: Well, I sent it,
9 didn't I?

10 DR. NETON: Do we want to handle
11 this point by point? I mean, there were, I
12 think, seven issues that were raised. I guess
13 I could do it. Let me just pull up the
14 response.

15 MEMBER GRIFFON: Can you tell me
16 what document you are referring to, Jim? Was
17 it --

18 DR. NETON: It was just
19 essentially labeled NIOSH Responses to SC&A's
20 Review of IG-004.

21 MEMBER GRIFFON: And it was sent
22 recently or --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. NETON: Stu, I think, sent out
2 in the last day or two.

3 MEMBER ZIEMER: 8-11 is the date.

4 MEMBER GRIFFON: Okay. All right.

5 MEMBER ZIEMER: Actually, the date
6 on the document is the 10th, I think.

7 MR. HINNEFELD: I sent it on the
8 11th, I believe.

9 CHAIR MUNN: I got it on the 12th.

10 DR. MAURO: The heading says
11 August 10th.

12 MR. HINNEFELD: Yes, the heading
13 says August 10th. Have you got it yet because
14 I can send it to you?

15 DR. NETON: No. I mean, it's here
16 somewhere. Like I said, I got caught by
17 surprise here a little bit.

18 CHAIR MUNN: I am sorry. We
19 didn't mean to do that to you.

20 MR. ELLIOTT: I am sorry, Jim. I
21 should have warned you I was going to try to
22 push this one up a little bit.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. NETON: No, no. I think that
2 is fine. I'm rushing here trying to find it.
3 Stu, you sent that out on?

4 MR. HINNEFELD: On August 11th.

5 DR. NETON: I'm in the wrong
6 inbox. All right. I've got it. Sorry about
7 that.

8 CHAIR MUNN: It's quite all right.

9 DR. NETON: Okay. We didn't
10 specifically address finding number 1 because
11 that, according to Stu, had been closed by the
12 Subcommittee already. We started with finding
13 002 -- finding 02. And that was essentially
14 SC&A's objection that we seem to apply that
15 precedents that we cited were specifically
16 justifications for use of surrogate models in
17 dose reconstructions under EEOICPA.

18 And the gist of our response was
19 that it really wasn't our intent that would be
20 the implication there. I cited one of the
21 reasons for doing this was really just to sort
22 of outline the variety of approaches that have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 been used in other settings where surrogate
2 data has certainly been used. And that would
3 include epidemiologic studies, regulatory
4 decisions, using guidance documents as well as
5 at least one other compensation program.

6 That is really why they were
7 included. In fact, I would like to just
8 comment that the reason IG-004 was developed
9 was for that exact reason. None of these
10 precedents actually were completely compatible
11 or could be used under EEOICPA. And that is
12 why we wrote it, to set forth the conditions
13 under which surrogate data could be used.
14 That is kind of it in a nutshell.

15 We can discuss it if anyone wants
16 to have any questions or comments.

17 CHAIR MUNN: Mark?

18 MEMBER GRIFFON: I was waiting to
19 hear back from SC&A, actually, while I am
20 still reading through it.

21 DR. MAURO: Yes. I guess the only
22 thing I would like to point out -- and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 certainly, Hans, please jump in -- this
2 material, which you could almost consider to
3 be almost like a preamble to your position,
4 where you use epi work, argues for how this is
5 as an example.

6 I think we did provide a great
7 deal of evidence of why the analogy does not
8 apply. In other words, its use in epi work,
9 surrogate data has certain objectives tied to
10 looking at collective population consequences
11 of elevated exposures.

12 Our mission here is so much
13 different. And, as a result, we find that it
14 can almost be misleading. That is, by making
15 reference to epi and how surrogate data is
16 used there in our opinion has no applicability
17 here.

18 DR. NETON: Yes. I don't
19 necessarily disagree with you, John. I take
20 that comment to heart. But, really, under
21 that sort of logic, there was no example I
22 could provide that would be meaningful for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 this purpose because this is a specific
2 program.

3 DR. MAURO: And I agree with that.
4 And, by the way, I think that you did a good
5 job when you got to the point. And it's
6 almost as if that piece led us a bit astray in
7 terms of --

8 DR. NETON: You know, I did quote.
9 In the end of the response was one of your
10 statements. It says, "assuming that 82 allows
11 for the use of other sites in dose
12 reconstruction, then the criteria set forth in
13 004 are technically sound." And I appreciate
14 that comment.

15 DR. MAURO: Yes.

16 DR. NETON: It's almost like the
17 argument is moot because we got past that. I
18 mean, I don't know what else to say other than
19 I understand your statement that it took these
20 examples to be precedence as to why it should
21 be used under a compensation program. It was
22 really written as examples of how surrogate

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 data have and continue to be used in
2 reconstructing exposures over a variety of
3 platforms, which are not exactly EEOICPA,
4 understood, but there are precedents set of
5 how it is used to help inform what exposure
6 conditions are like when you are lacking data.
7 I think that is totally reasonable to include
8 in there.

9 DR. BEHLING: I just want to make
10 a comment since I was the person who wrote
11 most of this stuff in there. I sort of
12 perceived it as something akin to a judicial
13 system, where you look for previous incidents
14 where a case was heard in front of a judge or
15 in front of even the Supreme Court and that it
16 provides, therefore, a precedent that
17 justifies the use of that protocol in
18 subsequent cases. And that's how I perceived
19 it.

20 And, of course, I disagreed with
21 the likelihood that there are parallels
22 between the various methods that were cited as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 instances where surrogate data was used and
2 its applicability here in the EEOICPA. And
3 that's the reason I kind of spent a lot of
4 time discrediting that relationship.

5 DR. NETON: You know, I don't know
6 where to go with that other than the fact that
7 we disagree as to how useful it is to cite
8 previous uses of surrogate data, not
9 necessarily to justify why it is useful under
10 the EEOICPA but that here are how surrogate
11 data can be used to come up with -- and then
12 004, of course, goes beyond that and says,
13 "Here is how you do it. Here is how you can
14 use surrogate data under this program."

15 I don't think -- and I don't want
16 to get into OGC's territory, but because
17 surrogate data has been used in epidemiologic
18 studies I don't think is a basis for why it is
19 useful under EEOICPA. I mean, there are other
20 reasons. I can't comment any more than that,
21 I guess.

22 DR. BEHLING: Okay. I mean, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 don't want to push it either, as I've said.
2 I just questioned why it was even introduced
3 because it really has no developments.

4 DR. NETON: Also because -- well,
5 everyone is aware of how it is used routinely
6 in these other applications. And it's not
7 something to pick out of a hat and say, "Well,
8 this is something brand new that has never
9 been done before. And we are making this up."
10 I mean, it has been used in other platforms.
11 That is the whole point.

12 And I totally agree with you that
13 EEOICPA is not an epidemiologic study. That
14 is not the point.

15 DR. MAURO: I would have actually
16 done something a little different. If I were
17 to put this in here, I would use this as
18 juxtaposition, saying there are places where
19 surrogate data has been used in certain
20 contexts.

21 But I would actually use this as
22 an example that this is -- we're not using it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 this way, almost as if -- the only real
2 precedent we have -- this is where I think
3 surrogate data is such a special application
4 here and is of great importance to the extent
5 that it really goes to the heart of how we're
6 going to deal with SECs.

7 In the end, whether you accept the
8 surrogate data approach or not is one of the
9 most important issues that we are dealing
10 with. And I would almost say that we're doing
11 something that goes way beyond what is
12 required and what is used when it comes to epi
13 work. I would either remove it or use it as
14 a way to show that we're going way beyond
15 this.

16 MR. ELLIOTT: Well, I don't know
17 that I agree with that, John.

18 DR. MAURO: Okay.

19 MR. ELLIOTT: I've worked on epi
20 studies and provided exposure assessment for
21 chemicals as well as radiation. And the use
22 of surrogate data in epidemiologic studies is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 far more complex, far more complicated, far
2 more philosophical than what we are trying to
3 do here with the use of surrogate data in this
4 program.

5 And, as Jim says, this IG-004 is a
6 very high-tier document that provides general
7 guidance on the minimum requirements for use
8 of surrogate data in this program under the
9 regulation that we operate. So I guess we can
10 agree to disagree that --

11 DR. MAURO: We will agree to
12 disagree on that one.

13 MR. ELLIOTT: Whether or not the
14 reference of epidemiologic use of surrogate
15 data is appropriate or not, we think it adds
16 some context here. And we would welcome
17 whatever Board recommendation comes forward on
18 this point.

19 CHAIR MUNN: Well, it is worth
20 noting perhaps that precedents that are
21 established in legal cases have to do with
22 similar but not necessarily repeatable

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 circumstances. If you are dealing with
2 radiation, you have very specific repeatable
3 circumstances. If you have given types of
4 radiation and given types of exposures, then
5 you will get similar results. And that is a
6 different kind of approach to a precedent than
7 what one thinks of when one thinks of
8 precedents that are established in the outside
9 world.

10 MR. ELLIOTT: Let me make one more
11 point here on this. In the world of
12 industrial hygiene, chemical exposure
13 measurements and monitoring information is
14 very much -- there's a paucity of that.
15 There's a small amount of that, if you will,
16 as compared relatively to the monitoring
17 information, albeit flawed as it is, that we
18 have for radiation exposures.

19 And so when we put together an
20 epidemiologic study that deals with chemical
21 exposures, I assure you the use of surrogate
22 information is far more almost flexible, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 guess, in its use than it is in this program.
2 It's more defined in this program, I think.

3 DR. MAURO: I agree. I mean,
4 that's the point I'm making.

5 DR. BEHLING: Yes. That is
6 exactly the point. I tried to identify the
7 principal justification for surrogate data,
8 which in many epidemiologic studies, it seemed
9 to demonstrate a dose-response relationship
10 without necessarily defining the accuracy.

11 And I pointed out, for instance,
12 the issue of the BEIR reports regarding the
13 cancer risk coefficients, which have been
14 repeatedly revised. But they always show a
15 positive dose-response relationship, which
16 obviously is the key issue for defining
17 something as a carcinogen.

18 And the accuracy by which the
19 dose-response relationship is defined varies
20 over time. And it is almost immaterial. I
21 think that was the whole point in dealing with
22 it. But I think we can come to some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 understanding that perhaps this is an issue
2 that really has very little relevance here.

3 DR. MAURO: Yes. Maybe that is
4 the answer.

5 DR. NETON: I would agree.

6 DR. MAURO: Yes. Maybe we are
7 arguing something that is of marginal
8 significance or importance to this particular
9 procedure. Yes. Maybe we should just let
10 this one go because it doesn't really change
11 anything. I think we've got a good procedure
12 here.

13 DR. NETON: That is my opinion. I
14 think we are looking at it in two different
15 ways. And it doesn't really change the
16 substance of what is in that document itself.

17 CHAIR MUNN: No. And this is not
18 a good place for academic discussion.

19 DR. MAURO: Yes. That is what we
20 are doing.

21 DR. NETON: Actually, do you want
22 to move on to the next one or --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. MARSCHKE: What do we want to
2 do with the status? Do you just want to wait
3 until SC&A responds formally?

4 DR. BEHLING: No. I think we
5 should just close this out.

6 MEMBER ZIEMER: I think we have
7 the response and --

8 DR. MAURO: It doesn't really have
9 direct applicability to the protocol. I mean,
10 I am ready to let it go if the Work Group is
11 willing to let it go.

12 MEMBER ZIEMER: I have no
13 objection to the reference to the epi studies
14 as they have done it because it is clear that
15 they are not using the same methodology in
16 this program, number one. Number two, I think
17 conceptually it does help readers recognize
18 that sort of the concept of surrogate data is
19 not something brand new.

20 It's used in other kind of
21 contexts in other appropriate ways. So I
22 think it is just a framework.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. NETON: That's exactly my --

2 MEMBER ZIEMER: It is not like a
3 legal precedent that we're doing it exactly
4 the way that it's done in epidemiology,
5 clearly very different. But it provides sort
6 of an argument that the general idea of using
7 surrogate information is not something we have
8 pulled out of thin air.

9 MEMBER GRIFFON: Well, this is
10 Mark. This might be a different discussion if
11 we were arguing about the regulation, but that
12 is a moot point.

13 MEMBER ZIEMER: Right.

14 MEMBER GRIFFON: It is in the
15 regulation. So I agree it should be closed,
16 yes.

17 MR. MARSCHKE: Okay. It's closed.

18 CHAIR MUNN: It is closed.

19 DR. NETON: Then hearing that I
20 will move on to finding 003, which starts off
21 by saying, "SC&A, we appreciate this belief
22 that IG-004 is technically sound." However,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 they muse a little bit about how difficult
2 this might be to implement because of lack of
3 information, first term unavailability, that
4 sort of thing.

5 And we do agree that there are
6 going to be possible difficulties in
7 implementing the procedure. However, it is
8 our opinion that all of these difficulties
9 that are overcome are best judged by
10 evaluating the specific procedures that are
11 developed using this guidance.

12 In other words, we totally agree
13 that this is not going to be easy in all
14 cases, but, again, the site-specific
15 procedures are really what needs to be looked
16 at in that regard. Nothing we could really
17 change in the document itself but this
18 finding.

19 DR. MAURO: One area where we
20 thought it might be important to point out to
21 the Work Group, to the Subcommittee, is there
22 is a little discontinuity between the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 criteria, draft criteria, developed by the
2 Work Group, the other Board Work Group,
3 dealing with the subject. That has to do with
4 the time period.

5 I believe the write-up in OCAS-004
6 doesn't have a requirement that the data that
7 you are using for a surrogate be the data that
8 is of the same time period. And I think it's
9 worth discussing that a little bit because
10 that is the one place where there is a
11 difference between at least the opinion of the
12 Work Group for Surrogate Data and OCAS-004.
13 That is the level of importance that is given
14 to the time period that the data are acquired.
15 That might be something that is worth
16 discussing a little bit here.

17 DR. NETON: John, yes. I forgot
18 that was one of the comments in that finding.
19 Thanks for bringing that up.

20 And we did look at that. At the
21 end of the day, our opinion is that what the
22 Board's issuing is a draft document right now.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 And so we didn't feel it was appropriate at
2 this point to start commenting on how our
3 procedure agrees or disagrees with a Board's
4 draft position document.

5 I am not sure how that can be
6 handled. And, again, you're probably right.
7 That needs to be discussed maybe among the
8 members of the Subcommittee, how they want to
9 deal with that.

10 MEMBER GRIFFON: Or maybe, Jim, we
11 may have to wait for the -- I mean, we do have
12 the Surrogate Worker Work Group. They have to
13 wait for us. I'm on that Work Group as well,
14 but we may have to finalize that draft before
15 --

16 DR. NETON: I was just, you know,
17 do we want to leave this finding open until
18 the Board comes to a consensus or do we just
19 open it at such time when it's -- I don't
20 know.

21 MEMBER GRIFFON: Yes. I don't
22 know.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MEMBER ZIEMER: Or defer it.

2 DR. NETON: That's a good --

3 MEMBER GRIFFON: Transfer it, you
4 mean?

5 MR. ELLIOTT: Yes. Transfer it.

6 CHAIR MUNN: Well, that is a
7 thought.

8 MR. ELLIOTT: I always like to
9 delegate.

10 CHAIR MUNN: Yes. That is a
11 delightful --

12 MR. ELLIOTT: It's a feel-good
13 situation for me.

14 CHAIR MUNN: That is a delightful
15 idea. Is that the feeling of the Board, of
16 the Subcommittee, that transferring item 3 is
17 appropriate?

18 MEMBER ZIEMER: It certainly has
19 got to be part of the discussion of the
20 Surrogate Data Work Group.

21 MEMBER GRIFFON: Yes, yes.

22 MEMBER ZIEMER: And I guess we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 don't want to both be working on that.

2 MEMBER GRIFFON: Right. It is
3 probably a good idea.

4 CHAIR MUNN: I will transfer
5 IG-004-03 to the Surrogate Data Work Group
6 with the proper language accordingly. I will
7 send the draft of that letter to all of you
8 before it goes out.

9 Okay. Let's move to item 4.

10 MR. ELLIOTT: Did we lose you,
11 Jim?

12 CHAIR MUNN: Hello?

13 DR. NETON: Sorry. I was on mute.
14 I was talking to the air.

15 (Laughter.)

16 DR. NETON: Finding 004
17 specifically talks about how implementation
18 guide 004 was weighted very heavily towards
19 Atomic Weapons Employer facilities. It went
20 further even to suggest that if that were the
21 case, that it was only an AWE-specific
22 document that maybe it could be superseded or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 has been superseded by TBD-6000 and 6001,
2 absolutely correct that the document
3 emphasizes the use of surrogate data at AWE
4 facilities.

5 In fact, most of our applications,
6 almost all that I can think of, are going to
7 be, surrogate data are going to be, tied to
8 AWE facilities. And so that's why the
9 examples, at least, were heavily towards that
10 type of operation.

11 I am not sure that there was not
12 going to be some instance that pops up for a
13 DOE facility. So we went back and looked at
14 the criteria that are in the sections.

15 And the general guidance provided
16 really is equally applicable to DOE
17 facilities; that is, you know, the temporal
18 nature of the material, similar processes and
19 such. So we feel that it is appropriate to
20 leave it open to cover both AWE and DOE
21 facilities, although the examples are slanted
22 towards AWEs.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 In regards to the TBD-6000/6001
2 issue, we think it is sort of the opposite of
3 how SC&A has viewed this. IG-004 is the
4 overarching higher tier document in our
5 process. The implementation guides in general
6 are that. And they inform floor requirements
7 or minimum requirements for procedures and
8 technical information bulletins, those types
9 of documents.

10 So we don't think it supersedes
11 TBD-6000/6001. I've documented that those
12 documents need to be in conformance with. In
13 fact, we acknowledge their suggestion that
14 those documents should be reviewed against
15 IG-004. I think that is true.

16 Regarding the suggestion that we
17 cross-reference 6000 in IG-004, I think we
18 would prefer to leave that out of there and
19 have TBD-6000 reference IG-004 as an
20 implementing document.

21 I am not sure what the end result
22 of this is other than I think we're okay with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the way it is set right now. And we do agree
2 that 6000/6001 should be reviewed against
3 those criteria in IG-004.

4 DR. MAURO: Jim, let me give you
5 another way we were looking at it. And that
6 is a parallel structure. The IG-004 with the
7 richness it has as it relates to AWE is very
8 useful.

9 And with the examples, what I had
10 in mind when I was reading this, something
11 similar to that, where there are other places
12 where surrogate data might have applicability
13 in non-AWEs immediately comes to mind where we
14 in the past have -- just like you have done
15 with AWEs. We know what the issues are. And
16 you've engaged them here in 004.

17 Engaging some of those issues in
18 non-AWE facilities was something that I guess
19 I was expecting to see only because it was
20 there for AWEs. For example, we know
21 neutron-photon ratios are a big deal. We know
22 that the chemical form of the particular

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 material, especially things like high-fired,
2 are important.

3 We know that tritides -- and when
4 you use the hafnium tritide versus another --
5 in other words, what I am getting at, there is
6 a whole litany of places where you might draw
7 upon surrogate data. Radon, another example,
8 where, just like you created a richness for
9 AWEs, in theory, you could create a richness
10 for others that would create a parallel
11 structure.

12 It's almost as if, once you went
13 down the road to get into AWEs, it almost was
14 incumbent upon you to do the same thing for
15 non-AWEs.

16 DR. NETON: John, I don't know
17 that most of the examples you cited are really
18 what I would consider surrogate data; that is,
19 data from one facility applied to another.
20 You are talking about surrogate neutron
21 exposures, but that is based on the monitoring
22 data from that specific facility.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Solubility material, the same
2 thing. You have Super S or you have tritides.
3 Those are data that are at that exact
4 facility. We're not forwarding information
5 from one site to another.

6 DR. MAURO: Okay. Let me ask you
7 a question. Do you think --

8 MR. HINNEFELD: Jim?

9 DR. NETON: Yes?

10 DR. MAURO: -- it's plausible to
11 use neutron-photon data from one facility and
12 apply it to others? Because we have.

13 MR. HINNEFELD: We might want to
14 do that, Jim.

15 MR. ELLIOTT: Yes, Jim.

16 DR. NETON: I am not saying that's
17 not possible, but --

18 MR. ELLIOTT: Jim, let me make a
19 comment here. This is Larry. The definition
20 of surrogate data is at hand right now. And
21 IG-004, I believe, talks about the use of
22 surrogate data from a similar operation at a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 similar facility. That's what we focus on.

2 Surrogate data could also be
3 considered coworker models that are used to
4 assign missing unmonitored dose. So, you
5 know, we need to be careful when we talk about
6 surrogate data.

7 I don't see IG-004 as being
8 dedicated only to AWE operations. IG-004 is
9 a high-tier document that we would use in the
10 situation where we were putting the use of
11 surrogate data in dose reconstructions for DOE
12 folks.

13 So, you know, we're not going to
14 change this. It is a higher-tier document;
15 the 6000, 6001 or lower-tier documents. We
16 think that IG-004 accommodates all the covered
17 facilities in this program.

18 DR. NETON: Yes.

19 MEMBER GRIFFON: I tend to agree
20 with that.

21 DR. NETON: I agree with that.

22 Somewhere in here I did define, and I can't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 find exactly where, that for purposes of
2 IG-004, surrogate data is data used from one
3 facility used in another facility. I mean,
4 that was the narrow focus we took, although
5 Larry is absolutely right. Surrogate data
6 could be a lot of different things.

7 DR. MAURO: Jim, let me --

8 DR. NETON: I'm getting back.
9 Just one more minute. Getting back to the
10 neutron-photon thing, you know, Stu, I think,
11 was chiming in. And he's right. I was
12 thinking of neutron-photon ratios at a
13 specific facility. There are situations,
14 though, where we could port a neutron-photon
15 ratio for a similar reactor from one facility
16 to another. That is true.

17 I wasn't trying to imply that we
18 wouldn't be using -- as a matter of fact, I
19 would encourage that we use -- not encourage
20 but support the use of surrogate data that
21 existed in filling gaps at DOE facilities.
22 But most of the examples you were citing, what

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I was trying to say is, were not what I would
2 consider surrogate data with the possible
3 exception of the neutron-photon ratios.

4 DR. BEHLING: Jim, while we are
5 talking about the definition -- and I am
6 curious because I am kind of working on
7 something that has raised some questions in my
8 mind regarding the definition of surrogate
9 data. And let me explain.

10 Suppose you have a facility for
11 which you have data for one year and the
12 period of concern for dose reconstruction may
13 span 11 years so that, in essence, in this
14 particular case, they used data that was
15 accumulated for a one-year period, the
16 first-year period of an 11-year period for
17 which dose reconstruction would have to be
18 done.

19 And it is obviously not an issue
20 of transferring information from one facility
21 to another but basically transferring
22 information over time. Would you consider

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that an example of surrogate data when you
2 take one year's data and say, "This applies to
3 all full 11 years?"

4 DR. NETON: Under the approach we
5 have adopted in IG-004, I would say that is
6 not surrogate data. That is data from that
7 specific facility.

8 DR. BEHLING: Yes.

9 DR. MAURO: Jim, I'm not arguing
10 with you.

11 DR. NETON: It's not surrogate
12 data. I can't argue that. But what I am
13 saying is for purposes -- the issue really
14 arose if you remember way back in Iowa. Think
15 about those days.

16 We used I think it was Pantex data
17 to reconstruct exposures at Iowa. That's when
18 the issue really came to a head early on, was
19 that you're using data from another facility.
20 And people started looking in the regulation
21 and stuff. Is that really allowed? Can you
22 take data from one facility and apply it to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 another?

2 No one really, in my opinion, has
3 challenged the use of dose reconstruction
4 using data within the facilities, but I think
5 even the regulation or the Act that says
6 something about using data at such facility --

7 DR. MAURO: Jim, this is John. I
8 agree with you completely. When we reviewed
9 IG-004, we reviewed it on the presumption that
10 the scope of this was for data from one
11 facility being applied to another facility.
12 By no means did we review it from the point of
13 view of different time periods or within a
14 facility.

15 DR. NETON: And Hans raised a good
16 point. I mean, those techniques are also
17 used.

18 DR. MAURO: Yes.

19 DR. NETON: But they come under a
20 different sort of size area.

21 MR. ELLIOTT: Hans, I would like
22 to answer your question. Jim has answered it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 in the specific sense of IG-004. In a broad
2 sense of the definition of surrogate data, the
3 extrapolation of information for a site across
4 time at that site is also surrogate data.

5 DR. BEHLING: Yes. And I wish to
6 --

7 MR. ELLIOTT: And the use of that
8 kind of information in an epidemiologic study,
9 that is surrogate data.

10 DR. BEHLING: Yes. And the thing
11 that raises my concern a little bit is that
12 for this particular instance that I am
13 referring to, with one year's worth of data
14 extrapolated over 11 years, it's that there's
15 also information that suggests there were some
16 major, major changes, both in source material
17 and facility designs and practices.

18 So, in essence, you are really
19 extrapolating over time, during which many,
20 many changes occurred. And you are
21 essentially using data that you have to regard
22 as surrogate data from my point of view.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. ELLIOTT: I would agree.

2 DR. NETON: Well, I think we refer
3 to data by that definition. And all of the
4 caveats need to be applied to that data that
5 you have to ensure that these certain criteria
6 are met, but that is not the subject of this
7 document.

8 DR. BEHLING: Yes.

9 DR. NETON: I mean, we can address
10 that later and under different documents, I
11 suppose, but I looked at my footnote here.
12 And now there is a footnote that says,
13 "Coworkers are considered to be workers at a
14 site, job description, radiation." No.
15 That's not it either.

16 Oh, "Traditionally the term
17 'surrogate data' refers to any of the data
18 that is not a direct measure of the
19 individual's worker exposure conditions." I
20 mean, that could be, for example, general area
21 samples, coworker models, et cetera.

22 "In this document, however,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 surrogate data is only considered in the
2 context of use of data from another facility."
3 That is footnote 3.

4 DR. MAURO: Okay. Good. No. I
5 wasn't sure. I'm glad to hear that. So this
6 --

7 MR. ELLIOTT: Let me pick up an
8 example for you, John, real quick. This goes
9 to IG-004 and our use of modeling for chest
10 X-rays in the early time periods that is used
11 at DOE sites. It's used at AWE sites, I
12 think. So that is a surrogate data use that
13 IG-004 has to set a minimum floor requirement
14 for, and specifically it goes to the time era
15 of when certain types of radiographic tools
16 were used.

17 DR. NETON: That is a good
18 example, Larry. That is a use of surrogate
19 data that is not in here, by the way, at AWEs
20 and DOE facilities. We often use that one
21 procedure we have to reconstruct medical
22 X-rays based on the known operational

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 characteristics of X-radiographic equipment
2 over a certain time period.

3 DR. MAURO: Right. And we
4 reviewed that, and we found very favorably,
5 especially the way in which you tiered it.

6 DR. NETON: I mean, that is
7 something that could be added to this to give
8 an example of another. But that is something
9 that I didn't put in because it really hasn't
10 been challenged. It has already been
11 reviewed. It's been reviewed favorably. But
12 it is an example of surrogate data in my
13 opinion for IG-004 specifically.

14 Back to the original finding, I
15 mean, we understand it would be nice to have
16 DOE-specific examples in there, but, in
17 reality, again, the proof is going to end up
18 coming out in the documents that use them, how
19 well they follow guidance that is provided
20 here; for example, neutron-photon ratios.

21 Let's take that example. The same
22 requirements would apply that are in here,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 such as the temporal nature of the material,
2 the process similarities. You know, that is
3 what we are trying to spell out here. So if
4 you are going to use neutron/photon ratios at
5 a different facility, you've got to look at
6 the requirements in IG-004 and say, "I have
7 met them" or "I have not met them."

8 DR. MAURO: Jim, ironically this
9 issue would not have even come up if there
10 wasn't so much material here giving additional
11 guidance as applies to AWEs. Once I saw that,
12 it immediately came to mind, gee, we could use
13 something like this for non-AWE.

14 DR. NETON: Yes.

15 DR. MAURO: If it wasn't here, I
16 don't think I would have -- you know, this is
17 one of the comments I came up with.

18 DR. NETON: Yes.

19 DR. MAURO: I wouldn't have even
20 brought it up.

21 DR. NETON: Yes, yes.

22 DR. MAURO: But once you did it, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 said, "This is good stuff." I would sure like
2 to keep --

3 DR. NETON: This is the one thing
4 I would like to bring up. You know, all of
5 these are labeled findings, which in my
6 previous life means it is a deficiency of some
7 nature in the document itself.

8 And I'm not sure that it is a real
9 deficiency. These are maybe, you know, nice
10 to have supplemental pieces of information to
11 go in there, but it doesn't really detract
12 from what the document says. Flip out all of
13 the examples, and you still have the core of
14 the guidance which is there.

15 DR. MAURO: I absolutely agree
16 with that.

17 DR. NETON: And so I guess my
18 response here is that we agree, and we might
19 change it down the line in the next rev or
20 something, but at this point we are happy to
21 leave it the way it is.

22 DR. MAURO: Well, I mean, I would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 like to. I mean, this seems to me that it --
2 does the Work Group think that examples for
3 non-AWEs would enrich this and make for a
4 better guidance, the way you have done for
5 AWEs?

6 I mean, I guess my reaction was I
7 thought it would. But it certainly is not
8 something that's essential. So SC&A's
9 position is that would add value, just like it
10 did for the AWEs.

11 Whether or not that is cream on
12 the cake, so to speak, or something that
13 really needs to be put here is another
14 question because, you know, when it is all
15 said and done, where the rubber meets the road
16 is that when a person is about to use it, is
17 there additional guidance that should be here?

18 The example you started to make
19 with neutron and photon ratios, is that
20 something that one would expect this document
21 to contain or do we really leave that to the
22 more lower-tier documents?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. NETON: That would be my
2 preference. I mean, if you look at the
3 guidance, it talks about you need to know the
4 source term quantities. You need to know
5 facility processes, the description of what
6 happened, temporal considerations, and the
7 quality of the data.

8 I mean, those are all meat and
9 potatoes issues that one could hold up against
10 any example or any specific procedure and say
11 that they followed that.

12 MEMBER GRIFFON: Jim?

13 DR. NETON: Yes?

14 MEMBER GRIFFON: This is Mark
15 Griffon. As a member of the Subcommittee, I
16 would say I agree with your position that
17 these other examples might be nice but not
18 necessary.

19 So I would say that we should
20 close this finding. And if you do a future
21 revision, maybe you add it in. But I don't
22 think, you know, they're needed.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR MUNN: Do we have adequate
2 agreement to close it?

3 MEMBER ZIEMER: I think I agree
4 with that because the finding is not really
5 that they have criteria that don't apply to
6 the other facilities. It's just that they
7 haven't used examples of the other facilities.

8 The actual criteria do apply to
9 both. So in that regard, the document is
10 suitable. Yes, it probably would have been
11 nice to have some other examples, but maybe
12 next revision.

13 I think the document itself is
14 adequate. I would say close it.

15 MEMBER GIBSON: I think examples
16 is a bad idea. I mean, this subject is
17 controversial enough. I mean, using an X-ray
18 machine, I could see that because it is going
19 to put out the same, whether it is in this
20 room or in Michigan.

21 MEMBER ZIEMER: Yes.

22 MEMBER GRIFFON: But when we start

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 trying to describe two similar buildings, two
2 similar processes, it just stirs controversy.
3 I mean, it is with me personally, and it seems
4 to apply to a lot of other people. So I don't
5 see that examples would help.

6 CHAIR MUNN: We will close this
7 based on the fact that by agreement, the
8 current procedure is adequate. Examples are
9 not required. Excellent.

10 We move on to finding 5.

11 DR. NETON: Finding 5 is an easy
12 one. It says, "SC&A is in agreement with the
13 provisions of section 3.6 and 3.7." And we
14 agree with that.

15 CHAIR MUNN: Okay.

16 DR. NETON: We have no response
17 required is what we have said.

18 MEMBER ZIEMER: I move we close
19 it.

20 CHAIR MUNN: John?

21 DR. MAURO: Yes.

22 DR. NETON: Finding 006 is similar

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 to finding 004 in that SC&A felt that the
2 addition of more examples covering things like
3 off-normal conditions and accidents and such
4 benefit the document. And, again, our
5 position was that we understand the benefits
6 of more specificity. And we consider it for
7 future revisions of the document. But take
8 this as a suggestion for improvement, as
9 opposed to a finding of a deficiency with the
10 approaches described.

11 DR. MAURO: And I agree with that.
12 For the same reason we closed 4, in my opinion
13 we could close 6.

14 CHAIR MUNN: Using essentially the
15 same words?

16 DR. MAURO: Yes.

17 MEMBER ZIEMER: I agree.

18 CHAIR MUNN: Any problem with it?

19 MEMBER GIBSON: No.

20 CHAIR MUNN: Mark, any comment?

21 MEMBER GRIFFON: No.

22 CHAIR MUNN: Okay. We are closing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 6. Our final finding is number 7?

2 DR. NETON: Finding 7 is similar
3 to another issue that we talked about that
4 there is a discrepancy between the Board's
5 draft document and this document, specifically
6 related to the extrapolation of data to other
7 time periods.

8 Again, it is similar that the
9 draft -- don't feel it's appropriate to
10 comment on the differences between a draft
11 document by the Board and our document.

12 MEMBER ZIEMER: I suggest we
13 transfer this one like we did the other one.
14 That's similar.

15 CHAIR MUNN: Transfer it?

16 MEMBER ZIEMER: Surrogate Data
17 Work Group.

18 CHAIR MUNN: If I understand where
19 you would want --

20 MEMBER ZIEMER: It is almost the
21 same issue, isn't it?

22 DR. MAURO: It is the same issue.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR MUNN: All right. Does this
2 Subcommittee desire that we do so?

3 MR. KATZ: Mark, is that good with
4 you?

5 MEMBER GRIFFON: Yes. I am all
6 set on that.

7 MEMBER ZIEMER: So transfer.

8 CHAIR MUNN: Okay. That's for 03
9 and 07.

10 MR. MARSCHKE: IG-004, the seven
11 issues were the findings of IG-004, we have
12 five of them closed and two of them
13 transferred to the Surrogate Data Work Group.

14 CHAIR MUNN: Yes. We will do
15 that. All right. I think the hour has come
16 for us to break for lunch. Mark, are you
17 going to be with us when we come back or not?

18 MEMBER GRIFFON: I will be but
19 probably only for a short period of time after
20 lunch.

21 CHAIR MUNN: We will be back at
22 2:00 o'clock.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MEMBER GRIFFON: All right. 2:00?

2 You are not coming back until 2:00?

3 CHAIR MUNN: No.

4 MEMBER GRIFFON: Then I won't be,
5 but I will probably join like an hour after
6 that.

7 CHAIR MUNN: Okay.

8 MEMBER GRIFFON: All right? So
9 like 3:00 or 3:15, I should be back on.

10 CHAIR MUNN: That's good.

11 MR. KATZ: Quarter to 2:00.

12 MEMBER GRIFFON: Okay. I will do
13 my best to get on.

14 CHAIR MUNN: All right. Good.

15 Thank you.

16 (Whereupon, the above-entitled
17 matter went off the record at
18 12:44 p.m. and resumed at 1:47
19 p.m.)

20

21

22

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1

2

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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

1:47 p.m.

MR. KATZ: This is the Advisory Board on Radiation and Worker Health Procedures Subcommittee. We are just rejoining after a lunch break.

Mark, do we have you with us?
Mark Griffon?

CHAIR MUNN: He indicated he might not be here.

MR. KATZ: Yes. I know. He was uncertain about that.

CHAIR MUNN: We have completed some of our items ahead of schedule. We need to go back now on our agenda to the review procedures and change item. Steve, are you going to do that or is John going to?

MR. MARSCHKE: I think John is actually the one who reviewed the procedure. I think I can give you some background as to what this is all about. This is about the procedure that SC&A uses to review the NIOSH

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 procedures.

2 And one of our comments, one of
3 the findings that we made had to do with not
4 being sufficient references in the NIOSH
5 procedures. And it came from our checklist
6 that we have here showing here item 1.3, the
7 part that's in parentheses that -- some of our
8 reviewers take this quite literally -- does
9 not reference other sources that are needed
10 for additional data.

11 Some of our reviewers took that
12 quite literally. And whenever they saw a
13 reference to another document or data, they
14 wanted the data to be included in the
15 procedure.

16 What we were tasked to do by -- I
17 guess it was in the June meeting -- was to go
18 back and look at our procedure and see if we
19 could take this out from here and see whether
20 or not anything else needed to be changed in
21 this procedure.

22 And I believe John Mauro has

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 performed that review. And he's under the
2 impression that this needs to be changed and
3 can be changed, but other than that, it looks
4 like to be still a pretty good procedure.

5 DR. MAURO: Beyond that, I think
6 we have to get rid of that criteria and I
7 guess 1.3, the checklist, and anything, text,
8 that goes toward that. Other than that, when
9 I read through the procedure, it seemed like
10 everything else held up pretty well
11 considering how long that procedure has been
12 in place, although something did come up
13 during this meeting earlier.

14 MR. MARSCHKE: Yes. This meeting
15 earlier, we did talk this morning about
16 something that's warranted to basically
17 include a change in our procedure to check for
18 commonalities.

19 DR. MAURO: Yes.

20 MR. MARSCHKE: We want to --
21 again, this procedure, I think, still stands
22 in a state of flux. I also noticed when I was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 looking at this procedure that there is a big
2 section 2 in this procedure which was geared
3 towards the first set of reviews, which in a
4 generic procedure such as this may not be
5 needed any longer.

6 So I think this is still on our
7 plate to go through this procedure and make --
8 bring it up to date.

9 DR. MAURO: Perhaps what we should
10 do is if the Subcommittee would like to task
11 us, we could just mark up this procedure and
12 submit it to the Subcommittee to see how the
13 changes are that we would suggest. Right now
14 I was just going to go with deleting that 1.3,
15 and the associated text. Now I hear that we
16 are certain that we should add in this
17 commonality piece.

18 And, Steve, if you have some
19 thoughts regarding this other section 2, maybe
20 we could just go ahead and do that and get
21 that in to the Subcommittee so they can take
22 a look at it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR MUNN: That would seem to be
2 a logical course of action. Paul, do you have
3 any disagreement with that?

4 MEMBER ZIEMER: No. That's fine.
5 What's the title of this procedure that you
6 have up there, Steve?

7 MR. MARSCHKE: This is, the title
8 of it is "A Protocol for the Review of
9 Procedures and Methods Employed by NIOSH for
10 Dose Reconstruction." This is rev 2. And it
11 was issued in September 2004.

12 CHAIR MUNN: We have had it on the
13 books for a long time.

14 MR. MARSCHKE: Yes, it has been on
15 the books. Yes. It has been on the books for
16 a substantially long time.

17 DR. MAURO: We still use that
18 checklist.

19 MR. MARSCHKE: We still use the
20 checklist.

21 DR. MAURO: It may be time to
22 refresh it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR MUNN: Well, the checklist
2 is pretty thorough.

3 DR. MAURO: Yes.

4 CHAIR MUNN: And it seems to have
5 served us well.

6 DR. MAURO: I would agree.

7 CHAIR MUNN: It wouldn't hurt to
8 review it, but I don't believe this
9 Subcommittee has heard any complaints about
10 the thoroughness or other things that needed
11 to be changed other than 1.3.

12 Was there an issue with 1.5 or
13 not? Was that just something in my note?

14 MR. MARSCHKE: I don't recall.

15 CHAIR MUNN: Any problem that
16 might be there? But, John, you and Steve are
17 aware now of the two items that the
18 Subcommittee has called to your attention.

19 And if there are others that you
20 encounter in your cursory review, if you would
21 be good enough to mark the existing document
22 and get that markup to the Subcommittee so

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that we can comment or get this item off our
2 list next time, it would be very helpful.

3 DR. MAURO: Okay. That should be
4 easy enough to do.

5 MR. MARSCHKE: Sure.

6 CHAIR MUNN: Very good. You will
7 have that action item forwarded to you.

8 The next item on our agenda was
9 the transferring of OTIB-0058 to the Rocky
10 Flats Work Group. We covered that by review
11 of the letter this morning. That will go
12 forward later. You will see the final letter
13 before it goes.

14 We have taken care of the IG-004
15 findings. So we are now down to the NIOSH
16 action item to provide response to
17 OTIB-0035-01 and 152.

18 I am going to try one more time to
19 get our new database up on my screen. Does
20 everyone who has to have it find themselves in
21 a position to utilize the screen or do we need
22 to rely on Steve's old entry to do that?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 We're typing away here, folks.
2 Hold on just a moment.

3 So far, so good. Okay. Is it
4 working for you, Paul?

5 MEMBER ZIEMER: I'm looking at
6 something else. I'm fine.

7 CHAIR MUNN: Okay. You are good.
8 Okay. It's in the system. Shall we rely on
9 Steve? We may have to rely on Steve?

10 MR. HINNEFELD: This is our action
11 item 35-01.

12 CHAIR MUNN: Correct.

13 MR. HINNEFELD: 35-01 I think is
14 the same finding that was the subject of the
15 conversation between John Mauro and Jim Neton
16 that we talked about this morning, which is
17 there should be some allowance to use
18 something other than the full distribution of
19 bioassay data.

20 MR. SIEBERT: This is K-25 and --

21 MR. HINNEFELD: This is K-25.

22 That one was Y-12. This one is K-25. So our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 action, our response I believe is saying that
2 whether we would go through revising one by
3 one to bring the TBDs in one by one or whether
4 we have some way of essentially amending them
5 all.

6 We intend to provide that same
7 response we provided to the one we talked
8 about this morning. Let's see. That was 29?

9 MR. SIEBERT: Twenty-nine, yes.

10 MR. HINNEFELD: Yes.

11 CHAIR MUNN: So 35-01 has
12 essentially been covered. Is there action
13 that we can take? Does it need to be changed,
14 in abeyance?

15 MR. HINNEFELD: I think whatever
16 --

17 MR. MARSCHKE: What we said this
18 morning in 29 is NIOSH will change the
19 procedure to describe the practice that NIOSH
20 uses for assigning distributions to claimants.
21 And the revised wording would indicate the
22 need to document any change from the default

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 in the case file. And for 29, the default was
2 use of the full distribution.

3 Did you want to take those same
4 type of words and put them in for
5 OTIB-0035-01?

6 CHAIR MUNN: Is there any
7 objection to using that terminology?

8 MR. HINNEFELD: It is the same
9 issue, I think. It seems to be the same
10 issue. The finding is that the use of the
11 full distribution is not necessarily
12 claimant-favorable in all cases. And it's the
13 same one that Jim and John agreed to, I
14 believe, if I can recall.

15 CHAIR MUNN: I think so. Without
16 disagreement, we will use the same words,
17 change the status accordingly. The question
18 was, is it the same thing throughout item 152?

19 MR. MARSCHKE: Well, I think the
20 152 is page 152-01.

21 CHAIR MUNN: It's the same thing.

22 MR. MARSCHKE: The only thing I am

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 worried about is in the other -- the default
2 on this is really a log-normal distribution.

3 MR. HINNEFELD: Yes. But they are
4 all that way.

5 MR. MARSCHKE: They are all that
6 way.

7 MR. HINNEFELD: Yes.

8 MR. MARSCHKE: Do we want to keep
9 this --

10 MR. HINNEFELD: It is the same
11 default.

12 MR. SIEBERT: It is an identical
13 issue.

14 MR. HINNEFELD: It is the same
15 thing.

16 MR. MARSCHKE: It's identical?

17 MR. HINNEFELD: Yes.

18 MR. MARSCHKE: Then why didn't I
19 catch it on my --

20 MR. HINNEFELD: Well, the wording
21 is different. I mean, it's described
22 differently, but it is the same issue.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. MARSCHKE: So if we're going
2 to revise the commonality paper, we should
3 include this on the --

4 CHAIR MUNN: It sounds to me like
5 we should, yes.

6 MR. MARSCHKE: And this one
7 basically was -- on OTIB-0029-03, we had set
8 it as in abeyance, did we not?

9 CHAIR MUNN: I believe we did
10 because we were only waiting, then, for NIOSH
11 to incorporate the proper wording.

12 MR. MARSCHKE: So is that what we
13 want to do with this one?

14 CHAIR MUNN: Correct, yes. Our
15 next item, then, SC&A, verify with Phillips
16 whether OTIB-0043-04 has been cleared by -01.

17 MR. MARSCHKE: I have a document
18 that Chick sent to me is -- this is 0043-04.

19 CHAIR MUNN: Did we receive that?

20 MR. MARSCHKE: No, you have not.

21 CHAIR MUNN: Okay.

22 MR. MARSCHKE: I just got this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 from Chick.

2 CHAIR MUNN: Fine.

3 MR. MARSCHKE: And I haven't put
4 it in the database either yet. But he agrees
5 the term 238, uranium-238 in equilibrium with
6 its daughters in table 4-3 includes the
7 thorium-230 intake. Thus, the issue can be
8 considered closed.

9 SC&A recommends that NIOSH
10 consider a discussion of thorium-238 in any
11 revision to OTIB-0043, but I don't think the
12 last sentence -- Chick doesn't feel is an
13 impediment to closing the issue.

14 CHAIR MUNN: Well, it's very hard
15 to instruct about future actions, too. Stu,
16 do you have any concerns with that?

17 MR. HINNEFELD: Well, no. I mean,
18 we felt like this is the same. It had to do
19 with progeny in equilibrium with the parent.
20 And thorium-230 is a progeny now.

21 Thorium-228 -- something he
22 commented on. Is that what you said,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 thorium-228?

2 MR. MARSCHKE: No. It was
3 uranium.

4 CHAIR MUNN: Uranium-238.

5 MR. HINNEFELD: Well, to take care
6 of this, but the thing that he suggested we
7 consider in the future.

8 CHAIR MUNN: Thorium intake.

9 MR. MARSCHKE: Consider discussion
10 of thorium-230 in any revision to thorium-230.
11 So basically we just say that 230 is included.
12 Specifically say something along those lines
13 so it is included, as opposed to implicitly --

14 MR. HINNEFELD: Oh, okay. Because
15 it's one of the progenies.

16 MR. MARSCHKE: Because it's one of
17 the progenies. Okay.

18 MEMBER ZIEMER: What was the
19 original concern, that that hadn't been
20 included?

21 MR. HINNEFELD: Yes, that the
22 thorium may do the same thing uranium does and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 be there in the same abundance as the uranium.
2 This is about phosphate, places that extracted
3 uranium.

4 MEMBER ZIEMER: We need to agree
5 that that should be closed?

6 CHAIR MUNN: We do need to agree
7 that that should be closed. Any problem?

8 MR. MARSCHKE: There was a similar
9 issue. Issue 1 was similar, which we had
10 agreed to close back in June.

11 CHAIR MUNN: Different nuclide,
12 wasn't it?

13 MR. MARSCHKE: Well they still
14 considered about 230. I think the --

15 CHAIR MUNN: I thought it was 232.
16 Similar but not the same.

17 MR. MARSCHKE: Similar but not the
18 same. I think what the concern was, too, with
19 issue 4 was, is there any possibility that
20 thorium-230 could be present without
21 uranium-238? And I think that's why we kept
22 it on the books as in progress, as opposed to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 closed.

2 CHAIR MUNN: We've looked at all
3 of those processes pretty thoroughly.

4 DR. MAURO: Is this the phosphate?

5 MR. HINNEFELD: Yes, it's the
6 phosphate one, John.

7 DR. MAURO: Yes. When we looked
8 at this issue, really, it was looked at very,
9 very carefully in Blockson.

10 CHAIR MUNN: Yes.

11 DR. MAURO: And the issue had to
12 do with when you receive the phosphate
13 concentrate 4 and then you go through your
14 digestion process and you -- eventually,
15 though, you precipitate out your uranium,
16 uranium-238, 234. And, if you recall, we were
17 concerned. This was like one of the first
18 issues.

19 It is important that you consider
20 thorium-230 because that is present also. And
21 there were appropriate modifications made to
22 make sure that thorium-230 was, in fact,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 explicitly included.

2 Then the question became, well,
3 where does it go? And we all concluded that
4 it is reasonable to assume that the
5 thorium-230 is going to follow the uranium-238
6 based on very careful consideration of the
7 chemistry.

8 So, I mean, I think that that sets
9 the stage for this one. And I think if the
10 language -- and I am not looking at the
11 language right now. The language basically
12 says that, that, you know, yes, thorium-230 is
13 going to be included. And it is going to be
14 assumed to be in equilibrium with the
15 uranium-238 when performing these
16 calculations. I think that the problem is
17 solved.

18 MR. MARSCHKE: That's the way the
19 procedure is now, I think. Basically
20 thorium-230 is included as a daughter product
21 of uranium-238. And that is why we have
22 closed, if memory serves me right, back in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 June, that is why we closed issue 1. And now
2 we have a --

3 DR. MAURO: We have no reason to
4 believe that, unlike raffinates, when you are
5 processing uranium ore, where you find
6 yourself having radium-226 and thorium-230 in
7 a completely separate stream where you could
8 have them there without the uranium. That
9 doesn't seem to be the case here.

10 You know, the thorium-230 will
11 follow the uranium when you are dealing with
12 the way in which phosphate is processed.

13 MR. MARSCHKE: I think that was
14 our concern that it wouldn't follow it, but
15 now that you say to confirm that it does
16 follow --

17 DR. MAURO: Yes. We looked at
18 this very carefully. And, as long as we are
19 working with the other phosphate process,
20 similar to the one at Blockson, you know, we
21 have learned a lot, I guess, perhaps since we
22 reviewed this. The two go together.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. MARSCHKE: So we would have no
2 -- SC&A would have no objections to closing
3 this at this point in time.

4 CHAIR MUNN: I suggest we close
5 it.

6 MR. HINNEFELD: I have in my notes
7 from June 6th an additional question that had
8 to do with this document refers you to
9 site-specific information. And since this
10 site-specific information is needed, why do
11 you need this OTIB?

12 And that reference about
13 site-specific information has to do with
14 exposure from the tailings pile, which is
15 essentially separate from this OTIB.

16 CHAIR MUNN: Yes, it is.

17 MR. HINNEFELD: And the reason it
18 is site-specific is that it depends upon the
19 facility designation as to whether or not the
20 phosphate pile is part of the facility that is
21 covered or not.

22 So based upon that determination,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 then that determines whether the tailings pile
2 dose has to be reconstructed and whether you
3 have to deal with that site-specific
4 information. So that's the reason why we have
5 this OTIB.

6 This OTIB also has some
7 information that we don't have in any other
8 technical documents, from ICRP-32, which has
9 to do with radon exposures. And so we felt
10 like we needed to keep this. This question
11 was, do you even need this OTIB? Should this
12 be done away with? We feel like we need to
13 keep it.

14 CHAIR MUNN: I would agree we need
15 to keep it, yes. Do we not have any open
16 items left on that particular --

17 MR. HINNEFELD: I don't think
18 there is anything else on 43.

19 CHAIR MUNN: Forty-three?

20 MR. MARSCHKE: I think there are a
21 couple in progress.

22 CHAIR MUNN: Let's take a look at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the ones in progress and see where they are.

2 MEMBER ZIEMER: On 43? 02 is in
3 progress.

4 MR. MARSCHKE: 02 is in progress.
5 And NIOSH to provide additional response to
6 the SC&A concerns. It's about the FIPR data.

7 MEMBER ZIEMER: 03 is in progress.

8 MR. MARSCHKE: Right. I will work
9 on Blockson. Again, it's FIPR may not always
10 apply. It needs to cite IG-004 regarding the
11 use of surrogate data.

12 DR. MAURO: Well, absolutely. I
13 mean, this is a big deal. That was the reason
14 why we went into the whole discussion. This
15 had to do with radon now --

16 CHAIR MUNN: Yes.

17 DR. MAURO: -- you know, where we
18 felt strongly that you really couldn't use the
19 FIPR data, certainly not in Illinois. Now
20 there may be other locations where the FIPR
21 data would apply because the buildings are
22 open.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 But I guess all we are cautioning
2 is if you are going to use the FIPR data, you
3 know, this, again, is a surrogate data issue
4 that you have to make sure that the facility
5 that you're looking at resembles the phosphate
6 building or process buildings in Florida.

7 CHAIR MUNN: And we had agreed
8 that NIOSH would --

9 MR. MARSCHKE: 03 was in reference
10 to the FIPR data in reference to IG-004. It
11 was issue 03. And the other issue that was
12 still in progress was issue 05, which,
13 actually, SC&A would recommend that the issue
14 05 be closed, but NIOSH --

15 MR. HINNEFELD: We didn't argue
16 that.

17 MEMBER ZIEMER: On 05? I have a
18 note that says NIOSH is to clarify how -- I
19 have "how used." I am not sure what --

20 MR. MARSCHKE: Maybe that is what
21 Stu just did.

22 MR. HINNEFELD: Yes. That's what

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I was talking about. See, the finding refers
2 to tailings pile. It's not apparent that the
3 working-level measurements are a bounding
4 exposure rate for uranium workers. Additional
5 information is needed regarding location,
6 size, and characteristics of the tailing
7 piles, which contain radium at a given
8 facility and at the Florida facilities in
9 order to support the default adopted by the
10 TBD.

11 So what they are saying here is
12 that the radium pile, exposure to radon from
13 the tailings pile, isn't necessarily what you
14 are proposing -- isn't necessarily good enough
15 if you have to worry about the tailings pile.
16 Our response is that this is for the thorium
17 extraction operation if that is what is
18 defined as the facility. And in the event
19 that the facility includes the tailings pile,
20 then site-specific information has to be used
21 and compared against that.

22 So you can't just use the values

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 in here if you have to also consider the radon
2 from the tailings pile. That was our
3 response. And I didn't know that at the last
4 meeting. So I couldn't describe it. So
5 that's probably why we didn't act on it at the
6 last meeting.

7 MR. MARSCHKE: Can you send me --

8 MR. HINNEFELD: Yes.

9 MR. MARSCHKE: Do you have words
10 to that effect that I can --

11 MR. HINNEFELD: Yes.

12 MR. MARSCHKE: -- incorporate into
13 this?

14 MR. HINNEFELD: I can invent some
15 words to that effect, yes. I don't have them
16 written yet, but Jim told them to me. So if
17 I can recall them.

18 CHAIR MUNN: Okay. So NIOSH is
19 going to send words.

20 MR. HINNEFELD: Okay. Now, I need
21 to move this procedure along, process along
22 here, but how do you want me to do this? I am

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 going to send Steve this language. Where is
2 Steve going to put it?

3 MR. MARSCHKE: Well, the thing is
4 if you talk slower, I can type it in. And
5 then it will be in here.

6 MR. HINNEFELD: Okay.

7 MR. MARSCHKE: That is the only
8 thing. I don't --

9 MR. HINNEFELD: Well, we type this
10 into the --

11 MR. MARSCHKE: If you want to put
12 this in, we can put it in right now is what
13 Stu is --

14 CHAIR MUNN: If it is okay with
15 Stu --

16 MR. MARSCHKE: Okay.

17 CHAIR MUNN: -- we should take the
18 time to get the words right.

19 MR. HINNEFELD: All right.

20 CHAIR MUNN: Absolutely.

21 MR. HINNEFELD: All right.

22 CHAIR MUNN: Then we can clear the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 item.

2 MR. HINNEFELD: OTIB-0043

3 describes exposures.

4 DR. MAURO: Stu, could you get a
5 little closer to the mic? I would like to
6 listen to this.

7 MR. HINNEFELD: Okay. OTIB-0043
8 describes exposures for the retrieval of
9 uranium from phosphate and doesn't include
10 radon exposure from tailings piles. If
11 tailings piles are included in the covered
12 facility, site-specific information is needed
13 to estimate exposures from tailings piles.
14 There you go, written on the fly, no
15 opportunity to edit.

16 DR. MAURO: I would say that
17 resolves the issue in principle, and I would
18 recommend going into an abeyance.

19 MR. HINNEFELD: Abeyance? What's
20 the abeyance? What do we promise to change?

21 CHAIR MUNN: What are we waiting
22 for?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. HINNEFELD: Yes. What are we
2 waiting for?

3 DR. MAURO: All those words have
4 to go? Oh. Well, I thought these go in
5 abeyance until we see the change in the
6 procedure itself.

7 MR. HINNEFELD: Well, I am not
8 saying I am going to change anything. What I
9 am saying is that the finding stretches the
10 applicability of the document beyond what the
11 document is intended for, that the document is
12 not intended to describe.

13 DR. MAURO: I misunderstood. I'm
14 sorry. So you're just clarifying that I guess
15 those words -- I didn't understand. Maybe I
16 didn't understand the issue, then.

17 MR. MARSCHKE: John, at the last
18 meeting, the Subcommittee asked the question,
19 asked NIOSH to describe when and how this
20 procedure would be used. And that is what Stu
21 just did.

22 MEMBER ZIEMER: This is the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 answer.

2 MR. MARSCHKE: And this is the
3 answer.

4 DR. MAURO: Okay.

5 MR. MARSCHKE: Basically this
6 would be used with tailing pilings.

7 DR. MAURO: So we are not looking
8 for any additional language in the procedure
9 itself?

10 CHAIR MUNN: Correct. We are
11 considering this as the explanation that
12 fulfills the outstanding question.

13 DR. MAURO: Okay. Then it sounds
14 like recommended closed.

15 CHAIR MUNN: So done, without
16 objection. Very good. That was 05, correct?

17 MR. MARSCHKE: Yes.

18 CHAIR MUNN: 43-05?

19 MR. MARSCHKE: And 06 is the last
20 one on 43, and we already have it in abeyance.

21 CHAIR MUNN: Did we check to see
22 what our in abeyance was and make sure we're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 not doing the same thing?

2 MEMBER ZIEMER: Well, that's a
3 change in the document.

4 CHAIR MUNN: Yes, but is that what
5 we're waiting for?

6 MR. MARSCHKE: Should be. It's
7 1.1 picocuries per day. The document right
8 now says 1.1 picocuries per day. And it
9 should be changed to 8.2 picocuries per day.

10 CHAIR MUNN: So that's a real in
11 abeyance.

12 MR. MARSCHKE: That's a real one.

13 CHAIR MUNN: Just wanted to make
14 sure. All right. The next item that we have
15 on our agenda is OTIB-0047-01.

16 MR. HINNEFELD: Okay. I sent
17 something on that also. Jan is the author and
18 on the phone if we want to discuss this with
19 her.

20 As I recall, this is fairly
21 lengthy, fairly meaty. And everyone may want
22 a little more time to look at this before we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 take any action on it.

2 I believe I might be able to walk
3 through it and let Janice correct me when I
4 say something wrong, which I undoubtedly will.

5 CHAIR MUNN: All right. Can you
6 set the background for us and start us through
7 it, Stu?

8 MR. HINNEFELD: I will. I am
9 trying to catch up, catch my thoughts up to my
10 mouth.

11 CHAIR MUNN: Okay.

12 MR. HINNEFELD: Okay. The OTIB
13 we're talking about here, OTIB-0047, is
14 external radiation monitoring at the Y-12
15 facility during the 1948 to 1949 period.

16 Now, if I'm not mistaken, this was
17 prepared essentially not to tell us to do
18 anything but to say what we have done before
19 in the coworker model is okay for these years
20 '48 and '49. That's my understanding.

21 MS. LOVELACE: That's correct.

22 MR. HINNEFELD: Thank you. When

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the coworker model for -- like what was
2 written, the dosimetry data that we had
3 started in 1950. But we applied it back to
4 '48 and '49. And so I think that must have
5 come up somewhere that this is the right thing
6 to do or maybe we decided we need to check and
7 see if this is the right thing to do.

8 And so this document essentially
9 does that. And it's written because we didn't
10 cover the external dosimetry information from
11 Y-12. '48 and '49 was discovered. It just
12 wasn't in the database that was used for the
13 coworker model.

14 So the finding -- let's see if I
15 can get this. Let's see. It says the
16 OTIB-0047 would benefit from a more
17 substantive discussion and quantitative
18 examples of its conclusion that OTIB-0045,
19 which I believe was a coworker model, provides
20 a more claimant-favorable approach regarding
21 the fact that recovery of these records does
22 not affect the dose reconstruction process

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 employed thus far.

2 Additionally, OTIB-0045 no longer
3 exists in its original form but is currently
4 entitled Report 33. I think it's actually
5 Report 32.

6 MR. MARSCHKE: Right.

7 MR. HINNEFELD: And OTIB should be

8 --

9 CHAIR MUNN: Is that a typo?

10 MR. HINNEFELD: OTIB-0032, yes.

11 That is just a typo.

12 Okay. So what I sent on the 11th
13 was essentially a substantive discussion of
14 why it's okay. And there is a fair amount to
15 this.

16 It accounts for the various people
17 or number of individuals that we have badge
18 information for, for the period of 1948 to '49.
19 And it summarizes the monthly results in a
20 table, revised table, 5.1.

21 And let's see. Given the number
22 of cases there, it appears that this is all

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 records. I think that this is the finding.
2 Yes. This is the finding that describes -- we
3 actually have this database, four different
4 numbers, for each of these people, for each of
5 the monitoring periods.

6 There is an R1, which R1 year is a
7 PIC number. In other words, this is a
8 compilation of their pocket ionization chamber
9 reading. R2 is the reading of the sensitive
10 film badge open window. R3 is the sensitive
11 film badge cadmium window. And R4 is the
12 insensitive film, which I assume is under
13 cadmium window.

14 So that is the R1, 2, 3, and 4.
15 And so the first table 5.1 is sort of a
16 compilation of all of the readings that are
17 available. If any of them were non-null, then
18 that record is considered non-null. There are
19 tables later on that essentially show by
20 category for the film when you had a null
21 number and when you didn't.

22 Now, in fact, this table shows,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 let's see, the number -- there is a
2 description. When I read this, I understood
3 it. There is a description of what the n
4 means. N is not a count the way we often
5 think of n.

6 MS. LOVELACE: What table 9 is
7 showing is that, although there appeared to be
8 over 11,000 records, in fact, there were only
9 about 3,600 records that were anything but
10 null or blank or --

11 MR. HINNEFELD: That's right.
12 They're blank. A great number of them were
13 blank.

14 MS. LOVELACE: There are not
15 nearly as many records as there appear to be.

16 MR. HINNEFELD: Okay. That
17 illustrates that fact. When we say there are
18 this many entries, in fact, many of them were
19 blank, which is different than zero.

20 CHAIR MUNN: Yes.

21 MR. HINNEFELD: R2 provides
22 information for the open window reading. And

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that is of course the sensitive, where n I
2 believe is the number of results that are not
3 null. Is that right, Janice, meaning --

4 MS. LOVELACE: Yes, it is.

5 MR. HINNEFELD: It actually has a
6 value there, even if the value is zero. N
7 equals zero means that the value of the
8 readings is zero.

9 MS. LOVELACE: Yes.

10 MR. HINNEFELD: And n equals 30
11 means that the written-down value is 30. Now
12 that becomes important because 30 during some
13 of these months clearly became treated as the
14 minimum detection level.

15 And numbers for some of these
16 months, the practice was to report a minimum
17 detection level if you didn't see anything on
18 that because you can see from about August --
19 I'm on table 2, I think, table 5-2, where it
20 says, "R2, sensitive film, open window" from
21 about August of 1948 certainly through
22 December of 1948 and probably continuing on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 through 1949, that there are no values written
2 down as zero.

3 CHAIR MUNN: So this may have been
4 just a personnel decision at the time?

5 MR. HINNEFELD: Yes. I mean, it's
6 reporting. Various sites have done that --

7 CHAIR MUNN: Right. I understand.

8 MR. HINNEFELD: -- over time over
9 history. So there are no reports reported at
10 zero, but in many of those months, the number
11 of results reported as 30 is exactly equal to
12 the number of results we got that actually had
13 a value.

14 So this would indicate that when
15 they didn't see anything, they would write
16 down a 30 because you can't imagine that all
17 of those people in the system got an exact 30.

18 CHAIR MUNN: This is not simply
19 circumstantial, no.

20 MR. HINNEFELD: Right. Okay. So
21 our R3 table shows the same historic data.
22 R3 was just the cadmium cover. And R4 is the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 insensitive film. And there is some
2 discussion in here about how you arrive at
3 values on the insensitive film. And it
4 appears maybe there had been a convention that
5 if you got enough of a reading on the
6 sensitive film, you would just record that
7 everywhere because it got readings.

8 I think one of the readings was
9 somewhere on the order of 600 millirem as
10 recorded. And it is recorded for both the
11 cadmium-covered and the insensitive film,
12 which you don't think -- you wouldn't rely on
13 insensitive film to report the 600 millirem
14 when you got the film, the sensitive film,
15 whose range goes from 30 to 1,000. That would
16 be the one you would want to read 600.

17 So I believe that's part of the
18 interpretation here, although it's not really
19 particularly relevant to our discussion. I
20 found these interesting reading in kind of a
21 geek sort of way.

22 CHAIR MUNN: I can understand

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that. It is.

2 MR. HINNEFELD: And then there is
3 a table, 5-3, which shows the various
4 percentiles. And you can see the 95th
5 percentile for most of these. And it seems to
6 be some sort of composite is somewhere not far
7 off of 30. Eightieth percentile is pretty
8 consistent, like 30 or below.

9 So bottom line, there is a bottom
10 line down here I'll get to a little later.
11 I'm going to skip some of this stuff. There's
12 been a lot of discussion. But, like I said,
13 it's kind of weighty stuff.

14 But if you look at table 5-5,
15 which is essentially the last piece of this
16 response, it shows a comparison of the mean
17 doses based on the '48-'49 doses with the
18 quarterly means from the regression approach,
19 which is the coworker approach.

20 And you can see that in every
21 instance, the regression or the coworker
22 approach, you know, significantly

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 overestimates what you would probably choose
2 if you use this actual data, '48 and '49.

3 So that is essentially the bottom
4 line table. I would invite everybody to read
5 this. I would suggest we not try to sort it
6 out and make a rational and informed decision.

7 If you want to close it, that's
8 fine with me. But I suspect, knowing the
9 personality of the Subcommittee, the
10 personality of SC&A, they're going to want to
11 have some time to look through this and digest
12 it and maybe have their own comments.

13 CHAIR MUNN: I barely read it
14 before we got here.

15 MR. HINNEFELD: Yes.

16 CHAIR MUNN: And I doubt that --
17 John, have any of your people had an
18 opportunity to absorb this?

19 DR. MAURO: No. I haven't, and I
20 haven't requested anyone, although I have to
21 say when we were doing Y-12 a long time ago,
22 this sounds awful familiar, how a coworker --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR MUNN: It does.

2 DR. MAURO: -- model was used over
3 those dates, where a demonstration was made
4 why it would work. This may have been
5 prepared subsequent to the discussions we had
6 on how that issue was going to be dealt with
7 when we were way back when talking about the
8 SEC for Y-12 and why this particular dose
9 could be reconstructed.

10 So all I'm saying is this does
11 ring a bell, the material you just described,
12 but we certainly have -- and I haven't asked
13 anyone to look at it recently.

14 CHAIR MUNN: Is it reasonable to
15 expect a response from SC&A by our next
16 meeting?

17 DR. MAURO: Absolutely.

18 CHAIR MUNN: All right. We will
19 make a notation on the database accordingly.

20 MR. HINNEFELD: This status was
21 already in progress, wasn't it?

22 CHAIR MUNN: Yes, it was.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. MAURO: May I ask, what is the
2 date of that OTIB?

3 MS. LOVELACE: Let me look it up
4 on my computer here.

5 CHAIR MUNN: The finding date was
6 10-29-07.

7 MR. HINNEFELD: He asked for the
8 date of the OTIB.

9 CHAIR MUNN: The OTIB itself?

10 DR. MAURO: The OTIB itself.

11 MR. HINNEFELD: Janice is looking
12 it up currently.

13 DR. MAURO: I only ask because it
14 was around 2005, 2004 --

15 MS. LOVELACE: I think we covered
16 this in 2005.

17 DR. MAURO: '05. This may have
18 been done about the same time we were looking
19 at Y-12 or after.

20 MS. LOVELACE: Right.

21 DR. MAURO: Yes.

22 MS. LOVELACE: We found these data

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 quite a while ago.

2 DR. MAURO: Yes. Anyway, we will
3 certainly look at that. I feel confident we
4 could get you a response before the next
5 meeting.

6 CHAIR MUNN: All right. That's
7 01. And that will be on our action list for
8 next time. Our next action item is OTIB-0051
9 and item 1 in subsequent findings.

10 MR. HINNEFELD: That's the one
11 item on my agenda I could not get anything on.

12 CHAIR MUNN: Carry that one over.
13 The last item on the action --

14 MR. HINNEFELD: If anybody is
15 interested --

16 MEMBER ZIEMER: Which one was
17 that, now? Is that 02?

18 CHAIR MUNN: That was 0051-01 and
19 subsequent --

20 MR. HINNEFELD: And subsequent.
21 It's probably all the findings. It's probably
22 all the findings.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MEMBER ZIEMER: 03 and 04?

2 CHAIR MUNN: Yes.

3 MEMBER ZIEMER: I'm sorry. What
4 happened to 0047-02?

5 CHAIR MUNN: We are getting to
6 take it up. 0047-02 and 0049-01 are the ones
7 that we were prepared for a discussion. That
8 is the last item on the action list.

9 MEMBER ZIEMER: Yes.

10 MS. LOVELACE: Excuse me. I
11 believe that the first item, action item, for
12 OTIB-0047 dealt only with the number of
13 workers who were involved in these doses.

14 CHAIR MUNN: I'll have to take a
15 look at it and see. We have a recommendation
16 that the first part of the issue status be
17 changed to in abeyance.

18 The OTIB states there were 240
19 distinct ID badges identified, but SC&A was
20 only able to identify 229. And then NIOSH
21 responded that there were 233 distinct
22 individuals represented in the analysis file.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. LOVELACE: Upon further
2 looking, it was determined that some
3 individuals did not have a distinct badge
4 number. And there was just the difference in
5 the way that SC&A and we had classified those
6 individuals. And that was just, I believe,
7 four people.

8 There were four badge numbers that
9 we had classified as different individuals and
10 SC&A had not classified as different
11 individuals because they didn't have ID
12 numbers. And so we had decided to agree that
13 it could only be determined positively that
14 there were 229 distinct individuals.

15 CHAIR MUNN: I see. And the
16 statement we have is that it doesn't stretch
17 the conclusions or analysis of the TIB. So
18 this appears to have been a Work Group
19 discussion since our directive was to provide
20 discussion as to why SC&A agrees with the
21 NIOSH response. I think that is what we just
22 heard.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. LOVELACE: The difference was
2 there were four badge numbers that it could
3 not be positively determined whether they
4 belonged to different individuals or
5 individuals who were already in the group.
6 And we and SC&A had just interpreted that
7 differently.

8 CHAIR MUNN: And that was sent to
9 us back in July, was it, did we all receive
10 that?

11 MS. LOVELACE: Yes.

12 CHAIR MUNN: Do we all have that?

13 MEMBER ZIEMER: What was the title
14 of it?

15 CHAIR MUNN: The title of the
16 e-mail was, if I can get to the right set of
17 documents, the title of the e-mail was -- I
18 don't see it. Did that come to --

19 MR. HINNEFELD: I am not 100
20 percent sure. That is what I am trying to
21 check.

22 CHAIR MUNN: Monday, July 27th,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Bob Barton. But perhaps we didn't get it.

2 MR. MARSCHKE: I don't know.

3 Well, one of the things was in the June
4 meeting, it was SC&A provided discussions as
5 to why they agree with the NIOSH response --
6 we are talking about 0047-02?

7 CHAIR MUNN: Right.

8 MR. MARSCHKE: Why we agree with
9 the NIOSH response at the next Subcommittee
10 meeting.

11 CHAIR MUNN: Right.

12 MR. MARSCHKE: And so this is what
13 we -- Bob Barton was the individual who has
14 been looking at that issue for us. And this
15 is --

16 CHAIR MUNN: There is his
17 response, which I don't believe I --

18 MR. MARSCHKE: -- which has not
19 been forwarded to the Subcommittee at this
20 point. And that is my fault. The only issue,
21 I guess basically the issue would be that some
22 of the individual workers are represented in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the database.

2 CHAIR MUNN: Right. There was a
3 difference in the count. And as was just
4 explained, four of them didn't have badges
5 issued to them.

6 MEMBER ZIEMER: Is that what it
7 was? Four didn't get --

8 MR. MARSCHKE: Nine additional
9 workers that had no badge numbers assigned.

10 CHAIR MUNN: Nine? Okay.

11 MR. MARSCHKE: That was what Bob
12 came up with.

13 MS. LOVELACE: Yes. I think
14 that's what it was, that they appeared to be
15 distinct individuals, but it was hard to
16 determine whether, indeed, they were or not.

17 MR. MARSCHKE: And Bob associated
18 -- he has a Excel file that has a list of
19 individual names. And so that would imply
20 that he went by names, as opposed to badge
21 numbers.

22 MS. LOVELACE: Okay. Good.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. MARSCHKE: So that if they did
2 not have -- if NIOSH is going by badge
3 numbers, then that would explain the
4 difference.

5 MR. HINNEFELD: And we essentially
6 agree that there should be no lower number
7 than 229, 228 individuals. I mean, we agree.
8 So that part --

9 MEMBER ZIEMER: Some people had
10 multiple badges? Is that --

11 MR. HINNEFELD: Probably what
12 happened was there was maybe a similar -- a
13 name that was used was maybe similar or the
14 same, two different badges. You can interpret
15 that as two people being named S. Hinnefeld or
16 you can interpret that as one person with two
17 different badges.

18 So if you go by -- I assume it's
19 something that's, if I'm wrong, Janice can
20 correct me -- I assume that something like
21 that is -- you know, if Bob had another list
22 of names and here are unique names and there

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 are 228 or 229 of them, then some of those
2 people got two badges.

3 So if you would say each of these
4 badges is absolutely unique, that means that
5 there are two people with the same name
6 working there and they have two different
7 badge numbers. I mean, it is really
8 irrelevant to the outcome of OTIB.

9 MR. MARSCHKE: And I think that is
10 what -- I mean, whatever this is, it is just
11 a matter of accounting at this point. It's
12 not really one of change needed to the results
13 or conclusions.

14 CHAIR MUNN: How do we want to
15 capture this information here without
16 displaying any information?

17 MR. MARSCHKE: Well, I think what
18 I have to do, Wanda, is I have to take what
19 Bob sent to me, his rationale and status
20 report, that he sent to me. And I have to
21 insert that here into the database.

22 CHAIR MUNN: That would be my

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 suggestion.

2 MR. MARSCHKE: And then the
3 Subcommittee could look at it and make the
4 determination as to whether or not we should
5 close this issue or change the status of this
6 issue.

7 CHAIR MUNN: Well, we have looked
8 at it. We have read it. Does anyone want any
9 more reading or any more explanation of what
10 we had here?

11 MR. MARSCHKE: I mean, that is the
12 other option. You can trust me to put this
13 stuff in, and you can get back on the issue at
14 this point.

15 CHAIR MUNN: I will have an action
16 item to check that you have done that.

17 MR. MARSCHKE: All right.

18 CHAIR MUNN: And that would seem
19 adequate to me.

20 DR. MAURO: Based on the
21 discussion you just had, SC&A would recommend
22 this issue be closed.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR MUNN: I would recommend
2 that also. Let us close this. I will carry
3 an action item to verify that Steve has
4 incorporated this information into 0047-02,
5 but that will just be a checkpoint next time.

6 The last thing I see is that the
7 NIOSH response to OTIB-0049-01, Part A does
8 not satisfy SC&A concerns.

9 MEMBER ZIEMER: Did we get
10 anything since our last meeting on that one?

11 MR. HINNEFELD: I don't think so.

12 CHAIR MUNN: If we did, I haven't
13 seen it and I'm not aware of having seen it.
14 And what we have in our follow-up, there,
15 doesn't help much either. It says it doesn't
16 satisfy SC&A concerns.

17 But NIOSH, it said if SC&A wishes
18 to elaborate more specifically on which
19 sources of information are not referenced,
20 then NIOSH can address this in a page change.

21 But it appears that the ball is in
22 SC&A's court and that this response that we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 show from March does not really get us
2 anywhere, does it?

3 MR. HINNEFELD: I think the ball
4 may be in our court, actually.

5 CHAIR MUNN: We have the NIOSH
6 follow-up questions too. And then NIOSH
7 follow-up, but that is from back in January.

8 MR. MARSCHKE: Yes. They got out
9 of order.

10 CHAIR MUNN: So that needs to be
11 cleaned up and switched.

12 MR. HINNEFELD: Yes.

13 MR. MARSCHKE: I am just trying to
14 go back to my notes from March to see. I
15 don't have any notes written down for 0049-01.

16 CHAIR MUNN: So if our most recent
17 notation is correct here, it was March 9th.
18 And that's when they have said the NIOSH
19 response doesn't satisfy their concerns. The
20 response had been the follow-up questions for
21 finding 2 appear to be the same as the
22 questions for finding 1. So both were

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 addressed here.

2 For finding 1, the first two
3 paragraphs quote OTIB-0049. All right. It
4 still looks like there is a discussion of some
5 kind hanging --

6 MR. HINNEFELD: I believe it looks
7 like maybe it's all right. And it seems like
8 the last entry we have is the SC&A entry for
9 March 9th, right? And we have not had to
10 write anything back since then. Is that where
11 we are on this?

12 CHAIR MUNN: Yes, I think so.

13 MEMBER ZIEMER: Are we going to
14 discuss the SC&A response first? The last
15 time I have a note on that one that says that
16 the Work Group needs to review this in detail.
17 We must have just gotten the SC&A response at
18 that time. What is the date of the SC&A
19 response?

20 MR. MARSCHKE: The way I follow
21 this is this was the NIOSH response, it was on
22 10-9-2008. This was the SC&A response to the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 NIOSH response, it was on --

2 MEMBER ZIEMER: That is dated
3 what?

4 MR. MARSCHKE: December 5th 2008.
5 Then we had the meeting on December 9th. And
6 this was basically the group's direction on
7 December 9th. And then basically on January
8 20th, NIOSH came back with this in response to
9 the -- NIOSH came back with this. And then on
10 --

11 CHAIR MUNN: March.

12 MR. MARSCHKE: March.

13 CHAIR MUNN: SC&A.

14 MR. MARSCHKE: SC&A responded to
15 the January NIOSH response with this. So that
16 is the chronology.

17 CHAIR MUNN: Yes. Yes. We've got
18 that.

19 MEMBER ZIEMER: Was that the
20 extent of the response, that it doesn't
21 satisfy the concerns?

22 MR. MARSCHKE: No. It goes on.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 It goes on and on. And I'm just trying to
2 figure out a way to get this on the screen.

3 MEMBER ZIEMER: I am thinking that
4 we also didn't look at that. We were going to
5 look at that response in more detail. I am
6 thinking we ran out of time to even look at
7 the response.

8 CHAIR MUNN: Yes, we did. We did
9 run out of time. And I am wondering --

10 MEMBER ZIEMER: Should we get a
11 feel for the nature of the response before we
12 talk or have NIOSH come back again?

13 CHAIR MUNN: If it is possible for
14 us to get that whole response up there, then
15 this may be a good time for us to take a
16 ten-minute break, if so, and then come back
17 and read through that and discuss it, if it is
18 a concern of the Board that it needs to be
19 discussed here. We did run out of time. I
20 remember that.

21 MEMBER ZIEMER: Yes. I don't
22 think we even sort of heard the issue.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR MUNN: 0049-01. If we can
2 get that up? Is that agreeable with
3 everybody, a ten-minute break while Steve
4 works with that? And then we can have Steve
5 or John or somebody read through that
6 completely. And we can get it out on the
7 table here for us all to think about.

8 MEMBER ZIEMER: And before the
9 break, where we are on the overall agenda now?

10 CHAIR MUNN: We are done with our
11 outstanding action items. We were going to
12 begin back in set 3, where we stopped, to look
13 at open items.

14 MR. MARSCHKE: It is very
15 long-winded.

16 CHAIR MUNN: Yes. There is a lot
17 to be said there. We all need to read that
18 carefully.

19 MR. MARSCHKE: A lot of words.

20 CHAIR MUNN: If we are interested
21 in discussing it, we need to read it.

22 MEMBER ZIEMER: Who drafted that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 for SC&A?

2 MR. MARSCHKE: It's Joyce, Joyce
3 Lipsztein.

4 CHAIR MUNN: Okay.

5 DR. MAURO: Steve, is this high
6 fired plutonium?

7 MR. MARSCHKE: Yes.

8 DR. MAURO: And so it was probably
9 Joyce?

10 MR. MARSCHKE: Yes, it was Joyce.

11 DR. MAURO: I know she is not
12 available to us, but could you send that to me
13 from where you are?

14 MR. MARSCHKE: I can't.

15 DR. MAURO: You cannot? Okay.
16 I'll see what I can do to find out. I'm a
17 little concerned that --

18 MEMBER ZIEMER: Hang on, John.
19 Stu might be able to.

20 MR. HINNEFELD: John, I can send a
21 file that has it.

22 DR. MAURO: I appreciate that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. HINNEFELD: It's a long file
2 with a lot of conversations about a bunch of
3 different findings, but they're in here pretty
4 much in order.

5 DR. MAURO: Well, I'll get a feel
6 for it. It sounds like this might have to
7 wait until Joyce can help us out, but send it
8 on over. I'll see what I can do.

9 MR. HINNEFELD: Okay.

10 MS. LOVELACE: This is Janice. Is
11 there any need for me to remain on the
12 conference call or have I answered any
13 questions that you might have?

14 MR. HINNEFELD: No. I think,
15 Janice, we're done with the Y-12 issue. So,
16 I don't think you need to stay on.

17 MS. LOVELACE: Okay. Thank you
18 very much.

19 MR. HINNEFELD: Thanks for joining
20 us.

21 CHAIR MUNN: Thank you. Bye bye.
22 And we're going to mute the phone and be back

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 at 3:10 or 3:15? What is your pleasure?

2 MEMBER ZIEMER: 3:10 is fine.

3 CHAIR MUNN: 3:10.

4 (Whereupon, the above-entitled
5 matter went off the record at 2:59
6 p.m. and resumed at 3:15 p.m.)

7 CHAIR MUNN: Mark, do you happen
8 to be back yet? No? Our apologies for taking
9 a little longer than we anticipated. This
10 particular item does indeed have a great deal
11 of meat in it, and we were reading, trying to
12 assimilate what the discussion really needs to
13 be.

14 It appears that SC&A has several
15 points that it would like fleshed out or
16 revised in some way. Whether this is the
17 appropriate venue for the discussion of
18 whether there needs to be a technical
19 discussion between SC&A and NIOSH is not
20 particularly clear to me at this time. Does
21 anyone have any strong feelings?

22 MEMBER ZIEMER: Well, I was just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 going to ask Stu, do you know if NIOSH has
2 looked at this at all? This is sort of
3 related to other Super S discussions that have
4 taken place in the past, I guess.

5 MR. HINNEFELD: Well, Scott
6 stepped out. I'm not sure if Tom or somebody
7 might be on the phone who might want to say
8 anything about this, but to me the finding is
9 asking for quite a bit of specificity in this
10 OTIB, which is supposed to just describe, how
11 are we going to account for the fact that
12 there is some plutonium that isn't described
13 very well. And so we have written an OTIB to
14 say this is how you do that.

15 And it didn't get into, this is
16 how you do it for a single acute, this is how
17 you do it for multiple acutes, this is how you
18 do it for things like that. But the
19 principle, I think, is pretty much the same,
20 you know, in terms of how you make that
21 adjustment.

22 I will just say that briefly in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 summary. And I don't know if there is
2 anything more that anybody wants to add or
3 not.

4 MEMBER ZIEMER: Well, in fact,
5 when Joyce was citing those cases that she
6 said were off by a factor of four, these were
7 specific cases that she was reviewing that had
8 been done or were they examples that you had
9 given?

10 MR. HINNEFELD: I thought they
11 were the ones that we had used.

12 MEMBER ZIEMER: She was
13 disagreeing that Super S was applied in those
14 cases? I mean, you don't have a disagreement
15 on how you do this, do you?

16 It wasn't clear to me whether the
17 issue was whether the examples were not done
18 right or whether there is a disagreement on
19 the underlying assumptions.

20 MR. HINNEFELD: I don't think so.
21 I thought there was sort of agreement on the
22 adjustment, that what we had done made sense.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MEMBER ZIEMER: You agree that
2 there is an adjustment of four or whatever it
3 is? Yes.

4 MR. HINNEFELD: And so I thought
5 that we agreed to them, but the finding seems
6 to be that, well, beyond the scenario you have
7 described here, there are other potential
8 exposure scenarios and you don't talk about
9 how to do those.

10 MEMBER ZIEMER: Well, there are
11 any number of other scenarios.

12 MR. HINNEFELD: Yes, exactly.

13 DR. MAURO: This is John. I
14 quickly read through this. And it seems that
15 we're in a lot better shape than what we
16 think. I mean, I think Joyce found fairly
17 favorably except for she questioned multiple
18 independent acute intakes.

19 In other words, there are a lot of
20 different scenarios here, worker 1, worker 2,
21 worker 3, for different sets of conditions
22 where it appears that she says, no, this works

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 fine. But it is not apparent how you are going
2 to deal with multiple intake.

3 This all goes to Part A out of a
4 four-part set of concerns. So it seems to me
5 that, unless I misread this because I read it
6 rather quickly, the technical discussion
7 regarding a particular aspect of
8 implementation of this procedure whereby some
9 level of assurance that when you have multiple
10 acute intakes, that the protocol itself will
11 be used in a way that will result in a
12 claimant-favorable result.

13 So that is the single thing I get
14 out of item A. It looks like B and C are
15 fine. And D seems to be a new item related to
16 fecal sample analysis that we haven't
17 discussed. So that is, in a 30-second sound
18 byte, what I got out of reading this.

19 MR. MARSCHKE: I agree with John.
20 I think basically the concern that Joyce has
21 is multiple independent acute exposures. If
22 the procedure is being utilized for a single

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 acute exposure, then there is probably no
2 problem with it.

3 And maybe the short answer is if a
4 claimant indicates that he has multiple
5 independent acute exposures to this type of
6 Super S material, then maybe this OTIB should
7 not be applied or could be modified or
8 something.

9 MEMBER ZIEMER: Well, this is
10 where I was trying to get some clarity during
11 the break, Steve. It is my understanding that
12 if you have assay points that are quite a ways
13 apart, maybe one a year or something, that, in
14 fact, NIOSH assumes multiple acute exposures;
15 in other words, here is an assay point and
16 what was the maximum acute it would take after
17 this previous one. I forget if that is right
18 away or halfway between. MR. SIEBERT:
19 Midpoint.

20 MEMBER ZIEMER: Midpoint. So they
21 assume that somewhere in between these two
22 points there is another acute intake and then

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 an excretion. And so in a sense, if you have
2 like five points spread over a number of
3 years, you are, in essence, I believe,
4 assuming multiple acute intake. Did I
5 understand that correctly, rather than a
6 chronic?

7 MR. SIEBERT: Well, it would
8 depend, I mean, if you saw consistently those
9 five were all about the same value and there
10 was nothing in between them showing lower, we
11 would tend to think that was a chronic.

12 MEMBER ZIEMER: I see.

13 MR. SIEBERT: But that is not
14 generally what we see. Generally what we see
15 is we would see a positive followed by a bunch
16 of negatives and maybe another couple of
17 positives followed by negatives.

18 And then, you're right, we would
19 deal with the multiple acute scenario.

20 MEMBER ZIEMER: And if you had
21 specific information on events, you would know
22 the dates there, in any event.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. SIEBERT: Yes. If there is
2 any incident information, obviously we would
3 go with that.

4 MEMBER ZIEMER: Right. So is
5 there disagreement as to how to calculate the
6 multiple acute? It's not clear to me what the
7 issue is.

8 MR. MARSCHKE: Well, again, in
9 Joyce's three examples, workers 1, 2, and 3,
10 I mean, worker 1 and 2, she pretty clearly
11 indicates that I think she agrees with the
12 procedure. Worker 3, I think, she doesn't.

13 DR. MAURO: But she says it's
14 overly conservative, right?

15 MEMBER ZIEMER: She gets the lower
16 value.

17 MR. MARSCHKE: She gets the lower
18 value. So maybe there is not a problem.

19 DR. MAURO: But then she comes to
20 the part where she has multiple acute intakes.
21 And she is not really clear on how you're
22 going to do that. I guess you would like to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 hear more about how that is going to be done.

2 MR. MARSCHKE: I disagree a little
3 bit with what basically you are saying. She
4 is saying the multiple claimant-favorable
5 treatment would be to treat the exposures as
6 independent. But then she says this approach
7 is overly conservative.

8 Now I don't know what she is
9 saying. And I don't think that is what was
10 done for worker number 3.

11 DR. MAURO: Oh, okay.

12 MR. MARSCHKE: She is giving an
13 alternative approach. She is giving an
14 alternative approach to treating a worker
15 number 3, which the alternative approach that
16 she gives is overly conservative.

17 DR. MAURO: I mean, the essence of
18 the issue is after all of that, on the second
19 page of the write-up, there is a paragraph
20 towards the bottom that starts, "In
21 conclusion."

22 I guess it sounds like that she,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 whether in writing or in some type of
2 technical conference call, you know, we could
3 talk through. SC&A would like a more detailed
4 explanation on how to calculate doses for
5 multiple independent acute intakes. That to
6 me seems to be the single outstanding item.

7 MR. MARSCHKE: Yes. She says that
8 basically in that paragraph and the paragraph
9 above it basically she wants more detailed
10 explanation. And so, I mean, that seems to be
11 her main concern or main request.

12 DR. MAURO: It sounds like that
13 NIOSH may already have thought that through
14 and has a well-established procedure and knows
15 what they would do under those circumstances.
16 Maybe that just needs to be -- has that been
17 communicated to SC&A or in any one of your
18 work products?

19 MR. HINNEFELD: I don't know. I
20 am trying to work through this.

21 DR. MAURO: I mean, if you already
22 have like a fairly well-described protocol for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 doing that, maybe all you need to do is just
2 provide that to us. And we will take a look
3 at it. If it turns out you don't, maybe a
4 conversation, technical conversation, with
5 Joyce and your folks would help to close this
6 issue.

7 MR. HINNEFELD: We may have to go
8 that route because I am not 100 percent sure
9 where to take this right now because, as I
10 read this screen that I have, the last entry
11 seems to be from March from SC&A, if we have
12 an answer to that. And if we don't know how
13 to answer, then I guess we need to get a hold
14 of these guys, arrange for some sort of
15 technical call so we can understand exactly
16 where this is trying to answer here.

17 MEMBER GIBSON: I would like to
18 suggest that Mark be made aware of these so he
19 has an opportunity to join us. This is an
20 issue that I have had a lot of experience out
21 at Mound. Mark helped us a lot with this.

22 CHAIR MUNN: It has been discussed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 many times.

2 MEMBER GIBSON: I understand. I
3 just want it resolved.

4 CHAIR MUNN: We already have a lot
5 of information under our belt. It's just not
6 incorporated here, where we need it. So who
7 has the action to set up the call?

8 MR. HINNEFELD: Well, I have the
9 action because if we feel like we can respond
10 to this March entry without the phone call, we
11 understand we can go ahead and write a
12 response. So we will either write a response,
13 write it, or we will get a hold of SC&A about
14 phone calls.

15 CHAIR MUNN: Okay. Very good.
16 That will complete our action items that we
17 have set up for today. Before we go further,
18 I am still struggling with the tracking system
19 here, trying to get my entire database back up
20 so that I can see where we are in set 3, how
21 many further procedures we have to go yet
22 before we have gotten through that final set.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 While I am struggling for those,
2 for them, I need to make this group aware of
3 an action that occurred yesterday in Mike's
4 Worker Outreach Group, when that group charged
5 SC&A with the responsibility of reviewing
6 PROC-0012.

7 So this brings us to what I
8 believe is a new process question for the
9 Subcommittee, which is we have had a Work
10 Group request action from SC&A on a specific
11 procedure that they will then want to follow.
12 So far as I know, our data set is the only
13 legitimate way for the entire Board to keep
14 track of procedures that have been reviewed by
15 SC&A.

16 So we have a process question that
17 is a new one. In cases like this, how do we
18 expect to proceed?

19 MEMBER ZIEMER: What is PROC-0012?

20 MR. KATZ: It is worker outreach.

21 CHAIR MUNN: Worker outreach.

22 MR. HINNEFELD: Is that an OCAS

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 procedure?

2 DR. MAURO: It is important to the
3 point of view of PROC-0012 is sort of like the
4 maturation of a protracted process that had
5 previous PROCs, 0090, 0097, which evolved and
6 matured, which we do have in our database with
7 reviews and comments.

8 And it's almost as if now
9 PROC-0012 is the place now where a lot of what
10 went on before, onto the procedures, now is
11 being taken on by this new Work Group. So it
12 is within that context.

13 CHAIR MUNN: Now my question is
14 what do we ask of SC&A with respect to
15 advising us of when their review is done and
16 we need to incorporate the findings into our
17 database?

18 MEMBER ZIEMER: How is this
19 different from any other procedure that we
20 transferred? Eventually it has got to
21 incorporate back in, right?

22 CHAIR MUNN: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MEMBER ZIEMER: Well, we
2 officially would show this as a transfer to
3 the other group would be the way to do it, it
4 seems to me.

5 CHAIR MUNN: We could do that.
6 The only reason I wrote --

7 MEMBER ZIEMER: I mean, that puts
8 it in the database.

9 CHAIR MUNN: Yes. This is the
10 reverse of what has been done in the past.

11 MEMBER ZIEMER: Yes. But in
12 essence --

13 CHAIR MUNN: We would immediately
14 transfer it without any action.

15 MEMBER ZIEMER: We could simply
16 recognize that and put it in the database and
17 transfer it immediately. And then we still
18 have it there to track, right?

19 DR. MAURO: I have a question.

20 CHAIR MUNN: Yes?

21 DR. MAURO: When we transfer,
22 let's say we put this in the database and say

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 transfer it, and then the Outreach Work Group,
2 you know, works the problem, resolves issues,
3 has its minutes and transcripts, one of the
4 things that, unfortunately, it won't have is
5 it won't be in our database and the process,
6 the dates of the meetings.

7 CHAIR MUNN: That's correct.

8 DR. MAURO: Are they resolved?
9 Unfortunately, the record, the historical
10 record, as we are doing now, will not be in
11 our database.

12 I mean, that is one of the
13 outcomes, one of the consequences of
14 transferring things out of the system. We
15 lose that record. That is one of the major
16 reasons for creating this in the first place.

17 So I would say as another process
18 question, are we all okay with the fact that
19 there will be some procedures that are going
20 to be resolved in other venues and, as a
21 result, will not contain a record of the
22 nature that we are maintaining for the ones

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that we are doing?

2 MR. KATZ: Is there any way to
3 continue it in this database, the recording of
4 it as a separate to indicate that this is
5 being done under another work group or
6 continue the recording of the finding? Is
7 that difficult to do?

8 MR. MARSCHKE: No. I mean, it may
9 be difficult to keep -- again, we have these
10 fields. And pretty much these fields, you can
11 pipe in anything you want to pipe into it.
12 You can identify in the Work Group which work
13 group is basically making the decisions here.

14 The thing is somebody has to run
15 this database at the meetings. And if you are
16 talking about one procedure and a handful of
17 issues, I don't think they want me traveling
18 to all of these different meetings to run the
19 database.

20 We have to come up with a form
21 that we can give to somebody who is taking
22 notes. And then we can fill in the form. And

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 then they can give it to me, and I can update
2 the database or something along those lines.
3 It is a matter of logistics.

4 But, again, we could make a
5 database, do whatever it is we want the
6 database to do.

7 MR. KATZ: What I suggest is we
8 just do that, the other groups when they pick
9 up something from a transcript, that they
10 would keep sort of essentially similar notes
11 and those would be logged in --

12 MEMBER ZIEMER: I think it would
13 be helpful --

14 MR. KATZ: -- so you have a total
15 database.

16 MEMBER ZIEMER: -- for them to
17 have --

18 MR. KATZ: Yes.

19 MEMBER ZIEMER: -- the information
20 in any event.

21 MR. KATZ: Right.

22 MEMBER GIBSON: Not only the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 notes. I mean, this whole database was
2 created out of historical records that were
3 generated between NIOSH and SC&A. So those
4 same records are being generated.

5 MR. KATZ: Exactly. So I would
6 just suggest Steve doesn't need to travel to
7 these Work Group meetings for that, but we can
8 add that into the record.

9 CHAIR MUNN: I know, but I guess I
10 don't completely agree with what Mike just
11 said. These records will not continue to be
12 generated in the work groups if they function
13 as they have in the past unless we do what Ted
14 has suggested and provide a form with specific
15 fields on it. And whenever you address this
16 action item, please respond back to the
17 Subcommittee with this form.

18 MR. MARSCHKE: That would be your
19 attachment to your letter.

20 CHAIR MUNN: Yes.

21 MR. MARSCHKE: You could say, here
22 is a form. Basically when you are addressing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 this, please fill it in so that we can keep
2 our database up to date. And please feel free
3 to use our database if you --

4 MR. KATZ: Or, I mean, that is the
5 alternative to a form unless someone --

6 MEMBER ZIEMER: But you don't want
7 them entering stuff.

8 MR. KATZ: Oh, you don't want it?

9 CHAIR MUNN: They may look at it,
10 but they may not enter.

11 MR. KATZ: Okay.

12 CHAIR MUNN: No.

13 MR. KATZ: Okay.

14 CHAIR MUNN: We have only two
15 people sitting --

16 MR. MARSCHKE: I am all for having
17 everybody enter.

18 CHAIR MUNN: That is chaotic.

19 MR. HINNEFELD: I think we haven't
20 given up on the SQL version, which we would
21 expect to be broadly usable. In other words,
22 there would be a section of it for this and a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 section of it for any of the work groups who
2 want to use that and utilize it in that
3 fashion.

4 I mean, if you want to have work
5 groups keep track of findings and issues that
6 are being discussed electronically, that is a
7 vehicle that should be really -- you know,
8 once it is broadly useable --

9 MR. KATZ: What is the time?

10 MR. HINNEFELD: Well, we don't
11 have a time. I met with the developer a
12 couple of weeks ago. We went through some
13 things. I kind of got more familiar with what
14 we have in our document-tracking system, which
15 was built, really, for the preparation of
16 documents. Okay?

17 But the mechanism, the form, looks
18 kind of the same. You can have a finding and
19 a response and an iterative back and forth
20 during that.

21 MR. KATZ: And link documents and
22 so on.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. HINNEFELD: Yes. Documents
2 can be linked. And there are a lot of
3 advantages to SQL that Access doesn't provide.
4 So I am working with a developer to try to get
5 a system that would do this. And at that
6 point, then, you have a vehicle that this can
7 all be done in for whatever they can track.

8 You know, to me the nice thing
9 about the database is that if I want something
10 from procedures, I can go --

11 MR. KATZ: Yes.

12 MR. HINNEFELD: -- to the
13 Procedures Subcommittee. And when you start
14 keeping track of things that the Procedures
15 Subcommittee is not dealing with in this same
16 database, then it gets a little -- you know,
17 I'm not clear how we keep that apart.

18 MR. MARSCHKE: The ideal situation
19 would be to make the modification to the
20 database and identify the Work Group, have a
21 field where you identify the Work Group which
22 is responsible.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 In 99 percent of the cases, it
2 would be the Procedures Subcommittee, but in
3 some other cases, it may be somebody else.

4 MEMBER ZIEMER: Is it conceivable
5 that someone from a different work group or
6 subcommittee, say Mike's subcommittee, could
7 be authorized to change just that part of the
8 database that was theirs?

9 MR. MARSCHKE: Again, in
10 computers, you can do anything --

11 MR. HINNEFELD: That you want.

12 MR. MARSCHKE: -- you can think
13 of. We can probably do it. Right now the
14 answer is no.

15 MEMBER ZIEMER: No. But we might
16 want to work toward that.

17 MR. MARSCHKE: But you could work
18 towards that.

19 MEMBER ZIEMER: And you would have
20 to send me out forms and --

21 MR. MARSCHKE: And we could
22 identify. You could have a matrix and say,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 this individual is authorized to make changes
2 to --

3 MEMBER ZIEMER: This card.

4 MR. MARSCHKE: -- these procedures
5 or something like that.

6 MR. HINNEFELD: We would like to
7 do this development in SQL, in a SQL version,
8 rather than try to do it with this one.

9 MEMBER ZIEMER: SQL.

10 MR. KATZ: In which case it won't
11 be a problem anymore. As soon as SQL is up
12 and running, we can do this. You don't need
13 to block out part of it. But when Mike's
14 group deals with this new procedure, that work
15 group will put it in there so you don't have
16 it hanging --

17 MR. HINNEFELD: Rights and
18 authorities are part of the structure. So you
19 assign the rights and authorities to this Work
20 Group, to the people in that work group, and
21 then the SC&A people who work on it, the NIOSH
22 or other people who work on it so everybody

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 can pull it up and look at it.

2 And so that is just part of the
3 development of the system that we have got to
4 develop anyway. And so to me, it would be
5 great to be able to do this today. And I
6 can't give you a date on the development. To
7 be honest with you, they never roll out the
8 way you want it. So there will be things to
9 think of.

10 I mean, something to think about
11 is sort of a customer meeting at one of these,
12 either Procedures or at the various work
13 groups, with developers and say, "We are here
14 to design the database to keep track of the
15 findings."

16 And I wouldn't want to design a
17 separate one for each working group, but you
18 get some commonality of what are the features
19 you want. You get enough people contributing.
20 And so you have got a system that is going to
21 make everybody happy. And so then they go off
22 and develop that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 And, like I said, the process we
2 use for developing procedures looks a lot like
3 the process that we would use here with just
4 this extra wrinkle in it. It's developed on
5 the contractor side. And then you've got a
6 review and approval on our side, which we
7 probably won't need here.

8 And we could link the two systems
9 together by even making this an historical
10 module so that it will continue all of this,
11 the development and the Board review, but
12 there are enough differences that you can't
13 just pull that module out and use it. It is
14 too clunky.

15 CHAIR MUNN: Stu, do you currently
16 have the form that you use?

17 MR. HINNEFELD: For?

18 CHAIR MUNN: Setting up your
19 procedure development.

20 MR. HINNEFELD: A form? No.

21 CHAIR MUNN: No?

22 MR. HINNEFELD: No, we don't have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 anything like a form.

2 CHAIR MUNN: See, I'm looking for
3 something easy that already exists that I
4 might be able to modify.

5 MR. MARSCHKE: Wanda, what I would
6 suggest is what we could do is just take this
7 page and give them some more spaces in here
8 and just print this, a blank page like this,
9 --

10 MR. HINNEFELD: Yes.

11 MR. MARSCHKE: -- right out but,
12 of course, make these fields bigger so that
13 they can write it in. And, you know, whenever
14 they have their meeting, they can just write
15 the date in here and write down in here
16 whatever they say and then give it to me or
17 whoever we could do data input and put it in.
18 And I would think that would be basically your
19 form.

20 MR. HINNEFELD: See, that to me
21 is right. That is the form that is a
22 discussion that describes how the discussion

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 in the Work Group will proceed for your
2 Subcommittee.

3 It's like this. The finding is
4 written. There are responses. There are
5 iteration. There is Board action.

6 MEMBER ZIEMER: Yes. We can put
7 in a word --

8 MR. HINNEFELD: That is what you
9 use to develop this. And then what you do is
10 you take that form to these groups and say --

11 CHAIR MUNN: Well, correct me if
12 I'm wrong. It is my understanding that the
13 software on our new computers has the file
14 that is necessary to provide the capability to
15 fill in PDF forms. I believe it does.

16 MR. HINNEFELD: Yes.

17 CHAIR MUNN: Yes. And if it does,
18 then if you can send me exactly what we were
19 discussing, a PDF form with more space there,
20 then all I have to do is include that when we
21 transfer anything to a work group. And all
22 they have to do is fill it in and e-mail it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Right?

2 MR. KATZ: That is what we were
3 just talking about.

4 CHAIR MUNN: Yes. So I just
5 wanted to make sure that we had --

6 MEMBER ZIEMER: Actually, I don't
7 think it would look like it had more space
8 until you started typing it in. And it would
9 allow you to keep scrolling through this.

10 MR. HINNEFELD: Are you talking
11 about the transfer of this to another or are
12 you talking about right now?

13 CHAIR MUNN: I'm talking about
14 right now, right now. What happens in the
15 future is a part of the planning horizon that
16 I don't see. Does that sound reasonable to
17 you, Mark?

18 MEMBER GRIFFON: Yes.

19 CHAIR MUNN: So I need several PDF
20 files from you, Steve, that being one of them.

21 DR. MAURO: Bear in mind that this
22 form does not have to be filled out until SC&A

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 delivers its report.

2 CHAIR MUNN: Yes. I know.

3 DR. MAURO: So we have some time.

4 CHAIR MUNN: Yes. Yes, we do.

5 However, if we are going to start transferring
6 things to other work groups, we have to have
7 the chairs of the work groups understand what
8 their responsibility --

9 MEMBER ZIEMER: We have already
10 transferred stuff to like Rocky Flats.

11 CHAIR MUNN: Yes. We are in the
12 process of transferring Rocky. And I need
13 this to go along.

14 DR. MAURO: Yes. Actually,
15 strangely enough, that seems to be where the
16 immediacy is.

17 CHAIR MUNN: Yes, it is.

18 DR. MAURO: Yes.

19 CHAIR MUNN: It is. All right.

20 Thank you for assistance with that.

21 Now, those of you who can pull up
22 your tracking system, if you would do so for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 our third set, so that we can get a feel for
2 what we have ahead of us that we may not have
3 addressed yet and whether we have specific
4 requests that we want to put either before
5 SC&A or NIOSH for where we are.

6 The last of the open categories
7 that we had that I see following where we left
8 off, on my list is OTIB-0057, external
9 radiation doses for individuals near the 1958
10 criticality accident.

11 That is open. It has three items
12 on it. Do we need to request NIOSH to address
13 those or get some feel for when they will be
14 addressed?

15 MR. HINNEFELD: Well, a feel for
16 when would be kind of an open question.

17 CHAIR MUNN: We have OTIB-0057.
18 We have PROC-0042, accounting for incomplete
19 personnel monitoring data on penetrating gamma
20 ray dose, workers in radiation at Y-12 at Oak
21 Ridge plant prior to '61.

22 MR. HINNEFELD: OTIB-0057 you will

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 have very shortly. I mean, I will have it out
2 next week probably.

3 CHAIR MUNN: Fifty-seven? Okay.

4 MR. HINNEFELD: I could have sent
5 it before today, but I figured, what good
6 would that do? Everybody is not going to read
7 it.

8 CHAIR MUNN: Very good. I will
9 put that on the expected list. And what about
10 PROC-0042? There seem to be five findings.

11 MR. HINNEFELD: Are we on 4 or 5?

12 CHAIR MUNN: Five, I believe.

13 MR. HINNEFELD: I see it. Yes.

14 Well, okay. Are we on 0042 now?

15 CHAIR MUNN: Yes. We are
16 wondering how we should proceed with these.
17 These are open items that are still on our set
18 3 list that we have not addressed or anything
19 like that.

20 MR. HINNEFELD: Well, according to
21 0042-01, we submitted a response and said,
22 "Okay. We will incorporate these suggestions

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 at the next plant revision." And Ron Buchanan
2 recommended we change that in abeyance.

3 MR. MAURO: That was March 9th.

4 MR. MARSCHKE: I think it is
5 probably one that we haven't --

6 MR. HINNEFELD: We haven't
7 discussed it.

8 MR. MARSCHKE: We haven't
9 discussed it in the Work Group.

10 MR. HINNEFELD: So, I mean, we can
11 say that the Board agrees with it. We won't
12 get abeyance. We can leave it in abeyance
13 today.

14 And remember that we said, hey,
15 look, here are suggestions for improving the
16 clarity. And so it's not like we feel like we
17 need to dash out and do this, but --

18 CHAIR MUNN: No.

19 MR. HINNEFELD: -- we will revise
20 it. We will change it.

21 CHAIR MUNN: Right.

22 MR. HINNEFELD: That leaves it in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 abeyance possibly for a long time.

2 CHAIR MUNN: Is this true of all
3 five items?

4 MR. HINNEFELD: Well, I have got
5 to read them one by one. I don't know.

6 CHAIR MUNN: Yes. I do, too.

7 MR. MARSCHKE: Yes. I think it is
8 except for one of them we recommended be
9 closed.

10 CHAIR MUNN: Forty-two? Yes.
11 John recommended that item 4 be closed. That
12 was for this procedure considered
13 claimant-favorable in instances where
14 claimants were not monitored.

15 There are a number of assumptions
16 or limitations that have to be accepted.
17 These assumptions and limitations are not
18 necessarily explicitly pointed out at the tail
19 end of the procedure. And links are very
20 consistent with other documents and can
21 sometimes be followed to fully evaluate the
22 applicability and technical soundness of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 document.

2 NIOSH said the focus of the
3 procedure was to capture and record the
4 methods used to calculate dose within the
5 guidelines and data given in OTIB-0013. Other
6 documents are used by the DR staff to
7 complement this claim process and claim data.
8 And the SC&A follow-up recommended that the
9 status be changed to closed.

10 Any objection to changing item 4
11 to closed?

12 MEMBER ZIEMER: No objection.

13 CHAIR MUNN: We can close that
14 one. And we leave 5 here. Buchanan has
15 already recommended that it be changed to in
16 abeyance.

17 The Chair agrees the remaining
18 four should be in abeyance based on what NIOSH
19 responses are. Are you okay with in abeyance,
20 Paul?

21 MEMBER ZIEMER: I don't quite
22 understand. It appears that there is an error

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 in the document. Is that correct?

2 MR. HINNEFELD: Yes. The finding
3 is that the term "scaling factor" is used in
4 two different places to describe two different
5 things. So if you read --

6 MEMBER ZIEMER: Okay. Is it a
7 confusing point for the dose reconstructors or
8 just a --

9 MR. HINNEFELD: I think it is a
10 confusing fact for somebody who doesn't do it
11 all the time. You recall that most dose
12 reconstruction, actual dose reconstruction, is
13 done with automated tools.

14 MEMBER ZIEMER: Right.

15 MR. HINNEFELD: So it's not by a
16 dose reconstructor for --

17 MEMBER ZIEMER: Reading through
18 this document. So it would be corrected in a
19 later version but has virtually no impact on
20 the day-to-day operation. Is that correct?

21 MR. HINNEFELD: Right. That would
22 be our position.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MEMBER ZIEMER: Yes. I'm okay.

2 CHAIR MUNN: Yes. SC&A has
3 accepted that. So all four of these with the
4 exception of 4 will be changed to in abeyance.
5 And 4 we will still close.

6 The next open procedure on my list
7 is PROC-0060.

8 MEMBER ZIEMER: Basically, these
9 are all similar things.

10 MR. HINNEFELD: They are similar
11 in nature. They are clarity.

12 MEMBER ZIEMER: Yes, clarity
13 issues that don't impact --

14 MR. HINNEFELD: Not the way we're
15 doing business.

16 MEMBER ZIEMER: -- the way you are
17 doing things. Yes, I'm okay.

18 CHAIR MUNN: This is
19 occupational-onset ambient dose reconstruction
20 for DOE sites. There are two outstanding
21 items. What happened to 1, I wonder.

22 MR. HINNEFELD: It's not open.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR MUNN: I know. I can see
2 that, but I don't show it on my --

3 MR. HINNEFELD: Your screen? Your
4 filter may --

5 CHAIR MUNN: -- summary. My
6 filter must have taken it out.

7 MR. HINNEFELD: If you filtered on
8 opened, you can get it.

9 CHAIR MUNN: No. I filtered on
10 almost everything except the kitchen sink.
11 I'm just looking for opens. I don't -- well,
12 I can do it. It is of no consequence.

13 The point is we have two that show
14 open on PROC-0060. And the question is what
15 action do we need to request, if any? Like
16 this dose reconstructions for DOE sites item?

17 MR. MARSCHKE: This is the same
18 thing. Basically these two open ones, we do
19 have a NIOSH response. PROC-0060 are we
20 talking?

21 CHAIR MUNN: Yes.

22 MR. MARSCHKE: We do have a NIOSH

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 response. And we do have SC&A follow-up.

2 CHAIR MUNN: Yes, we do. SC&A,
3 NIOSH indicates they agree with the finding
4 and plan to make appropriate changes in a
5 future revision. That means we should have
6 this in abeyance, rather than open, for item
7 2.

8 Any problem with that?

9 MEMBER GIBSON: No.

10 MR. MARSCHKE: Item 2?

11 CHAIR MUNN: Yes.

12 MR. MARSCHKE: What about item 1?

13 CHAIR MUNN: I don't know.

14 MR. MARSCHKE: Item 1 is not open.

15 CHAIR MUNN: It hasn't shown up.

16 And item 3, similarly, recommend following
17 SC&A's recommendation in abeyance.

18 The next item I show as open on my
19 list is PROC-00095, generating summary
20 statistics for coworker bioassay data. I see
21 three open items.

22 MR. MARSCHKE: I show the database

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 shows no NIOSH initial response.

2 CHAIR MUNN: No initial response.
3 We will need one. And I just got logged off.
4 Start over again.

5 DR. MAURO: While you are starting
6 over, I've got a question. Steve, how is all
7 of this backed up, what we are working on
8 right now?

9 MR. MARSCHKE: Backed up by ORAU
10 when they back up the O: drive.

11 DR. MAURO: Okay. So you are
12 right now working off the O: drive as opposed
13 to your own software?

14 MR. MARSCHKE: That is correct.

15 DR. MAURO: Okay. Good.

16 MR. MARSCHKE: Don't ask empirical
17 questions. We will need to provide it. I
18 appreciate when NIOSH gives us responses.
19 They've given us pretty much the complete. We
20 usually put a little --

21 CHAIR MUNN: So where were we?

22 MR. MARSCHKE: PROC-0095.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR MUNN: We were at 95.

2 MR. MARSCHKE: You had to go back
3 to the beginning on --

4 CHAIR MUNN: Yes. I had to go
5 back to the beginning. And we had the three
6 open items on 95. And they were going to be
7 asking for some kind of response from NIOSH,
8 correct?

9 MR. HINNEFELD: Yes.

10 CHAIR MUNN: PROC-0095.
11 Ninety-seven, same thing, Worker Outreach
12 Program. Oh. Well.

13 MR. MARSCHKE: Wait a minute.
14 Wait a minute. Where are you guys?

15 CHAIR MUNN: We are at the end of
16 --

17 MR. MARSCHKE: Ninety-seven is not
18 in the third group, is it?

19 CHAIR MUNN: Yes, it is. It was
20 dated 10-29-07.

21 MR. MARSCHKE: Why isn't it
22 showing up here? Even if it transferred, it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 should show up as being transferred.

2 CHAIR MUNN: So, now, what
3 relationship does PROC-0097 --

4 MR. MARSCHKE: PROC-0097 I --

5 CHAIR MUNN: -- have with
6 PROC-0012?

7 MR. HINNEFELD: Which ones? What
8 is the name of PROC-0097?

9 MEMBER GIBSON: Talking about the
10 Worker Outreach Program

11 CHAIR MUNN: And you are right.
12 It's 11-9. It's not 10-29. But we have. So
13 it's one of the later ones.

14 MR. HINNEFELD: Right.

15 CHAIR MUNN: But it has nine
16 findings. And its title looks like it should
17 be in Mike's shop.

18 MEMBER ZIEMER: Is this the one
19 you were talking about earlier?

20 DR. MAURO: Yes. That's what I
21 was mentioning earlier. I believe 12
22 effectively subsumes 97, but, you know, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 can't say that for certain.

2 MR. HINNEFELD: That is true.

3 DR. MAURO: We were discussing it
4 that way. When we had our meeting yesterday,
5 we had made reference to 97 and that, for all
6 intents and purposes, 12, you know, is --

7 MEMBER ZIEMER: Twelve is correct.
8 Is it PROC-0012?

9 CHAIR MUNN: PROC-0012.

10 DR. MAURO: PROC-0012. Whether or
11 not it completely subsumes or replaces
12 PROC-0097 I don't know.

13 MR. HINNEFELD: I am pretty sure
14 it does. I am pretty sure PROC-0097 is
15 canceled, but I will be able to tell you that
16 for sure. PROC-0097 was an ORAU procedure.
17 PROC-0012 is an OCAS procedure.

18 MEMBER GIBSON: That's part of
19 what SC&A was going to look at in the review
20 of 12 is whether or not the finding of 97 was
21 complete.

22 MR. HINNEFELD: True.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. MAURO: Correct. It's part
2 and parcel of what we will be doing.

3 MEMBER ZIEMER: Would it be
4 appropriate to suggest that we go ahead and
5 transfer PROC-0097 over to Mike's Work Group
6 as well or, else, if it is already canceled,
7 what happens?

8 CHAIR MUNN: Well, at this
9 juncture, it appears wiser to me for us to
10 keep this as it is until we have --

11 MEMBER ZIEMER: Learn what --

12 CHAIR MUNN: -- SC&A's report --

13 MEMBER ZIEMER: Right.

14 CHAIR MUNN: -- as to whether or
15 not PROC-0012 does adequately cover this
16 document.

17 MEMBER ZIEMER: If this has been
18 canceled, then it's not in the picture. Is
19 that correct? I mean, they would still look
20 at it.

21 MR. MARSCHKE: Some of the
22 concerns that were raised may be applicable to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 12.

2 MEMBER ZIEMER: Right.

3 MR. MARSCHKE: Either that or
4 NIOSH may have addressed the concerns when
5 they wrote 12. If they're no longer
6 applicable, then I guess we would either close
7 or withdraw the issue because 97 has gone
8 away.

9 But if it was they had the same
10 wording and we had a problem with the wording
11 in 97, then we might have the same problem
12 with the wording in 12.

13 MEMBER ZIEMER: Well, I guess we
14 should wait, then.

15 CHAIR MUNN: I think so.

16 MEMBER GIBSON: But it appears
17 somewhere. I mean, when we had SC&A do their
18 initial review of the PROC-0097, they came
19 back with some findings. NIOSH made a
20 response to that, to SC&A's finding, saying
21 that "We're going to cover that in 12."

22 So somewhere here there has been

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 an action by NIOSH that is not showing up
2 here. I don't know if it's not supposed to be
3 here or --

4 MR. HINNEFELD: Well, that is
5 interesting. Let me see what I can find. You
6 are right. We made some responses.

7 MEMBER GIBSON: And then SC&A's
8 response was they were going to wait until
9 they review 12 to answer whether or not they
10 have weighed the issues adequately. There are
11 like almost two steps missing. Some of this
12 may be --

13 CHAIR MUNN: Yes. In which case
14 we should not be showing this as open, I
15 guess. So, Stu, will you check to see why we
16 are still showing this open if there were
17 responses to any of these that we haven't
18 captured? We need to do that.

19 I don't know whether that was
20 simply dialogue or whether there are
21 documents.

22 MR. HINNEFELD: I thought we had

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 open stuff.

2 CHAIR MUNN: Okay. The next open
3 item that is shown on my list is OTIB-0054.
4 There is a lot on that; well, mostly
5 observations. There are only two findings.

6 MR. MARSCHKE: OTIB-0058. Okay.
7 You are just looking at all open items now.

8 CHAIR MUNN: Yes, because we need
9 to go through the entire list and identify
10 whether there are procedures that SC&A has
11 completed their review and given us findings
12 and observations for which there have not been
13 responses. And we just started where we were
14 in group 3.

15 MR. MARSCHKE: Now we're not in
16 group 3 anymore.

17 CHAIR MUNN: No. Now we're into
18 the and other things that came along later
19 list.

20 MR. MARSCHKE: Right. Okay.
21 Which one are we looking at now?

22 CHAIR MUNN: We are looking at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 OTIB-0054.

2 MR. MARSCHKE: Twenty-three.

3 CHAIR MUNN: Yes, but many of them
4 are observations rather than findings.

5 MR. MARSCHKE: Twenty-six
6 observations and findings.

7 CHAIR MUNN: Fifty-four was the
8 fission and activation product assignment for
9 internal dose-related gross beta and gross
10 gamma analyses.

11 MR. HINNEFELD: Well, we are
12 working on responses, it is a fairly difficult
13 concept, it's fairly specialized.

14 CHAIR MUNN: Yes.

15 DR. MAURO: I seem to remember
16 this one as getting a favorable review except
17 we were concerned that if you have people who
18 are working in a facility and you don't have
19 gross beta-gamma measurements, what do you do
20 about that? I mean, I remember that being the
21 -- it would really be the essence of the
22 concern on this one. I remember that being

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the main problem.

2 I don't know. Is there a large
3 number of findings on this?

4 CHAIR MUNN: Yes, there are.
5 There are 26 total findings and observations.
6 They seem to be about equally divided between
7 observations and findings, a whole batch of
8 reactor source term issues, a whole batch of
9 urinalysis issues.

10 DR. MAURO: Okay. Never mind.
11 Okay.

12 CHAIR MUNN: So they may be
13 relatively easy to address, but they are going
14 to be very cumbersome.

15 DR. MAURO: If I remember, this
16 was Joyce or Ron. Do you know who had the
17 lead on this, Steve?

18 MR. MARSCHKE: I think Steve
19 Ostrow.

20 DR. MAURO: Oh, okay.

21 MR. MARSCHKE: Fission products,
22 fission and activation product assignment for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 -- well, maybe not. I don't know.

2 DR. MAURO: Well, yes. There were
3 two aspects to this. You had a number of
4 different reactor types --

5 MR. MARSCHKE: I think it was
6 Steve Ostrow because --

7 DR. MAURO: -- a full mix
8 depending on the reactor type. In other
9 words, you know a person is working at a
10 facility where there was a reactor. All
11 you've got is gross beta-gamma information and
12 the kind of reactor that was there.

13 CHAIR MUNN: I think that is
14 probably true because there is a reference to
15 TRIGA in here.

16 DR. MAURO: Yes.

17 CHAIR MUNN: Yes.

18 DR. MAURO: And then we would say
19 okay. If you know you've got this kind of
20 reactor and the person worked there and you've
21 got gross beta-gamma, here's a mix of fission
22 products you assume those gross beta-gamma

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 reflect.

2 So I can see two things happening.
3 I can see Steve Ostrow looking at the reactors
4 as a nuclear engineer and Joyce looking at the
5 gross beta-gamma assumptions.

6 MR. MARSCHKE: I think you are
7 exactly right. The other thing is Steve
8 Ostrow liked to put in observations as opposed
9 to findings.

10 DR. MAURO: Yes. Actually, when
11 you said a large number like that, it sounds
12 like it may have picked up a lot of things out
13 on the margin.

14 MR. HINNEFELD: Well, there are
15 ten things identified as observations. And I
16 just opened one. It's essentially a positive
17 comment where "The AKR methodologies,
18 assumptions, and data sources are reasonable."
19 I will respond, "No response needed."

20 CHAIR MUNN: Yes. We could,
21 indeed.

22 MR. MARSCHKE: Or we could say,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 "What do you mean they are reasonable?"

2 MEMBER ZIEMER: We want to be
3 unreasonable.

4 (Laughter.)

5 CHAIR MUNN: Yes. Any response at
6 all is gratefully accepted.

7 The next thing I see on the list,
8 OTIB-0070, dose reconstruction during residual
9 radioactivity periods at AWE facilities.

10 DR. MAURO: Yes. I am familiar
11 with that one. The lead on that was Hans. If
12 you want to engage that one, I can get Hans on
13 the line.

14 MR. HINNEFELD: No. We haven't
15 gotten any feedback.

16 CHAIR MUNN: Our concern is that
17 it is showing completely open. And, as you
18 dealt with -- remember, we have 15 findings on
19 it.

20 DR. MAURO: Yes. Again, there are
21 certain essentials, so to speak. I remember
22 that one. Maybe there are 50 findings, but

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 there are really only 2 or 3 issues that
2 really were of concern. But when the date
3 comes, we'll deal with that.

4 MR. MARSCHKE: A lot of the
5 findings were basically related to TBD-6000/
6 6001.

7 DR. MAURO: Yes.

8 MR. MARSCHKE: I think they were
9 duplicates of basically findings that were
10 found in TBD-6000/6001. So probably the Board
11 -- well, one way to address it would be to say
12 addressed in --

13 DR. MAURO: Yes.

14 MR. MARSCHKE: -- whichever was
15 the appropriate because I remember when I
16 entered these, at first I didn't enter the --

17 CHAIR MUNN: And that may be the
18 end of our group for the day because the only
19 other thing I show open on my files here is
20 OCAS IG-004, which I think has had an adequate
21 amount of coverage here today and in any case
22 is going to be transferred, correct?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. MARSCHKE: IG-004 we decided
2 to close. You may want to look back to OCAS
3 TIB-0013. On my file, it is showing to be
4 open.

5 CHAIR MUNN: Yes. It is shown on
6 my file to be open as well.

7 MR. MARSCHKE: Both 13 and 14.

8 CHAIR MUNN: I don't even see 14.

9 MR. HINNEFELD: Okay. You will
10 get OTIB-0013 initial responses.

11 CHAIR MUNN: Okay.

12 MR. HINNEFELD: Are you looking at
13 OCAS TIB-0013 or --

14 MR. MARSCHKE: OCAS TIB.

15 MR. HINNEFELD: OCAS TIB-0013.

16 CHAIR MUNN: Thirteen and 14.

17 MR. MARSCHKE: And 14. They're
18 both being shown as open.

19 MR. HINNEFELD: Okay.

20 DR. MAURO: Do you have the titles
21 to those?

22 CHAIR MUNN: Yes. OTIB-0013 is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Individual Dose Adjustment Procedure for Y-12
2 Dose Reconstruction. And OTIB-0014 is Rocky
3 Flats Internal Dosimetry Coworker Extension.

4 DR. MAURO: And those are both
5 being transferred, I presume?

6 CHAIR MUNN: Well --

7 MR. HINNEFELD: I would assume the
8 Rocky Flats one has been subsumed.

9 MEMBER ZIEMER: They haven't been
10 yet.

11 CHAIR MUNN: They have not been
12 transferred. That may be a big job for us to
13 look at based on some of the information that
14 we have with respect already to commonality as
15 well.

16 DR. MAURO: Yes. Well, you know,
17 Rocky has a hole to go to. Y-12 doesn't.

18 CHAIR MUNN: Yes, that is true.
19 But I think it is in our commonalities.

20 MR. HINNEFELD: I am puzzled.
21 Those reviews are pretty old, right, because
22 these are OCAS TIBs.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR MUNN: Yes.

2 MR. HINNEFELD: And those aren't
3 generally the kind of TIBs that we would
4 write.

5 CHAIR MUNN: The SC&A report was
6 2007 October.

7 MR. MARSCHKE: It was the third
8 set.

9 CHAIR MUNN: It was third set,
10 yes.

11 MEMBER ZIEMER: Third set.

12 CHAIR MUNN: All right. I will
13 make a note of questions here. There are
14 several others here showing open that I am not
15 constrained to address them at this time
16 unless someone else is really eager to do so.

17 I think it would be wise for us to
18 complete this listing of action items and make
19 sure that we have covered those adequately and
20 hope that our system is fully up and operating
21 so that we don't have to worry about what is
22 open in the past.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Do we have additional housekeeping
2 items over and above our meeting itself that
3 we have already established for the 15th? Do
4 we need to look out further than that or is
5 that quite adequate for what we are doing?

6 MR. KATZ: Do you want to talk
7 about for the drafting of the Subcommittee
8 report? It seems like you are going to need
9 to join some heads a bit in advance of that
10 meeting because you don't have any?

11 Unlike the Dose Reconstruction
12 Subcommittee, which has substantive findings
13 to roll up and so on, you go through
14 procedures in this group and sort of pack them
15 away as you resolve them. But it is going to
16 take some doing for you to think through and
17 come up to sort of some other statements for
18 the Secretary about --

19 CHAIR MUNN: Yes, it is. And, as
20 a matter of fact, I thought we covered that
21 this morning. But perhaps --

22 MR. KATZ: Just what was unclear

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 to me was it seems like you are going to need
2 -- I don't know who is going to be the initial
3 drafter, but you are going to need the help of
4 your Subcommittee members to be thinking about
5 some of the statements in advance, rather than
6 coming to a meeting with just more thoughts on
7 that.

8 CHAIR MUNN: They will be getting
9 --

10 MEMBER ZIEMER: No. I think she
11 said she was going to distribute it in
12 advance.

13 MR. KATZ: Okay.

14 CHAIR MUNN: I will distribute a
15 draft and ask for as much input as I can get
16 and will be working with Steve, too, to get
17 the drafts and other status material that we
18 will need to include. Yes.

19 What I was trying to do this
20 morning was get a real feel for whether it was
21 the Subcommittee's opinion that we should
22 duplicate the time the same as we did last

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 time, which I didn't feel was appropriate.

2 I think I received confirmation
3 that the rest of the Subcommittee does not --
4 yes. We will need to do a lot of discussion
5 -- it will probably be e-mails -- with respect
6 to that document.

7 Any other items? Steve, before
8 you put that summary away, we did not go over
9 that this morning. And I would like just for
10 our own information for us to take a quick
11 look at that before we close out. And that
12 will be our last item of the day.

13 MR. MARSCHKE: Well, the first
14 thing I would like to compare is this is where
15 we started this morning. This is one I
16 brought with me this morning. And we had 118
17 open items, 38 in progress, 78 in abeyance, 15
18 addressed in other findings, 39 transferred,
19 250 closed.

20 If you all remember those numbers,
21 you can see basically at the end of the day,
22 we have 105 open items. So we got rid of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 about 13 open items on this. We have 33 in
2 progress, 86 in abeyance, still have 15
3 addressed in other findings, 41 transferred,
4 --

5 CHAIR MUNN: Very good.

6 MR. MARSCHKE: -- and 258 closed.
7 So I guess the number closed went up by 8, the
8 number in open went down by 13 from today's
9 efforts.

10 CHAIR MUNN: Excellent.

11 DR. MAURO: How many in abeyance?

12 MR. MARSCHKE: In abeyance went
13 from 78 this morning --

14 MR. KATZ: To 86.

15 MR. MARSCHKE: -- to 86. So there
16 was quite a bit. That's about eight.

17 MR. KATZ: Ten percent.

18 MR. MARSCHKE: Ten percent.

19 CHAIR MUNN: That is about ten
20 percent. That helps. We are making progress,
21 even though it sometimes doesn't feel so.

22 MEMBER ZIEMER: What is the one

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 open item from June of '06?

2 CHAIR MUNN: It's TIB-0010, item
3 8. The use of Attila software was questioned.

4 DR. MAURO: Oh, okay. Yes. I
5 remember commenting on Attila, as opposed to,
6 I believe it was, MCMP as being a way to do
7 these external dose calculations.

8 CHAIR MUNN: Yes. I think this
9 was an internal dosimetry coworker extension.

10 MR. HINNEFELD: TIB-010 is the
11 glove box. And Attila is a finite element
12 code, as opposed to a Monte Carlo code.

13 DR. MAURO: Oh. So it is
14 external?

15 MR. HINNEFELD: Yes.

16 DR. MAURO: Oh, okay.

17 MR. HINNEFELD: TIB-0010 is the
18 glove box.

19 MEMBER ZIEMER: Why is that still
20 open?

21 DR. MAURO: Yes. Good question.

22 MR. HINNEFELD: I think that --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 well, I don't know. Steve, can you pull it
2 up? My recollection is that we resolved it at
3 some point.

4 There is an MCMP run that pretty
5 much matches this and we were supposed to buy
6 that or something. Is that it or have I got
7 that confused with something?

8 MR. MARSCHKE: I am just looking
9 here. Basically it says this issue was not --
10 we concurred. We were waiting for -- I think
11 NIOSH had promised or had indicated that they
12 had confirmatory analysis to compare Attila to
13 MCMP. And we would like to get a look at
14 those calculations.

15 MEMBER ZIEMER: What's your last
16 thing at the bottom?

17 MR. MARSCHKE: The last thing is
18 basically we suggested the status be changed
19 to in abeyance. Obviously the status should
20 be changed to at least in progress. Okay.
21 Yes.

22 CHAIR MUNN: And didn't I discover

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 there was no action?

2 MR. MARSCHKE: I think there was a

3 --

4 CHAIR MUNN: Was that after the
5 SC&A follow-up?

6 MR. MARSCHKE: As I recall, we
7 brought it or the transcript was consulted,
8 the August 21st transcript was consulted. And
9 there was some indication that NIOSH would --
10 well, I can basically -- we looked that up
11 once before. And there was some indication
12 that NIOSH was going to give us some
13 documentation of the confirmatory analysis
14 that they had performed.

15 MR. HINNEFELD: We had worked on
16 it, and I have just not pursued it hard
17 enough. There are a couple of guys in our
18 office who worked on it.

19 DR. MAURO: Yes. I recall we were
20 not able to get Attila. There was proprietary
21 code or --

22 MR. MARSCHKE: Attila is very

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 expensive.

2 MR. HINNEFELD: Really expensive.
3 It's really expensive. I don't think we have
4 it.

5 MR. MARSCHKE: It's private. You
6 can't get it from our side.

7 MR. HINNEFELD: No. We had it for
8 a while. I don't think we have it. It was
9 too expensive to maintain. We just didn't use
10 it.

11 CHAIR MUNN: Well, it says SC&A is
12 awaiting a presentation confirming.

13 MR. HINNEFELD: Well, I suppose.
14 Yes. I mean, we will try to find out, try to
15 find the MCMP files.

16 MEMBER ZIEMER: This is certainly
17 in progress, as a minimum.

18 DR. MAURO: Are you still using
19 it? Because I know when you did the work on
20 GSI, you worked with MCMP.

21 MR. HINNEFELD: Yes. We don't use
22 Attila anymore. We use MCMP. I don't think

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 we have Attila anymore. To me --

2 DR. MAURO: It is ridiculously
3 generic.

4 MR. HINNEFELD: You know, this
5 comment that Bob made, Bob Anigstein made, --

6 DR. MAURO: Yes.

7 MR. HINNEFELD: -- was he agrees
8 with us, but he would like to see the code.
9 He would like to see the run. Well, if he
10 agrees with us, what is the point, you know?

11 MEMBER ZIEMER: He wants to feel
12 more comfortable, but --

13 MR. MARSCHKE: He probably agrees
14 if the numbers --

15 MR. HINNEFELD: I figured Bob
16 wanted to run it just to check for himself.

17 MR. MARSCHKE: Well, he can't run
18 Attila, but he --

19 MR. HINNEFELD: If he can set up
20 MCMP and run the same problem on MCMP and he
21 gets a similar result, what does it matter?

22 MEMBER ZIEMER: Well, we ought to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 try to get this one closed out.

2 CHAIR MUNN: Yes. Let's see.

3 MR. MARSCHKE: I mean, we are not
4 running Attila anymore. Is it still --

5 MR. HINNEFELD: Well, it is still.
6 Presumably it is the basis for TIB-0010. You
7 know, there was an Attila run that was done
8 because it has this nice graphical -- you
9 know, you use CAD/CAM and you set the problem
10 up. And it's intuitive.

11 DR. MAURO: I will tell you why I
12 don't think it's a problem. When you actually
13 apply Attila to a particular problem, whether
14 it was the glove box problem -- I think that
15 is where it was.

16 MR. HINNEFELD: Yes.

17 DR. MAURO: We checked those
18 numbers using MCMP. And so we provided
19 commentary to match your numbers by some
20 degree. So in a way, it's almost a moot
21 point.

22 Since the end result is did you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 come up with numbers for that application that
2 we agree with, yes or no, the fact that we're
3 interested, you know, it's almost like this
4 generic question about Attila in general
5 almost is really moot. Do you see what I
6 mean?

7 CHAIR MUNN: Yes, we do. It's my
8 suggestion that we change the status now to in
9 progress and that NIOSH will check to make
10 sure that we have covered the appropriate
11 bases with the current calculations --

12 MEMBER ZIEMER: Let's get it
13 closed.

14 CHAIR MUNN: -- and with the
15 expectation that we will close it next time.

16 The action item list for our next
17 meeting is daunting, but I don't think it's as
18 bad as it looks.

19 MR. KATZ: Do you have it in one
20 place that you can run through it?

21 CHAIR MUNN: I don't know whether
22 I can read it or not, but I can try. The

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 action item list that I have is Steve is going
2 to get me the PDF files that are necessary to
3 attach to the transfer letters.

4 I will make the slight change that
5 was necessary on the transfer letter for the
6 two procedures that we are sending to Rocky
7 correcting the last sentence.

8 I will put together a first draft
9 of an attempt for the letter to the Secretary
10 and get it out to the Board for review.

11 MEMBER ZIEMER: Let's call it a
12 report. You have a cover letter and a report.

13 CHAIR MUNN: Yes, report. SC&A is
14 going to have Joyce take a look at the notes
15 on OTIB-0029. Hans had some concerns about
16 the Harshaw TBD, whether that had any bearing
17 on it.

18 MEMBER ZIEMER: Was that an action
19 item?

20 CHAIR MUNN: Yes, it was an action
21 item for Joyce to take a look.

22 MEMBER ZIEMER: Joyce.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. HINNEFELD: Hans's comment
2 about Harshaw was that the Harshaw Site
3 Profile says that there is this linking change
4 in urinary output between Friday afternoon and
5 Monday morning of a particular solubility.

6 CHAIR MUNN: Right.

7 MR. HINNEFELD: And it's in this
8 that he said that you need to worry about this
9 issue. I don't think there are actions
10 associated with this.

11 CHAIR MUNN: No, I don't think so
12 either.

13 DR. MAURO: I don't have that in
14 action items.

15 CHAIR MUNN: No.

16 MEMBER ZIEMER: Correct. It
17 isn't.

18 CHAIR MUNN: The action is --

19 MR. HINNEFELD: Is Joyce's.

20 CHAIR MUNN: -- Lipsztein and
21 OTIB-0029. I have OTIB-0068 was intended to
22 cover that two-day sample. That is more

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 action.

2 MR. HINNEFELD: What's our action?

3 CHAIR MUNN: Your action --

4 MR. HINNEFELD: What is it?

5 CHAIR MUNN: -- was that you were
6 going to -- depending on Joyce's report next
7 time. We were going to carry it over until
8 next time and --

9 MR. HINNEFELD: We don't have an
10 action until Joyce's report.

11 CHAIR MUNN: That's correct.
12 That's correct. Ostensibly Joyce's report
13 will come in. And we will hopefully be able
14 to close it out next time.

15 I am going to transfer IG-004-03
16 and 7 to the Surrogate Data Work Group with a
17 draft to the Subcommittee beforehand and a PDF
18 necessary from Steve.

19 I have on the list of procedure,
20 SC&A procedure, check-off, they are going to
21 change two items that we have discussed and do
22 a quick review to see if there are others.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 SC&A is going to revise the
2 commonalities table to include two items from
3 OTIB-0035-01.

4 MR. MARSCHKE: 0029-03 and
5 0035-01.

6 CHAIR MUNN: SC&A will review the
7 NIOSH response to OTIB-0047-01. NIOSH is
8 carrying over OTIB-0051-01. They didn't have
9 a chance to look at it for this time. SC&A
10 will --

11 MR. KATZ: You said what?

12 CHAIR MUNN: 51-01.

13 MR. HINNEFELD: Actually, I think
14 it's all of them.

15 CHAIR MUNN: All of them, yes.

16 MR. HINNEFELD: All of the ones
17 that are with 51 in sequence.

18 MEMBER ZIEMER: One, 2, and 3, I
19 think.

20 CHAIR MUNN: SC&A is going to
21 check to incorporate closure data in 0047-02.
22 NIOSH is going to respond on this.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MEMBER ZIEMER: I thought we
2 closed 0047-02.

3 MR. KATZ: Yes, 0047-02 is closed.

4 CHAIR MUNN: Why do I have it to
5 incorporate closure data into that?

6 MR. MARSCHKE: Oh, I was going to
7 basically -- I have closed, but I haven't had
8 --

9 MEMBER ZIEMER: Oh. You are going
10 to add something in --

11 MR. MARSCHKE: I just have to
12 update the database.

13 CHAIR MUNN: It's just to check to
14 make sure we did what we said we were going to
15 do. Then NIOSH respond on setup of
16 OTIB-0049-01 and see if you need a technical
17 call or not, notify Mark if we do. NIOSH is
18 working on OTIB-0057. Hopefully we will have
19 something next time.

20 PROC-0042, PROC-0095 needs
21 response.

22 MR. HINNEFELD: There is no action

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 item here on 42, right, or is there?

2 MR. MARSCHKE: PROC-0042 we
3 basically, didn't we put a --

4 MR. HINNEFELD: I think we put it
5 in abeyance.

6 MEMBER ZIEMER: Closed one and
7 there are four in abeyance.

8 MR. HINNEFELD: Yes. Okay.

9 MR. MARSCHKE: No actions.

10 MR. HINNEFELD: Right. We just
11 need to revise the copy we have.

12 CHAIR MUNN: So we don't have an
13 action?

14 MR. HINNEFELD: Well, I mean,
15 anything that is in abeyance --

16 CHAIR MUNN: Well, yes.

17 MR. HINNEFELD: -- in the grand
18 scheme, we have an action. But there is
19 nothing specific about that.

20 CHAIR MUNN: You didn't say you
21 had an action item?

22 MR. HINNEFELD: No.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR MUNN: Okay. We are asking
2 for a response on PROC-0095, which is all
3 open. And NIOSH is going to check for the
4 documents for PROC-0097. We'll keep it open
5 for a time. The next is going to be covered
6 under PROC-0012. That is going to be
7 verified.

8 And then the other open items we
9 had as we went down the list were OTIB-0054,
10 OTIB-0070, OTIB-0013, OTIB-0014. And they're
11 going to report on OTIB-0010-08 the status
12 with the expectation we can close it next
13 meeting.

14 MR. HINNEFELD: You just might
15 mention those 13, 14, and 10, the last 3.
16 Those are OCAS TIBs.

17 CHAIR MUNN: Yes, 13, 14, and
18 10-08.

19 MR. HINNEFELD: Those are OCAS
20 TIBs, which we abbreviate TIB.

21 CHAIR MUNN: Yes.

22 MEMBER ZIEMER: When you mentioned

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the items on the commonality paper, did you
2 mention SC&A is going to reissue that author
3 and date as well?

4 CHAIR MUNN: Yes. SC&A revised
5 commonalities paper to include the two items.

6 MR. MARSCHKE: Two items plus the
7 format.

8 MEMBER ZIEMER: Yes. And you said
9 the two items.

10 CHAIR MUNN: Yes.

11 MEMBER ZIEMER: I wasn't sure if

12 --

13 MR. HINNEFELD: One format as
14 well.

15 CHAIR MUNN: Okay.

16 MR. KATZ: Is that it?

17 CHAIR MUNN: That is what I have.

18 MR. KATZ: Okay.

19 CHAIR MUNN: Anything else?

20 (No response.)

21 CHAIR MUNN: If not, I didn't hear
22 an answer to my question. Is anyone

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 enthusiastic about trying to set yet another
2 date past October for our meeting following
3 that or do you want to ignore the whole thing?
4 Well, is anyone enthusiastic about anything at
5 this point?

6 MEMBER ZIEMER: About adjourning.

7 MEMBER GIBSON: Getting out of
8 here.

9 CHAIR MUNN: You would like to
10 leave, wouldn't you?

11 MEMBER ZIEMER: Did you have
12 particular dates in mind or --

13 CHAIR MUNN: Well, I had hoped
14 that we might set something up for the end of
15 November or in the middle of November.

16 MR. KATZ: So we don't have Mark?

17 CHAIR MUNN: We don't have Mark.

18 MEMBER GRIFFON: I have come back
19 on. I've been on for the last half-hour.
20 Thanks for the summary at the end, Wanda.

21 CHAIR MUNN: So glad you got in
22 there.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. KATZ: Okay. Mark. We have
2 Mark. So --

3 CHAIR MUNN: How is your middle
4 November looking?

5 MEMBER GRIFFON: Well, we're
6 actually going to try to fit in those dates?
7 Yes. Middle November is fine with me,
8 actually.

9 CHAIR MUNN: All right. I guess
10 we have to avoid Veterans' Day on the 11th.

11 MR. KATZ: Thanksgiving, too.

12 CHAIR MUNN: We won't even talk
13 about the last week of the month. Is that
14 week of Veterans' Day reasonable for us to
15 look at, that Thursday or that Friday?

16 MR. KATZ: Well, the Thursday
17 means, then, traveling on Veterans' Day.

18 CHAIR MUNN: That's true. What
19 about the Friday?

20 MR. KATZ: Yes, or what about the
21 following week, the 16th, 17th, 18th, or the
22 17th, 18th?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIR MUNN: Fine. Seventeenth?
2 Tuesday, November 17? No?

3 MEMBER GRIFFON: Okay with me.

4 MEMBER ZIEMER: I have got a
5 conflict, but I might be able to change it.

6 CHAIR MUNN: Well, is that week
7 okay?

8 MEMBER ZIEMER: Yes.

9 CHAIR MUNN: Just that day that is
10 not good?

11 MEMBER ZIEMER: Yes.

12 MEMBER GIBSON: Okay. Eighteenth.

13 CHAIR MUNN: Is the 18th okay?
14 Eighteenth, Mark?

15 MEMBER GRIFFON: Eighteenth is
16 better, yes.

17 CHAIR MUNN: Okay. All right.
18 Mike? We are good for November 18th, 10:00
19 o'clock here.

20 MR. KATZ: 9:30. If Paul comes
21 now the night in advance, we can actually get
22 started earlier.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MEMBER ZIEMER: I thought we were
2 starting late for Wanda.

3 MR. KATZ: She blamed it on you.

4 CHAIR MUNN: Wait. Well, I didn't
5 blame it solely on you. Mark likes to come in
6 that same day, too.

7 MEMBER GRIFFON: Yes. I usually
8 do, but my flight usually gets there by --
9 9:30 is pretty good for me.

10 MR. KATZ: Okay.

11 MEMBER GRIFFON: Because we get in
12 at 8:30.

13 MS. HOWELL: Hey, Ted?

14 MR. KATZ: Yes, Emily?

15 MS. HOWELL: The 18th and 19th are
16 going to be a problem for OGC.

17 MR. KATZ: You mean no coverage?

18 MS. HOWELL: No coverage.

19 MR. KATZ: Oh.

20 MS. HOWELL: We have meetings in
21 Atlanta those days.

22 CHAIR MUNN: Uh-oh. And the 17th

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 is bad for Paul.

2 MEMBER ZIEMER: I can probably
3 change mine. If the 17th is good, let's do
4 it.

5 MR. KATZ: Okay.

6 CHAIR MUNN: Is the 17th okay,
7 Emily?

8 MS. HOWELL: Yes, the 17th would
9 work.

10 CHAIR MUNN: Mark?

11 MEMBER GRIFFON: Yes. It's okay.

12 CHAIR MUNN: Mike?

13 MEMBER GIBSON: Yes.

14 CHAIR MUNN: Okay. The 17th.

15 MEMBER GRIFFON: All right.

16 CHAIR MUNN: I thank you. This
17 meeting is adjourned.

18 (Whereupon, the above-entitled
19 matter went off the record at 4:43
20 p.m.)

21

22

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701