

UNITED STATES OF AMERICA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR DISEASE CONTROL AND PREVENTION

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NATIONAL INSTITUTE FOR OCCUPATIONAL
SAFETY AND HEALTH
ADVISORY BOARD ON RADIATION AND WORKER HEALTH

+ + + + +

62nd MEETING

+ + + + +

TUESDAY, MAY 12, 2009

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The meeting convened at 9:00 a.m.
in the Holiday Inn Amarillo Hotel, 1191 I-40
East, Amarillo, Texas, Paul L. Ziemer,
Chairman, presiding.

PRESENT:

PAUL L. ZIEMER, PhD, Chairman
JOSIE M. BEACH, Member
MICHAEL H. GIBSON, Member (via telephone)
MARK GRIFFON, Member
JAMES E. LOCKEY, MD, MS, Member
JAMES MALCOLM MELIUS, MD, DRPH, Member
WANDA I. MUNN, Member
ROBERT W. PRESLEY, Member
JOHN W. POSTON, SR., MS, PhD, Member
GENEVIEVE S. ROESSLER, PhD, Member
PHILLIP M. SCHOFIELD, Member
THEODORE M. KATZ, MPA, Acting Designated
Federal Official

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Adjourn

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

2 (9:17 a.m.)

3 CHAIRMAN ZIEMER: Well, good
4 morning everyone. I am going to officially
5 call the meeting to order. This is the
6 meeting of the Advisory Board on Radiation and
7 Worker Health. We welcome you all. I know
8 many had a difficult time getting here. I did
9 myself. In fact, I didn't even notice whether
10 or not the stars at night are big and bright
11 in Texas.

12 MS. MUNN: They are.

13 CHAIRMAN ZIEMER: They are. But
14 nonetheless, we are all glad to be here. We
15 have a number of items on the back table that
16 you can avail yourself of, if you haven't
17 already. Copies of today's agenda, or this
18 week's agenda, as well as other documents that
19 will be discussed by the Board this week.

20 Also, in the foyer there is a
21 registration form or booklet. If you have not
22 already done so, please register your

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1 attendance with us in that registration
2 booklet.

3 Also later today, actually this
4 evening, we have a public comment period
5 scheduled. And if you would like to make
6 public comment, we ask that you please sign up
7 on the sign-up sheet that is in the foyer as
8 well.

9 Now we will have our Designated
10 Federal Official, Ted Katz, make a few
11 remarks.

12 MR. KATZ: Yes, welcome everybody;
13 the public, Board Members, the public, the
14 public on the phone as well. I hope this
15 sound system is working for the folks on the
16 phone. And welcome from-- we now have a
17 Senate--confirmed Secretary Sebelius.

18 VOICE FROM TELEPHONE: Hello.

19 MR. KATZ: Hello? Can you hear us
20 on the phone?

21 VOICE FROM TELEPHONE: Yes.

22 MR. KATZ: Okay, thank you. And a

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1 welcome from Dr. Christine Branche, the Acting
2 Director of NIOSH. And I am Ted Katz. I am
3 the Acting Designated Federal Official for the
4 Advisory Board.

5 Just a couple of points to make,
6 practical points for folks on the phone. If
7 you would please, all of you on the phone,
8 mute your phones so that we don't have the
9 sound from your phone coming in through this
10 sound system. And if you don't have a mute
11 button, please use the *6. *6 will work just
12 like a mute button for you.

13 And also, if you need to go away
14 for some time, please don't put your phone on
15 hold. Just disconnect and call back in
16 because your hold will interfere with the
17 meeting as well.

18 Much thanks and back to you, Dr.
19 Ziemer.

20 CHAIRMAN ZIEMER: Thank you. And
21 the record will show that all of the Board
22 Members are present with us this morning.

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1 Thank you very much for all making the effort
2 to be here.

3 Let me make an additional comment
4 on the agenda. We will stick to the agenda
5 pretty much as it is given. There are several
6 items which I consider time certain, in the
7 sense that there may be people on the
8 telephone lines that will want to participate
9 in the meeting. In particular, those items
10 are the Standard Oil Development Company
11 petition, which is scheduled for 2:00; the
12 Blockson at 3:00, Blockson Chemical SEC
13 petition; and the Santa Susana SEC Petition at
14 4:00. So we will try to be as close to those
15 schedules as possible, in order to fairly
16 accommodate the petitioners who may be on the
17 phone lines.

18 Otherwise, we will move along
19 sometimes perhaps ahead of schedule, sometimes
20 perhaps a little behind. If we do have to
21 alter the agenda due to getting ahead, we
22 sometimes move other flexible items around.

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1 But the time certain ones, we will try to keep
2 them as they are.

3 With that, let us begin with the
4 NIOSH program update. We are pleased that
5 Larry Elliott is with us at this time to make
6 that presentation. Welcome, Larry.

7 MR. ELLIOTT: Thank you, Dr.
8 Ziemer. Good morning Board Members and
9 members of the public. It is a pleasure to be
10 here in Texas and looking forward to a good
11 meeting.

12 As we have tried to start this
13 program report in the recent series of
14 meetings with some informational notes for the
15 Board and for the public, I am very pleased to
16 announce that NIOSH and the CDC Procurement
17 Office has Awarded a new technical support
18 contract for our dose reconstruction SEC
19 petition processing effort, finally. This has
20 been a two year effort to try to get a new
21 contract awarded and we are pleased that of
22 the proposers that bid against the scope of

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1 work, we know that ORAU and its teaming
2 partners have again successfully competed for
3 that and have been awarded this contract to
4 start May first.

5 So the services that they are to
6 provide under this contract are database
7 management, data collection-related claims and
8 petitions, dose reconstruction research,
9 claimant interviews, dose evaluation
10 estimation and reporting, and technical
11 program management support. The contract is
12 designed as a one-year contract with a four-
13 year set of options and approximately thirty
14 million dollars has been allocated for the
15 first year.

16 So we are very excited to see this
17 contract awarded so that we can get back up to
18 the capacity that we had once enjoyed in 2006.

19 Additionally, for the Board's
20 information and as well for the public, I
21 would like to give an update on the Ruttenberg
22 Data Analysis. We received the signed

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1 paperwork in order to transfer the data from
2 the University of Colorado and Colorado State
3 Department of Health to NIOSH and immediately
4 scheduled a trip to Denver to meet with Ms.
5 Ruttenberg and review the data holdings and to
6 take possession of the full dataset.

7 We have been working on a thorough
8 evaluation of an analysis of the data. And we
9 began that in mid-February. We anticipated it
10 would take two months to complete this
11 analysis. And we are close to finishing that
12 up. We will be providing a report of the
13 evaluation and the analysis and the
14 conclusions that we have drawn from this were
15 to the Board and we will post that report on
16 the website for public benefit. So, we are
17 looking forward to finishing that piece of
18 work up very shortly.

19 Also, I wanted the Board and the
20 public to realize that the Department of Labor
21 has formally asked NIOSH to perform some dose
22 reconstructions for RECA Title 5 claims.

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1 These are claims that are being processed
2 under Part E EEOICPA for RECA Title 5
3 claimants that weren't successful under RECA.
4 And so in order to process these RECA claims
5 for toxic chemical exposures, DOL has asked
6 NIOSH to perform a dose reconstruction for
7 radiation exposure to the uranium miners and
8 ore transporters.

9 So we currently have about 82 of
10 these claims and we have developed a
11 methodology and are in the final review,
12 technical peer review of that methodology and
13 hope to implement those dose reconstructions
14 for those RECA claims very shortly.

15 So with that, those are the three
16 news items I wanted to share with you. And we
17 will get started into the regular presentation
18 of the program status report.

19 As of April 30th of this year,
20 29,370 cases have been referred to NIOSH for
21 dose reconstructions. Eighty-two percent of
22 those or 24,050 have been returned to the

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1 Department of Labor. And if we look at how
2 those were returned, we see that 20,895 were
3 returned to DOL with a dose reconstruction
4 report to support a compensation decision; 881
5 of those cases were pulled from NIOSH by the
6 Department of Labor for reasons of
7 ineligibility; there are currently 2,274 that
8 have been pulled from dose reconstruction
9 because they were felt to be eligible for an
10 SEC class that has been awarded.

11 So, we have finished 82 percent of
12 the claims that have been sent to NIOSH. This
13 leaves 16 percent at NIOSH or 4,799; and we
14 have another two percent of cases, 521 that
15 have been administratively closed in the dose
16 reconstruction process. And as you know, this
17 means that NIOSH has completed its work in
18 providing a draft dose reconstruction report
19 to the claimant and we are awaiting the
20 claimant's response to indicate that they have
21 no further information by signing an OCAS-1
22 form.

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1 This pie chart shows the current
2 case status of the 29,370 claims that have
3 been sent to NIOSH. And you can see in the --
4 I'm sorry don't have a pointer.

5 CHAIRMAN ZIEMER: Larry, I am going
6 to interrupt you just a moment. We just got
7 word that we have a phone problem. Okay? And
8 we are going to temporarily come to a
9 screeching halt and see if we can get that
10 corrected quickly.

11 MR. ELLIOTT: Okay.
12 (Whereupon, the foregoing meeting went off the
13 record at 9:28 a.m. and resumed at
14 9:28 a.m.)

15 CHAIRMAN ZIEMER: Apparently, we
16 are back in operation. So, Mr. Elliott, you
17 can continue.

18 MR. ELLIOTT: Okay. We are looking
19 at a pie chart here which shows the current
20 case status for the 29,370 claims that have
21 been sent to NIOSH and it shows, again, the 71
22 percent that were completed with a dose

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1 reconstruction and those are in the blue
2 portion of the chart. Thank you.

3 The only active claims that would
4 be shown in this chart would be those that are
5 in yellow and green here, those that are
6 active and pended. There are 1,105 of those
7 that are pended and I will speak more in
8 detail about those pended in the next slide.
9 Again, the numbers that I have already spoken
10 about on admin closed and SEC pulled are also
11 shown.

12 Of the 1,105 claims that are
13 currently pended at NIOSH, we see that in the
14 top six categories, which are represented
15 here, there are actually 1,073 claims listed
16 in these categories. I need to note for you
17 that you can't add these up because some
18 claims are pended for multiple reasons or more
19 than one reason, so except for the Department
20 of Labor issues around employer missing and
21 cancer information missing. And you will
22 notice that these numbers that are related to

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1 DOL issues have decreased dramatically. We
2 have been working very hard with the
3 Department of Labor identifying claims and
4 pending reasons that relate to DOL eligibility
5 issues. So those numbers have been decreased
6 dramatically.

7 Of the 20,895 dose reconstructions
8 that have been returned to the Department of
9 Labor, we believe that there have been 6,701
10 or 32 percent that have resulted in a
11 Probability of Causation of greater than 50
12 percent. That leaves 68 percent or 14,194
13 cases ahead of Probability of Causation of
14 less than 50 percent were found to be non-
15 compensable.

16 If we look at the distribution of
17 Probability of Causation as shown in this bar
18 chart, this is a typical chart that we show in
19 every program status report, as you know, we
20 are seeing consistent trends. This has not
21 changed over time other than the numbers have
22 increased.

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1 Of the 4,799 cases that are active
2 at NIOSH for dose reconstruction, 1,864 of
3 those are currently in the process of being
4 dose reconstructed; 576 initial draft dose
5 reconstruction reports reside with claimants
6 right now, awaiting their return of the OCAS-1
7 form indicating they have no further
8 information to provide; 2,359 cases are in
9 development prior to dose reconstruction. And
10 we would note, as we are trying to track very
11 closely the oldest cases in this active case
12 load, there are 2,805 or 58 percent that are
13 older than a year in our hands.

14 Looking at how we are working the
15 oldest cases, we show the first 10,000 claims
16 that were received at NIOSH in this slide.
17 And of those, you can see that 7,602 have been
18 returned to the Department of Labor, 173 have
19 been administratively closed in dose
20 reconstruction. They can be reopened at any
21 point in time once we receive the OCAS-1 form
22 or we receive additional information that

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1 would have to be factored into the dose
2 reconstruction. Four hundred and ten cases
3 out of the first 10,000 have been pulled by
4 the Department of Labor for eligibility
5 issues. And then 893 cases have been pulled
6 out of the first 10,000 for Special Exposure
7 Cohort class eligibility. We have six dose
8 reconstruction reports in the hands of
9 claimants right now. We are waiting for them
10 to return the OCAS-1 form. If they don't, of
11 course, they would convert to admin closed or
12 if they do return it, they will show up in the
13 final dose reconstruction reports to DOL.

14 The two items noted in red, DOL
15 returned cases, these are cases the Department
16 of Labor has returned to us for re-work out of
17 the first 5,000 and these re-works are
18 primarily driven by our program evaluation
19 reviews but there are some that are there
20 because we need to rework the claim for
21 medical benefits. It was paid out under SEC
22 but there are still medical benefits issues

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1 that are sorted out with the dose
2 reconstruction. Or there is a DOL eligibility
3 issue that we identified and resolved and was
4 back in our hands for rework. So less than,
5 about one percent of the first 10,000 are
6 still active claims without having had an
7 initial dose reconstruction. That is the 110
8 that you see at the bottom.

9 Of those 110 that are awaiting dose
10 reconstruction, we think it is important to
11 note that 56 distinct sites are represented in
12 that group. The 53 that are in pending
13 status, I kind of tried to break out some
14 details here for the Board, four are there
15 because of cancer, claimant, survivor, or
16 employment information is missing or invalid;
17 there are 24 that are mass pends because of
18 SEC designation issues; 18 are mass pended
19 because of technical basis document issues,
20 site profile modification issues that are
21 underway; three are awaiting information that
22 was provided after the dose reconstruction was

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1 initially done and we are working it again;
2 two are there because of SEC petitioner
3 issues; and two are awaiting consideration for
4 an SEC.

5 There are 57 that are in active
6 status that are not pended. And there is a
7 couple of things to say about that 57 that are
8 inactive. I didn't break out a lot of detail
9 but six of these 57 have been returned to us
10 for re-work because they were in an SEC class
11 but medical benefits were being judged and
12 they needed a dose reconstruction for that;
13 four of them are fit into an SEC class but did
14 not have 250 days or did not have presumptive
15 cancer and so we are reconstructing the dose
16 for those; and three were recently unpended
17 and placed in active status based on the
18 lymphoma PER (Program Evaluation Review), once
19 it was complete.

20 If we look at the first 5,000, the
21 very oldest claims in the 10,000, 28 of the
22 active cases are below 5,000; 24 distinct

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1 sites are represented across those 28; 15 are
2 in pended status for these various reasons
3 that are shown; and 13 are in an active status
4 going through dose reconstruction. And you
5 can see the breakout: five of those are
6 awaiting DR for medical benefits; six are non-
7 SEC eligibles and awaiting DR; and two had
8 employment date revisions by the Department of
9 Labor.

10 Our trend chart to show our
11 production experience over the course of time,
12 we have modified this a little bit to get rid
13 of the quarters issue, the mixed up -- so
14 these are fiscal years. The first quarter
15 starts the fiscal year, as you know, and you
16 can see that in the green line, those are the
17 cases that we had received from the Department
18 of Labor. And the yellow line -- or excuse
19 me. The blue line are the Department of Labor
20 receipts and the green line is the draft
21 reports to claimants. And then once we hear
22 from the claimant they have no other

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1 information, the red line represents those
2 reports that have been sent to the Department
3 of Labor.

4 The trend here, as you have seen
5 during the past few months is that we are
6 consistently receiving about 200 a month from
7 Department of Labor, 2400 a year. We are
8 working off the backlog again. We are above,
9 our production lines are above the receipt
10 line. And with the new contract award, we are
11 hoping that we will be able to see a
12 production capacity in the 6,000 range per
13 year.

14 If we look at this bar chart, we
15 are told how well we are doing within the
16 incremental 1,000 cases breakout. And you can
17 see that we are showing in blue the cases that
18 are completed; in red those that have been
19 pulled from our caseload by DOL; in mustard
20 the cases that are active for each of those
21 1,000 increments; in green are the SEC cases
22 that have been taken away from dose

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1 reconstruction; and in yellow, the cases that
2 are administratively closed, which could be
3 opened at any time, if there are additional
4 information or if an OCAS-1 comes forward; and
5 then the pended cases are shown in the gray.

6 This chart shows the number of
7 reworks that NIOSH has been challenged with.
8 We received a total of 9,135 reworks. We have
9 returned to the Department of Labor 6,501.
10 And so in our active caseload right now of
11 those 4,000 plus, 2634 cases are still at
12 NIOSH, which are rework cases.

13 We have revamped our presentation
14 chart on our time to complete a dose
15 reconstruction report and it is shown in this
16 bar graph by fiscal year. And the yellow
17 indicates those claims in that fiscal year
18 that it took more than a year to complete.
19 And you can see a downward trend. The green
20 bar shows those claims in that fiscal year
21 which took 60 days or less to complete a DR.
22 And then the purple shows those claims in that

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1 fiscal year which were completed between 61
2 and 180 days.

3 To report on our experience in
4 requesting information from the Department of
5 Energy to support our dose reconstruction
6 efforts, we currently show that there are 533
7 outstanding requests placed at DOE facilities
8 for dose information. And of those, 160 that
9 we are tracking have gone beyond 60 days. We
10 monitor these on a 30-day period. I can tell
11 you that these numbers change. This is a
12 snapshot in time. And of the 160 that are
13 over 60 days awaiting, there are 81 that are
14 situated in the hands of the Oak Ridge
15 Operations Office. That is usually our Oak
16 Ridge Operations Office supports K-25, Y-12,
17 X-10, Paducah, Portsmouth Gaseous Diffusion
18 Plant and Mallinckrodt Works. And so a good
19 number of sites and a lot of claims that get
20 requested through that operations office. But
21 we are monitoring that closely.

22 As of April 30th this year, there

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1 have been 42 SEC classes which have been added
2 since the rule was passed in May of 2005; 22
3 of those classes or 52 percent have been
4 processed through the 83.13 process; and 20 or
5 48 percent of the classes that have been added
6 have been so worked by an 83.14 process.

7 This represents classes of workers
8 from 33 sites, these 42 classes. It also
9 represents 2,274 potential cases that have
10 been dealt with through a class addition.

11 Now, with regard to site-specific
12 information, given that we are here in
13 Amarillo, we wanted to present where we are at
14 with regard to the Pantex Plant cases that
15 have been referred to NIOSH. And you will see
16 here that we have completed 74 percent of the
17 397 that we have received for DOL. That 74
18 percent is 292 claims complete, of which there
19 have been 48 or 16 percent compensation rate
20 for these claims, 244 or 84 percent had a PoC
21 of less than 50 percent.

22 Eighteen of the claims have been

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1 pulled by the Department of Labor. That
2 represented Pantex employment. Eighty-seven
3 claims remain active at NIOSH for dose
4 reconstruction.

5 If we look at distribution of PoC
6 for Pantex claims, it is fairly flat through
7 these PoC categories, showing greater than 50
8 percent on the right-hand side of the graph
9 and then by ten percent increments up to that
10 point in the for bars or five bars to the left
11 of the graph.

12 Just a couple of notes on -- I
13 don't know that I would call these
14 accomplishments, or at least the first one I
15 don't know I would say is an accomplishment,
16 but is progress that we think and feel that is
17 progress based upon our work at NIOSH. DOE
18 had originally estimated when this program
19 started that fewer than five percent of the
20 nuclear weapons workers with cancer would have
21 a PoC of greater than 50 percent. That
22 estimate was based upon the National Cancer

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1 Institute's estimates that the incidence of
2 cancer in the general population of the United
3 States was over 40 percent; that some types of
4 cancer have been found not to be significantly
5 radiogenic and that epidemiologic studies of
6 cancer incidents were not support a greater
7 compensation rate than that.

8 The numbers of dose reconstructed
9 cases that we have returned to DOL with a
10 Probability of Causation of greater than 50
11 percent is 32 percent. So, we feel that we
12 have realized this higher rate of compensation
13 through our work because DOL has to use the 99
14 percent credibility limit that the law
15 specifies that is very claimant favorable and
16 that the dose reconstruction methods that
17 NIOSH is using bring the best science. But
18 when we have to draw an assumption, we draw
19 the most claimant favorable assumption that is
20 reasonable and plausible.

21 NIOSH has also prepared a report,
22 as you know, to the Senate Appropriations

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1 Committee that recommends adding basal cell
2 carcinoma to the list of presumptive cancers.
3 We produced that report in 2006, and the
4 report promised an update once the UNSCEAR
5 report was available. That came out earlier
6 this year and so we have reviewed and revised
7 our report to Congress based upon the
8 information that was given in the UNSCEAR
9 review. And currently that revised report is
10 undergoing review in HHS and will be
11 transmitted to Congress we hope very soon.

12 If there are questions, I would be
13 happy to answer them.

14 CHAIRMAN ZIEMER: Thank you very
15 much Larry for that report.

16 Just for clarification, you had
17 mentioned the Part E claims now that you are
18 handling and just for clarity, I believe I am
19 correct in saying that this Board has no
20 direct responsibility in the involvement with
21 those claims. Is that not correct?

22 MR. ELLIOTT: That is my

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1 understanding. That we don't plan to present
2 to the Board our methodology. That these
3 claims are not Part B claims. They are Part E
4 Title 5 RECA claims.

5 The dose reconstruction that we are
6 providing is a very simple, straight-forward
7 modeling approach, based on the mine
8 information that we have available to us. It
9 will provide a letter to DOL and to the
10 claimant, specifying what dose was
11 reconstructed for that RECA exposure and what
12 dose could not be reconstructed, and provide
13 an IREP spreadsheet for the Department of
14 Labor to use in their determinations.

15 CHAIRMAN ZIEMER: Dr. Melius.

16 DR. MELIUS: Yes, I have several
17 questions here. I will try to organize them.

18 First of all, thank you, Larry, for
19 providing more detailed information on some of
20 these older cases. I appreciate it. And I am
21 trying to make some of these numbers add up
22 and understand them. But first of all, on

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1 your table, the 14th slide, days required for
2 completion of initial draft DR report.

3 MR. ELLIOTT: Yes.

4 DR. MELIUS: I am just a little
5 confused by the labeling there. Is there a
6 column missing or is a column mislabeled? You
7 have 60 days or less, 61 to 180 and more than
8 one year. I am trying to figure out what
9 happened to 180 to 365.

10 MR. ELLIOTT: Obviously, we left it
11 out. We didn't want to talk about it.

12 (Laughter.)

13 DR. MELIUS: I just didn't know if
14 it somehow --

15 MR. ELLIOTT: We have been
16 targeting more than a year. We have been
17 looking at one year --

18 DR. MELIUS: Oh, okay.

19 MR. ELLIOTT: -- as our trigger
20 point. You know, we are trying to figure out
21 what it is going to take for us to move claims
22 out the door in less than 180 days and in less

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1 than a year. And so we certainly could add
2 that if it has information to it.

3 But I would say to you that 180 to
4 365 is included in the yellow bar. No, I
5 can't say that.

6 DR. MELIUS: No, you can't say
7 that. Please don't. You have got me --

8 MR. ELLIOTT: Only more than one
9 year is in the yellow bar. So we don't have
10 it.

11 DR. MELIUS: You don't have it up
12 there.

13 MR. ELLIOTT: We don't have
14 information on this slide for you for 181 to
15 364.

16 DR. MELIUS: Okay.

17 MR. ELLIOTT: It is not there. I
18 don't know why it is not there.

19 CHAIRMAN ZIEMER: If I could
20 interrupt, I suppose it is the difference in
21 the total of the three because it has got to
22 total 100 percent.

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1 So for example, for 2008, you have
2 got like 43 percent plus 27. That is 70 -- so
3 you have got a -- I mean, we could figure it
4 out.

5 MR. ELLIOTT: You could get at it.

6 CHAIRMAN ZIEMER: We hate to do all
7 that work.

8 MR. ELLIOTT: I know. Well, we
9 want to make you work a little bit. My
10 apologies. We should have included that.

11 DR. MELIUS: No, there is no need
12 to apologize. I just wanted to make sure it
13 wasn't mislabeled or whatever. Because I was
14 trying to understand that.

15 DR. MELIUS: Well, we appreciate
16 the comment. We are working hard trying to
17 improve our communication materials and this
18 is certainly a good point for us to take home.

19 DR. MELIUS: Yes. And then I am --
20 the tenth slide, which is summary of efforts
21 to complete the first 10,000 cases. You have
22 five awaiting dose reconstruction for medical

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1 benefits for non-SEC cancer. I don't quite
2 understand that category. Thirteen are in
3 active status.

4 MR. ELLIOTT: Yes, okay. So here
5 is the issue. A claim is paid because the
6 person had an SEC presumptive cancer and they
7 fit into a class. But they have another
8 cancer that is not an SEC cancer but they are
9 getting medical treatment for it.

10 DR. MELIUS: Oh, okay.

11 MR. ELLIOTT: So DOL needs to have
12 a dose reconstruction from us to determine
13 whether or not they should pay those medical
14 benefits.

15 DR. MELIUS: Yes, okay. That makes
16 sense.

17 My other comment is your -- the
18 number of -- the 32 percent of DRs greater --

19 MR. ELLIOTT: Yes.

20 DR. MELIUS: -- the Probability of
21 Causation greater than 50 percent. I mean, I
22 think this has sort of been a myth about the

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1 program. There was some initial estimates
2 from DOE. And actually I used to hear Pete
3 Turcic use the 10 or 15 percent or something
4 like that as to what was expected. And so
5 something was wrong with the program because
6 it was higher than what they originally
7 estimated.

8 And I think one of the problems
9 with this is that nobody had ever looked at
10 the entire exposure database at the Department
11 of Energy. And clearly, even the
12 epidemiologic studies only tended to look at
13 places where there good records to support an
14 epidemiological study and didn't look at a
15 lot of the smaller sites and a lot of the
16 sites that you are finding do not have very
17 good exposure records.

18 And so I think in truth we don't
19 know. Yes, there is some -- you would expect
20 it to be higher than might be estimated based
21 on the original estimate because of the
22 methods that are used. But I think to use

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1 sort of an epidemiological argument there is
2 facetious and we need to be careful with that.

3 CHAIRMAN ZIEMER: Apparently, they
4 had used that argument at the front end and I
5 think you are just quoting it.

6 MR. ELLIOTT: I am not quoting it
7 as a reason why 32 percent is what we are
8 experiencing now. I am saying we understood
9 that is what the estimate of the previous
10 slide.

11 DR. MELIUS: Well, I believe that
12 some members of your staff used that in some
13 of the publications in the health physics
14 journals. So, I think it has some currency
15 within the program and I think you need to be
16 careful with that.

17 CHAIRMAN ZIEMER: Yes, Jim Neton,
18 perhaps has a comment on this.

19 DR. NETON: I might have a little
20 clarification here. That 32 percent is
21 virtually made up of the respiratory tract
22 cancers that are almost 89 percent paid out of

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1 this program. That is primarily because of
2 the missed dose associated with the bioassay
3 monitoring program associated with working
4 with actinides, where you just cannot make a
5 determination as to what the dose of the lung
6 was.

7 So, you will see if you go through
8 this 32 percent, virtually most of the lung
9 cancer cases in the program.

10 CHAIRMAN ZIEMER: Thank you.

11 DR. MELIUS: But my response there
12 is so. So what?

13 DR. NETON: Well, we don't know
14 that that is really the dose that these people
15 incurred. It is a plausible upper bound,
16 based on the generousities of the program.

17 DR. MELIUS: But you also don't
18 know it is a dose they didn't get.

19 DR. NETON: Right.

20 DR. MELIUS: Because you are unable
21 to estimate it.

22 CHAIRMAN ZIEMER: In fact, an epi

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1 program could not look at that, because they
2 wouldn't have a dose value to use.

3 DR. MELIUS: Exactly.

4 CHAIRMAN ZIEMER: Did you have an
5 additional question?

6 DR. NETON: Not at the moment. I
7 need to find another slide here, if anybody
8 else does.

9 CHAIRMAN ZIEMER: Yes, Ms. Beach
10 has a question.

11 MS. BEACH: Back on slide 13 of the
12 reworked cases, you said there was 2,634 that
13 are yet to be completed. Is there, are you
14 tracking those from the oldest to the newest
15 or how are those being completed? I am just
16 curious because the charge doesn't really
17 indicate.

18 MR. ELLIOTT: Yes, we like to see
19 the first in be the first to go back out. But
20 some of these reworks have multiple
21 modifications that have to be attended to.

22 So in some cases, a rework will be

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1 returned very quickly and in other cases, it
2 won't follow in the queue that it came in it.
3 You know, it won't go out as quickly as we
4 would like.

5 But yes, we are monitoring the
6 progress on completing reworks. We are
7 watching. We have an ability within our
8 tracking system to understand how long a claim
9 has been in our hands and what its issues are
10 and how it is moving.

11 MS. BEACH: Well, I guess I would
12 like to see maybe a column that says back
13 from, maybe your heavier periods, how many are
14 still left from that time frame, for 2007, --

15 MR. ELLIOTT: Okay.

16 MS. BEACH: -- if that is a
17 possibility.

18 MR. ELLIOTT: We will consider
19 looking at that, yes.

20 CHAIRMAN ZIEMER: There is another
21 question from Dr. Melius.

22 DR. MELIUS: I have two questions.

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1 One on the Department of Energy information
2 request that you indicated you had 160 that
3 were greater than 60 days.

4 MR. ELLIOTT: Yes.

5 DR. MELIUS: Are any of those
6 greater than one year, those requests for DOE
7 information?

8 MR. ELLIOTT: No. We have two that
9 go greater than 180 days.

10 DR. MELIUS: Okay but --

11 MR. ELLIOTT: But none that go more
12 than a year.

13 DR. MELIUS: Okay.

14 MR. ELLIOTT: And the two on 180
15 days, we know exactly what is going on with
16 those.

17 DR. MELIUS: Okay. And I take it
18 among the first 10,000, I don't see listed
19 here any cases where you are unable to get
20 adequate information from DOE.

21 MR. ELLIOTT: No, that is not an
22 issue for those.

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1 DR. MELIUS: I mean, you may find
2 somewhere it doesn't exist, or --

3 MR. ELLIOTT: Right.

4 DR. MELIUS: -- whatever. But
5 okay, good.

6 MR. ELLIOTT: And some of those,
7 many of those, are AWE facilities. So, I
8 mean, it is not DOE that doesn't have the
9 data. It is an AWE situation we can't find
10 the data perhaps.

11 DR. MELIUS: I would also, this is
12 a comment and I have said it before. You
13 don't necessarily need to respond, Larry, but
14 it seems to me at some point you need to
15 consider just taking some of these first
16 10,000, first 5,000, if you are unable to
17 resolve it. It seems to me somebody applying
18 for a compensation program shouldn't have to
19 wait five or six years or more to get their
20 case adjudicated. And at some point it just
21 becomes ridiculous that people are pending
22 this long in this type of program.

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1 And I know you may be limited by
2 your regulations but maybe it is time to
3 change the regulations in order to deal with
4 this issue.

5 CHAIRMAN ZIEMER: Thank you.
6 Additional comments or questions? Apparently
7 not.

8 Thank you again, Larry.

9 Next we will have the Department of
10 Labor program update. And again, Jeff Kotsch
11 is with us this morning. Welcome, Jeff.

12 MR. KOTSCH: Good morning. Just a
13 little background. A lot of this is
14 repetitious, unfortunately, other than some of
15 the numbers changing, but the content. But
16 for the people that haven't heard this
17 presentation before, we will go through a
18 little bit of a summary of the program or the
19 background of the EEOICPA.

20 Part B became effective on July 31,
21 2001, and as most of the numbers in the
22 presentation are as of April 30th of 2009,

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1 66,023 cases are 97,633 claims have been
2 filed. Just a note that the claim number is
3 always higher because if the employee has
4 passed away, there may be more than one
5 survivor. So, like I said, the claim and
6 claim number will always be higher than the
7 number of cases. And 29,495 cases have been
8 referred to NIOSH for dose reconstruction as
9 of the date.

10 However, historically, we have
11 always had an issue with the numbers
12 corresponding. They had been getting closer.
13 We have been working with Larry's people as
14 part of a dose reconciliation project to look
15 at cases that we believe to be either with us
16 or with NIOSH or in transit kind of thing.
17 And those numbers are actually closing. These
18 numbers are relatively close concerning the
19 history of the numbers we reported. So they
20 are closing. That operation is continuing and
21 we appreciate NIOSH's efforts in working with
22 us to resolve some of these issues. And you

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1 also saw on Larry's slides that the number of
2 the pended cases dropping radically as we get
3 monthly reports, which are submitted to the
4 district offices. And those cases are looked
5 at and determined how to resolve those issues
6 and how to respond to NIOSH with those things.

7 For Part E, that became effective
8 on October 28, 2004. That was formerly the
9 Part D program, which was administered by the
10 Department of Energy. And 56,956 cases or
11 80,032 claims have been filed and over 25,000
12 cases were initially transferred from DOE.

13 Just as far as the overall
14 compensation for the program, 4.8 billion
15 dollars have been paid in total compensation;
16 2.94 billion of that is for the Part B
17 program; 1.56 billion for the Part E; and 316
18 million in medical benefits.

19 The cases paid under the EEOICPA,
20 there have been 51,135 payees in 37,932 Part B
21 and E cases; 36,485 Part B payees in 23,909
22 cases, which is about 53 percent of our total

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1 cases; and 14,650 Part E payees in 13,923
2 cases.

3 Just a quick look again, for the
4 people that have not seen this presentation
5 before, at Part B. Part B includes radiation
6 induced cancers, beryllium illness, basically
7 chronic beryllium disease, beryllium
8 sensitivity, the special exposure cohort,
9 silicosis for the miners in Nevada and Alaska,
10 supplement for the RECA uranium workers
11 Radiation Exposure Compensation Act workers,
12 the millers, the miners, millers, and ore
13 transporters; and the old Part D, which is now
14 the new Part E program.

15 As far as eligibility for Part B,
16 it includes the DOE employees, the DOE
17 contractors, subcontractors, the atomic
18 weapons employers, the beryllium vendors and
19 certain survivors of the deceased workers
20 which are listed there, which are a little
21 different than we will see in the Part E
22 program and the RECA Section 5 radium workers.

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1 Again, the miners, millers, and the ore
2 transporters.

3 Presumptive coverage for workers
4 with 22 specified cancers at the SEC sites,
5 those are the covered cancers, the four
6 legislated or the statutory sites, the three
7 gaseous diffusion plants at Portsmouth,
8 Paducah, K-25, plus Amchitka. And as of
9 February 15, 2009, we are showing 39 SEC
10 classes.

11 So the benefits paid out under Part
12 B are \$150,000 lump sum payment, medical
13 benefits for covered conditions and the
14 medical treatment and monitoring only for the
15 beryllium sensitivity.

16 Now for Part E, it was created,
17 again, in 2004 to replace the old Part D
18 program. It is a federal entitlement program
19 like Part B and results in lump-sum payments
20 up to \$250,000, usually on top of a Part B
21 payment. If there is a Part B payment, it
22 rolls over almost automatically into the Part

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1 E program, plus medical benefits for the
2 accepted conditions.

3 Eligibility under Part E is again,
4 under E it only covers the DOE contractors and
5 subcontractors. It does not include the
6 atomic weapons employers or the beryllium
7 vendor employers. Certain survivors of
8 deceased workers and here it is a more
9 restricted population of survivors, due to the
10 way the Act was amended.

11 Any occupational disease, any toxic
12 exposure, including Part B disease. So there
13 is, again, dual eligibility. Basically if you
14 get Part B compensation, you pretty much
15 automatically get Part E compensation.

16 Just a graphic of the final
17 decisions under the Part B cases. We are
18 showing again as of April 30th, 25,593 final
19 decisions approved, 19,204 denied. The three
20 bars to the right of the final decisions
21 denied, 570 survivors not eligible; 13,336
22 with Probability of Causation is less than 50

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1 percent; and 5,298 with medical information
2 insufficient to support the claim.

3 This slide is the NIOSH referral
4 case status. Again, showing 29,495 cases
5 referred to NIOSH for dose reconstruction.
6 And 23,852 were returned by NIOSH and
7 currently at DOL; 20,516 of those have dose
8 reconstructions and 3,336 came without dose
9 reconstructions. Again, returned for various
10 reasons, primarily probably a pull for the SEC
11 class eligibility.

12 5,643 cases are currently at NIOSH.
13 We are showing 3,053 of those that are
14 initial referrals to NIOSH and 2,560 that are
15 reworks or returns to NIOSH. Again, cases
16 primarily go to NIOSH in two groups as far as
17 reworks, ones that either have new medical
18 information, such as additional cancers or
19 additional employment or ones that were
20 returned for either PER activity, Program
21 Evaluation Report activity by NIOSH or SEC.
22 That would be it, I guess, primarily, the PER

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1 type things.

2 The new SEC-related cases we are
3 showing 2,861 withdrawn from NIOSH for review;
4 2545 with final decisions issued, of which
5 2,467 have final approvals; 34 recommended but
6 no final decisions; 75 cases are pending at
7 DOL; and 207 cases are closed. So that is 89
8 percent of the SEC-related cases have final
9 decisions are ready as we work through the
10 process of either initially getting them in or
11 pulling them back from NIOSH and evaluating
12 the criteria for acceptance into the SEC.

13 The NIOSH dose reconstruction case
14 status, we are showing 20,516 cases at DOL
15 with dose reconstructions; and 19,207 dose
16 reconstructions with final decisions. That is
17 about 66 percent; 6,476 with final approvals,
18 those are with POCs greater than 50 percent,
19 and 12,731 with final denials with PoCs less
20 than 50 percent.

21 The numbers for the accepted Part B
22 cancer cases, accepted dose reconstruction

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1 cases are 6,210; that is 8,844 payees or
2 \$921.6 million in compensation.

3 Accepted SEC cases are 9,418;
4 15,150 payees in the amount of \$1.392 billion
5 in compensation.

6 Cases accepted based on SEC status
7 and a PoC of 50 or greater is 266; 343 payees
8 are in this group with \$39.7 million in
9 compensation.

10 And the totals. All accepted SEC
11 and dose reconstructed cases, 15,894. It
12 translates into 24,337 payees and \$2.353
13 billion in compensation. That is, again, as
14 of April 30th.

15 Just this is the break down or the
16 chart for the Part B cases received monthly by
17 DOL. This is for basically our incoming
18 caseload.

19 Most of those cases, most or many
20 go on to NIOSH, as you see in this slide.
21 These are Part B cases sent to NIOSH monthly.
22 It includes both the initial referrals to

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1 NIOSH and the reworks and returns to NIOSH.
2 So those numbers will or may or many not
3 exceed the incoming number just because of the
4 timing of the way the cases are moving.

5 But again, I guess that average is
6 -- this is monthly. Right? Somewhere in the
7 -- anyway, it guess it is, with the reworks on
8 the initials, it is running in the upper 300s.

9 Just an overview of some of the
10 SECs that petition site discussions that may
11 be discussed at the meeting. Standard Oil
12 Development Company of New Jersey. We have
13 had one case, two claims. That is only a Part
14 B issue. One case returned from NIOSH with a
15 dose reconstruction, zero approvals. Blockson
16 Chemical, 213 cases or 357 claims. Again,
17 that is a Part B only situation; 117 cases
18 returned from NIOSH with dose reconstruction;
19 DOL has issues 132 Part B decisions; 54 Part B
20 approvals in the amount of \$8.2 million.

21 Area IV at the Santa Susana Field
22 Laboratory in California we have seen 776

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1 cases or 985 claims; 191 have been returned
2 from NIOSH with a dose reconstruction that DOL
3 has issued; 204 part B decisions; 57 Part B
4 approvals; 67 Part E approvals. That site is
5 also a beryllium site. Total compensation and
6 medical bill payment of \$14.9 million.

7 And there is a Nevada Test Site
8 number there, 5,975 cases or 8,544 claims,
9 both Part B and E; 1,159 returned from NIOSH
10 with dose reconstructions; DOL has issued
11 2,133 final decisions in Part B for 879 Part B
12 approvals, 889 Part E approvals, and payment
13 of total compensation and medical bill
14 payments of \$201.1 million.

15 And then that is just the pie chart
16 of the Part B cases filed and the breakdowns,
17 percentages, 35 have gone to NIOSH, RECA is 11
18 percent; the others, 38 percent are the
19 silicosis and chronic beryllium disease,
20 things like that.

21 And that is it.

22 CHAIRMAN ZIEMER: Thank you very

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1 much, Jeff, for again summarizing those
2 activities.

3 Jeff, could you tell us, I want to
4 ask a question that relates to the Worker
5 Outreach Program. Can you tell us, are there
6 any sites where from Labor's point of view,
7 significant additional worker outreach
8 activities need to be done, particularly on
9 any of the major sites?

10 I am trying to get a feel for
11 whether, you have a claim or a rate of about
12 400 a month that you are sending forward, does
13 this just reflect the occurrence of new cases
14 or does it reflect the worker outreach program
15 where people are becoming aware of the program
16 that perhaps were not before? And you may not
17 be able to answer that but I am trying to get
18 a feel for the extent to which we are
19 confident that the folks out there know both
20 of the existence of the program and how to get
21 involved in it.

22 MR. KOTSCH: I think -- I don't

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1 know the exact answer, Paul. I think at all
2 the major sites, people are aware of the
3 programs. I know initially, for a long time,
4 we had a question about the Hanford site. We
5 just never saw the volume of applications from
6 that site that we would have expected. Just
7 because, I think, what, 60 percent of the
8 people have worked at Hanford at some point in
9 their career. So you would just have expected
10 to see more from that site. We have seen, I
11 think, an uptake, especially since the SEC was
12 granted out there, more applications from
13 there. But I don't know how those monthly
14 numbers, I am sure we have those numbers I
15 just don't have them with me, I don't know how
16 they break down by say applications for
17 initial sites by location at the major DOE
18 sites. You know, if they are predominantly
19 one side or another or just a fairly constant
20 value.

21 I know our group is looking at,
22 continuously looking at outreach activities

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1 and where we need to be as far as facilities.
2 Whatever SEC classes come up, we are
3 definitely out there with those, along with
4 NIOSH. Or if it is a small site, sometimes we
5 just contact the claimants by telephone, if
6 there is not an actual meeting.

7 But I don't know that there is,
8 Larry might be aware, but I don't know if
9 there is any active; there is not a major
10 outreach effort that I am aware of right now.
11 But I could check on that but it is a good
12 question as far as I don't know exactly how
13 those incoming monthly ones, especially the
14 initial ones, while the initial ones aren't
15 being distributed as far as location goes.
16 You know, if there is predominantly one site
17 showing up now or not.

18 CHAIRMAN ZIEMER: Well, it sort of
19 revolves around whether or not the cases
20 coming in reflect mainly newly discovered
21 medical conditions. You know, 90 percent of
22 the cases are ones where the cancer was just

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1 discovered. But I don't know how easily that
2 is answered. I was just trying to get a feel
3 for whether or not Labor felt that the job of
4 worker outreach has been effective or are
5 there major sort of locations where much more
6 needs to be done. Perhaps that is almost more
7 rhetorical today. It is something to think
8 about.

9 MR. KOTSCH: Yes, but I think you
10 are right. There obviously has to be some
11 kind of baseline level for new cancers or
12 obviously living workers.

13 CHAIRMAN ZIEMER: Right. Dr.
14 Melius.

15 DR. MELIUS: Yes, a couple of
16 comments on that. One is that the DOE still
17 runs the medical screening program at many of
18 the sites and has been expanding that program,
19 I know to Brookhaven recently last year, and I
20 think to some other sites also. I can't
21 remember offhand. And I think that tends to
22 make people, another group aware of what is

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1 going on with the program.

2 Secondly, I know DOL and I am not
3 up-to-date on it. I know DOL has worked with
4 some other outside groups on doing some
5 outreach on their own. But you have to
6 realize a lot of this population is very hard
7 to reach because they have retired and moved
8 and left. And you know, it is not like they
9 are all sitting in Hanford or Richland or
10 wherever. Many of them have moved around the
11 country and may not be aware of the program
12 still or not think of it until they become
13 ill. And then when you develop cancer, you
14 usually have other things on your mind and
15 don't necessarily think about it.

16 Third, I think we did find that the
17 facility in Connecticut, the Pratt and Whitney
18 facility there was one where there were very
19 few cases filed proportional to the number of
20 workers that were eligible that became
21 eligible at the SEC. And I think I commented
22 at the time about the need for some outreach

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1 there. I mean, that is an example of a
2 facility that probably wasn't on anybody's
3 radar screen, so-to-speak, in terms of having
4 a population that might be eligible for the
5 program. It is not in the part of the country
6 where there are a lot of other sites and I
7 suspect they weren't very aware of the
8 program. And then suddenly when they become
9 eligible, maybe the time to really do more
10 outreach there both for DOL and for NIOSH. I
11 mean, in that example, there was an active
12 union that is still active and is still active
13 at other facilities and that will affect
14 sister facilities there are still active.

15 But I think overall the problem is
16 that it is just a difficult population to
17 reach out to. And frankly, there is a lot of
18 people that, you know, they have friends who
19 have been turned down, rejected by the program
20 and say why should I bother to apply if I am
21 not going to get compensated or if the program
22 is so difficult or takes so long that it is

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1 not worth the effort. I think we have heard
2 that at many of our public meetings. So, I
3 think that is another factor that operates
4 here.

5 MR. KOTSCH: Again, when an SEC
6 class is implemented at a specific site, there
7 is an effort made on outreach. But you are
8 right, I know we put ads in different
9 retirement, you know, news letters and
10 sometimes you will even see them in the AARP
11 and things like that just because it is very
12 difficult to track some of these. You know,
13 to get the word out, basically.

14 CHAIRMAN ZIEMER: And I suppose
15 there are certain sites and I think Oak Ridge
16 would be an example, maybe Hanford, where
17 there is a close-knit community that maintains
18 some linkages even after retirement and that
19 probably helps a lot. Other sites and
20 particularly some of the ones such as the
21 Pratt Whitney, perhaps, I don't know. I
22 shouldn't pick on them, perhaps, where that

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1 kind of family feeling doesn't exist and
2 perhaps the word doesn't get out quite as
3 easily.

4 But nonetheless, you are having
5 apparently a steady stream of cases coming in
6 and I was more speculating as to what the
7 nature of those were, in terms of how they are
8 getting the word and whether it is simply the
9 arrival or the appearance of new medical
10 conditions versus finally learning about the
11 program.

12 Okay, other questions or comments
13 on the labor report? Apparently not. Again,
14 thank you, Jeff.

15 MR. KOTSCH: Okay, thank you.

16 CHAIRMAN ZIEMER: We are a little
17 ahead of schedule but I think we have time --
18 let me see. We are not scheduled for a break
19 yet. Maybe will take a break anyway. Let's
20 take a little break and then we will proceed.
21 So, we will give you a few extra minutes but
22 we will recess briefly.

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1 (Whereupon, the foregoing meeting went off the
2 record at 10:20 a.m. and resumed at
3 10:50 a.m.)

4 CHAIRMAN ZIEMER: We are ready to
5 continue.

6 The next item on our agenda this
7 morning is an update from the Department of
8 Energy. And Dr. Patricia Worthington is with
9 us and we are pleased to have her present this
10 update.

11 Dr. Worthington, we welcome you to
12 the podium.

13 DR. WORTHINGTON: Good morning. It
14 is always a pleasure to be here and to address
15 the Board and to address the public. On
16 behalf of Glenn Podonsky, we are pleased to be
17 here. It certainly took a little bit longer
18 to get to Amarillo than I had anticipated but
19 we are here now, so we are pleased.

20 I wanted to give you an update
21 today on where we are on several aspects of
22 the program. One thing I wanted to mention in

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1 the beginning is that I certainly compliment
2 the people that worked very hard on this
3 program. Gina Cano, the Director of the
4 office that has responsibility for this is
5 here, along with two members of her staff,
6 Greg and Isaf. And they will be around to
7 interact with you during the course of the
8 week.

9 Since we had the meeting, I believe
10 at Savannah River in February time frame, we
11 had some significant things we were addressing
12 on PII in the Department. They have certainly
13 impacted this program and some of our other
14 programs. We have for over a year now on this
15 program focused on how do we best juggle the
16 requirements for national security versus
17 requirements for getting information on
18 workers to NIOSH into the Department of Labor.

19 However, in terms of PII, I mean, that is
20 certainly important because that is protection
21 of vital information for the actual workers.
22 And so while it has certainly caused some

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1 impact on this program, it was a time out that
2 was meaningful in terms of making sure that we
3 are always protecting that information. And
4 it was a challenge. It caused some delays at
5 some of the sites. We for the most part
6 worked our way out of them. I think we have
7 one major hurdle to overcome. But again, we
8 want people to certainly understand that as we
9 go about and do our work, that it is certainly
10 very important to us that we are protecting
11 the information of those workers.

12 The responsibilities for the DOE
13 program certainly haven't changed since we
14 have been coming before this group and I will
15 just mention them today in case there are some
16 new individuals are in the audience. And one
17 is the individual information. We wanted to
18 make sure that we get that information to DOL
19 and to NIOSH as quickly as possible.

20 In terms of doing research and
21 retrieving information, that certainly is a
22 major part. As you know, DOE and its

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1 predecessor organization has been around for
2 quite some time. And we have some very old
3 systems associated with data and in some cases
4 multiple systems operating. And in some
5 cases, they certainly are manual. They are
6 not electronic. So, it is always a challenge.
7 We don't want to come back with a no, without
8 doing the best job that we can but also being
9 timely.

10 And we want to update our covered
11 facilities. You will hear a little bit more
12 about that in a few minutes.

13 Here are some activities, some
14 numbers. We have been big on numbers today.
15 Certainly, in terms of DOE, we want to
16 increase our numbers all the time and be
17 timely. Just some idea about what we do on a
18 yearly basis.

19 In terms of employment
20 verifications, about 7,000 per year; dose
21 records for NIOSH, about 4,000; and the DAR is
22 about 7,500 a year. And those numbers in some

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1 cases involved quite a bit of work in order to
2 be able to produce the results.

3 We have a number of SEC's, nearly
4 ten that are ongoing. Some of them much more
5 mature or a longer time frame than others but
6 here are examples of the ones that we are
7 working on. And certainly there is a lot of
8 energy associated with it but we are happy to
9 be able to provide this information.

10 A little bit about Hanford. I
11 think we have heard some from Hanford this
12 morning about the things going on there.
13 Certainly as all the SECs are, this has been
14 an important one. Let's focus on the things
15 that we have done but also we are certainly
16 very clear on the work that remains. That 83
17 boxes and that can be misleading. A lot of
18 information can be made available in those
19 boxes. In this case, almost 200,000 pages
20 were reviewed by NIOSH. And from those boxes,
21 nearly 2,000 documents were identified,
22 cleared and indexed by DOE staff. And that is

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1 certainly important that we want to make
2 available a wide range of information that
3 NIOSH can screen and look through and then
4 select the information that would be most
5 appropriate for their work.

6 Again, things that are in process
7 at Hanford, 17 additional boxes that we are
8 working through. We try to communicate in a
9 number of ways in hosting visits and
10 conferences in whatever kind of communication
11 might be necessary in order for us to carry
12 out this work.

13 You have heard today about things
14 that are outstanding for DOE. So those things
15 are always in front of us, things that remain
16 to be done. An additional 25 boxes, almost
17 all classified, that certainly is a challenge
18 for us but we have a firm commitment from
19 Glenn's organization in terms of the Office of
20 Classification, making people available to
21 actually review these documents. Last week,
22 Gina, myself and her staff, we attended the

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1 classification directors. I am not sure if
2 that is the correct title but they have a
3 conference on an annual basis. They come
4 together and talk about their challenges and
5 their processes. We actually went there and
6 had a plea to that group about our work,
7 making them familiar with this program and
8 thanking many of them for the classification
9 things that they have done and also letting
10 them know that we anticipate more in the
11 future and working with them on ways to staff
12 up and to be able to help us even more so.

13 So, it takes a lot of organizations
14 to make this work, especially on the DOE side
15 and we continue to go to them. And we actually
16 are getting much more support from them and so
17 we appreciate that.

18 A little bit about the Savannah
19 River one. That one is certainly going on.
20 We have, as we do at all of the DOE sites, a
21 very active and engaged, and enthusiastic
22 Department of Energy Organization that is

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1 there at the site and trying to work with us.
2 I just left the slide on Hanford. Again, I
3 can't say enough about the people there that
4 work with us.

5 We have hosted 11 NIOSH site visits
6 and I want to focus on the numbers for a
7 moment because in this business and the
8 complexity of the DOE operations and sort of
9 the data and the quality of the data and the
10 old things that are going on and sort of the
11 changes of missions at the site, one visit or
12 two visits just won't handle it. So in some
13 cases, in order to get the work done, you need
14 to get out there multiple times to be able to
15 do it and we want to work with NIOSH and
16 others to facilitate that. And so again, that
17 is why you see those numbers. Again, it is
18 making sure that there is a good understanding
19 and that people at the site know what they are
20 looking for and that there is a lot of
21 discussion and feedback on that.

22 We hosted one visit of the Advisory

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1 Board there. There are many players with
2 different roles and all are very important,
3 very critical roles to be able to complete
4 this mission. And so we want to get everybody
5 to the places and the information they need to
6 get.

7 We retrieved 152 boxes, an
8 additional 1700 individual documents for
9 review. Again, a lot of information out there
10 and we are trying to find ways to get to that.

11 On Savannah River, did I go the
12 right way? On Savannah River, as of April the
13 27th, this is sort of the stats for that.
14 Again, you see some classified documents that
15 are listed there and that certainly involves
16 not only just our organization but the
17 interface with the classifiers in the field to
18 make it happen. We completed the information
19 security reviews on 99 percent of the
20 documents identified to date. So we are
21 continuing to work for 100 percent.

22 In terms of Pantex, we have hosted

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1 four visits to review documents and conduct
2 interviews. We have some things planned this
3 week to certainly continue to work through
4 things here. Over 400 record boxes have been
5 reviewed by the NIOSH team. We think that is
6 significant. And in March, the DOE hosted
7 members of the Advisory Board and their
8 contractors for a tour of Pantex. It is good
9 to get data, to look at data, to talk to
10 people. But sometimes you get a better feel
11 of what to talk about and what it means if you
12 can be on the ground a little bit for tours.
13 So whenever that is needed, we want to
14 facilitate that and make it happen.

15 Pantex is in the process of
16 obtaining job history information for the
17 1990s for approximately 300 employees.

18 The DOE activities, the database
19 that continues to be a main part of what we do
20 and I will talk a little bit more about some
21 activities on that in just a moment.

22 This idea about communicate,

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1 communicate, communicate is again, a big part
2 of this program. And we hold weekly
3 conference calls with members of NIOSH and its
4 contractors to make sure that we are being
5 supportive and we are getting them the
6 information that they need and that we
7 understand their request.

8 Again, within the Department, we
9 are very fortunate to have the Office of
10 Legacy Management. They bring a wealth of
11 experience in terms of researching documents
12 and they certainly provide a lot of insights
13 and support to us, to this program, and then
14 ultimately support to you guys.

15 DOE subject matter experts
16 participated and contributed to the Advisory
17 Board Working Groups in conference calls.
18 Certainly we want to be there to facilitate.
19 That is the main role of the Department of
20 Energy and that we want to attend town hall
21 meetings and be able to support NIOSH and DOL
22 and interact with the public, as appropriate.

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1 The Federal Register notice, from
2 time to time we have step back in a formal
3 way, look at all the information that we have
4 collected and update that information so it
5 becomes much more useful for all of you. We
6 issued the Federal Register notice in April of
7 2009 and that was an update from the 2007 time
8 frame.

9 Here are some examples. I won't go
10 into great detail on all of them but here are
11 the kinds of things that we did in terms of
12 that update. A lot of it was for further
13 clarification, as we research more and
14 understand more, we realize that some of the
15 designations may require some clarification.

16 In terms of the Albany Research
17 Center, it is no longer designated as an AWE
18 but it still is a DOE facility. In terms of
19 General Electric, we also, it is no longer
20 designated as an AWE but again, it remains as
21 a DOE facility and a beryllium facility. In
22 terms of Granite City Steel, this was, I

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1 think, an opportunity to revisit the name,
2 what as the most appropriate name, so that
3 when you are doing searches in the future,
4 that they are more timely and that they are
5 more accurate.

6 And in the case of University of
7 California in Berkeley, we had to do some
8 clarification there to make sure that it was
9 clear that we weren't talking broadly about
10 the University of California but specifically
11 about Lawrence Berkeley Laboratory.

12 Again, back on the Office of Legacy
13 Management, they do a wide variety of things
14 for this program to keep it running, to make
15 it successful in terms of retrieving documents
16 and also assisting us in FOIA requests, by
17 reviewing documents. FOIA is a big part of
18 our process. There is certainly new thinking
19 on how to do that better, in terms of FOIA but
20 we continue to work on that in this program.

21 Again, this slide just describes
22 some of the things that are going on in terms

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1 of Legacy Management. They have a lot of
2 experience in terms of retrieving old
3 documents and working with the National
4 Archives and they bring that experience
5 actually to our program. And there are a
6 number of staff that are associated. And they
7 are regular staff. We don't just get
8 different people at different times. But some
9 of you and some of your encounters with us
10 have interacted with them. And so that, I
11 think, certainly strengthens the program.

12 In terms of our facility, records
13 research here, we have quite a bit going on
14 and it is listed here. And you will be
15 hearing more about that from time to time.

16 Some initiatives that are going on,
17 one of the things at Department of Energy if
18 you are really trying to influence change and
19 to turn a major corner, is that you have to
20 make sure that things are formalized, that
21 they are in procurement actions and things so
22 that when contracts go out, the expectation of

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1 the department are met. We are working with
2 the CIO's office, the Chief Information
3 Officer, to revive contract information that
4 gives a better understanding and sets clear
5 expectation about ownership of records.
6 Sometimes it is difficult for us to get our
7 arms around records because contractors can
8 change from time to time and especially in the
9 DOE world now. You know, we had at one point
10 in time, where you have an M and O contractor,
11 a Managing and Operating Contractor that
12 remained through, you know, all the time but
13 now we are doing things quite different. So
14 we want to make sure that it is clear who owns
15 the records and how we can get those records
16 and make the information available for
17 programs such as this one.

18 The Los Alamos medical records, you
19 have heard about this for a long time now and
20 that we have been working really hard with the
21 medical center there to make sure that DOE
22 would once again have possession of those

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1 records and they would be available for people
2 if they need them for claims.

3 We believe that, you know, that
4 program now is being very successful. We have
5 had successes. We are pretty much on our
6 schedule. You know that those records were
7 housed in a warehouse that was deteriorating.
8 There were concerns, environment, safety and
9 health concerns, about the records and whether
10 just even looking at the records if they would
11 pose any additional health concerns. We have
12 actually quarantined the records. We have
13 gone through the ES and H process and we are
14 now in the process of sorting those records
15 and getting them available for packaging.

16 So we believe that the program
17 itself, I think, will be complete within a
18 couple of months. And so those records would
19 be available for people. So, we are very
20 pleased about that.

21 We wanted to talk a little bit
22 about where we are with again balancing all of

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1 these priorities of national security, of
2 making sure that we protect vital information
3 to individuals. We continue to do that and we
4 want to be able to also do things in a timely
5 manner. We think that we are able to turn
6 things around in five to seven business days.
7 Again, remembering that we did have those
8 challenges with the PII where we were pretty
9 much in a stand-down for a while and we have
10 worked, for the most part, we have worked our
11 way out of those things.

12 There was some discussion this
13 morning about outreach. And I want to take
14 just a minute or two to focus on DOE's
15 efforts. At the beginning of every one of
16 these discussions, I talk about the role of
17 DOE as being facilitated and supporting
18 Department of Labor and NIOSH in making sure
19 that they get what they need. DOE also wants
20 to take a leadership role in outreach, in
21 terms of working with these different agencies
22 and organizations making sure that we can

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1 bring all the resources, the appropriate
2 resources together so that we can reach more
3 individuals.

4 I will take a little bit of time
5 and talk about the Former Worker Program. We
6 had, I think, a brief discussion at the last
7 meeting about that program that also is under
8 Regina Cano in our organization, where we are
9 trying to bring former workers back and have
10 them screened to see if there are any adverse
11 health effects as a result of the hazards and
12 things that they have worked on. In many
13 cases, it may have been unique to Department
14 of Energy.

15 And so while there is not a one-to-
16 one link between the Former Worker Program
17 results and the Department of Labor, we
18 certainly want to provide the information that
19 is available on the screening to help them
20 figure out how that information might be used.

21 We have had a meeting of those
22 different agencies together in headquarters,

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1 including the ombudsmen associated with those
2 agencies. I think we have a good path forward
3 on how we can work together and do even more
4 outreach than we have done. And we have had,
5 again, we had some delays as a result of PII
6 but we are ready and up and running again to
7 figure out how we can coordinate those things
8 more.

9 In terms of the PII incident
10 itself, it was a result of outreach. It was
11 asking our Former Worker Program individuals
12 to look at rosters, to update rosters, and to
13 try to be more aggressive in getting out to
14 those former workers. We use a lot of
15 different ways to do that. We are trying to
16 now work with these other agencies and
17 piggyback on each other in terms of how to do
18 that.

19 While it is a little bit strange
20 but also the Internal Revenue is used to reach
21 out on these rosters to help find individuals
22 and make them aware of these programs.

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1 Also in terms of outreach, we have
2 had, for example, in the Hanford area, as you
3 know, there are two major organizations in
4 Hanford. One is the organizations that are
5 dedicated to the Tank Farm and to the Vit
6 Plant. That is the River Protection Project.
7 And then the balance of Richland that focuses
8 on all the other activities there.

9 We had a meeting that included
10 those managers from those two DOE
11 organizations at Hanford from DOE and from
12 Department of Labor and from NIOSH to talk
13 about how we could help those workers more,
14 if here are some things that we can do. So we
15 are being, I think, creative and aggressive
16 about outreach and I believe we will be able
17 to reap some rewards down the road of being
18 able to reach more individuals, make them
19 aware of all these programs and activities.

20 Training of DOL District Office and
21 resource centers; probably training is not the
22 word we want to use but more awareness. The

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1 idea is to make these different organizations
2 more aware of the things that went on in DOE,
3 the terms, the processes. And that would
4 certainly help in facilitating reviewing
5 documents, requesting documents, scheduling
6 interviews and things like that. Again, more
7 on awareness.

8 In terms of outreach, one of the
9 things we have is what we call a DOE oversight
10 points of contact. Again, we can't have any
11 broken links in this process of being able to
12 provide support and to communicate. And so we
13 have these points of contact at each one of
14 the sites. They attend local public meetings.
15 They set up site tours. They work with the
16 Department of Labor or NIOSH to provide site
17 experts but it is in the hole that we need to
18 fill, in terms of being able to do this job
19 and to do it better. And so we certainly rely
20 on them quite a bit.

21 And again, we want to continue to
22 expand on the Former Worker Program. We think

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1 that there is a lot to be gained there.

2 Since the OPA program actually
3 relates to both current and former workers, we
4 have also been trying to bring those two
5 groups together so that our former worker docs
6 can talk more with the current site
7 occupational medical directors.

8 Here are the things that we are
9 seeing with the former workers. You know,
10 they are things that we ought to do different
11 sort of with the current workers. So again,
12 outreach awareness, I think is a big part.
13 And again, we are looking for big rewards down
14 the road.

15 I mention already the mission of
16 the Former Worker Program. We think it is
17 unique. It is important. Many, not all, but
18 many of the former workers have private
19 physicians but they may not be knowledgeable
20 or aware of the occupational kinds of things
21 that went on at DOE. So we think that this
22 was a very good program. We want more people

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1 to know more about it and that it is available
2 for all of the former workers.

3 The local Pantex Former Worker
4 Program, the principal investigator is Arthur
5 Frank. We actually have a representative here
6 in the room with us today from the Former
7 Worker Program, Karen Gilmore. Would you
8 stand up, Karen? This is the person here that
9 helps to shake things up and get people or
10 make them aware of what we believe is a great
11 program. Thank you, Karen.

12 And I am available for questions,
13 joined by my team, of course.

14 CHAIRMAN ZIEMER: Thank you very
15 much, Pat. And I appreciate your comments,
16 particularly on the Outreach Program.

17 Could you expand a little bit on
18 what you called the training to the Department
19 of Labor? And I think you used the word
20 awareness.

21 DR. WORTHINGTON: Yes.

22 CHAIRMAN ZIEMER: Are those formal

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1 sort of seminar types of presentations or how
2 does that work in a practical sense, in terms
3 of making the DOL, Department of Labor
4 Resource Center people aware of, I think you
5 said the terminology and the processes.

6 DR. WORTHINGTON: I will mention it
7 a little bit and Greg or Gina, you may want to
8 go ahead. They have actually been intimately
9 involved in the training. But again, I view
10 it as more awareness in terms of here are the
11 kinds of operations and the things that went
12 on in making available to them, S and Es, you
13 know that can talk more about specific hazards
14 and controls and things that were available at
15 the site.

16 Gina, do you want to add more?

17 MS. CANO: Sure. Within the past
18 couple of years what we did is we had our
19 point of contacts, as Pat mentioned, we had
20 them basically provide an overview at a
21 district office. So we had whatever district
22 office was responsible for DOE facilities,

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1 they all came in to that district office and
2 they provided an overview of their site. Had
3 an opportunity to ask questions with regard to
4 the type of records that we transferred to
5 Labor and how to interpret those records, you
6 know, lessons learned. So, it was a very good
7 opportunity again, for a positive improvement.

8 The same thing, what we plan on
9 doing is the same thing for the resource
10 centers. We have not yet done that yet. They
11 did attend those meetings but we wanted to
12 make sure that we also have a very focused
13 awareness session, I guess you can say, for
14 the resource centers.

15 CHAIRMAN ZIEMER: So they gain an
16 awareness of the type of activities that went
17 on at the site, the nature of the processes
18 within --

19 MS. CANO: Correct.

20 CHAIRMAN ZIEMER: -- whatever
21 boundaries you can do that --

22 MS. CANO: Right.

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1 CHAIRMAN ZIEMER: -- and the types
2 of perhaps facilities and nuclides, the other
3 activities that were involved, was that the
4 idea?

5 MS. CANO: That is correct. An
6 overview of site history, processes,
7 buildings, acronyms for certain buildings,
8 yes.

9 CHAIRMAN ZIEMER: Very good. Thank
10 you.

11 DR. WORTHINGTON: We believe it
12 makes for a much more meaningful --

13 CHAIRMAN ZIEMER: Yes.

14 DR. WORTHINGTON: -- next steps,
15 you know, following the awareness.

16 CHAIRMAN ZIEMER: Yes, very good.
17 Other comments? Ms. Munn?

18 MS. MUNN: Yes, I was particularly
19 interested in the POC that had been
20 established that I wasn't aware that you had
21 such an individual. From time to time
22 situations occurred where members of this

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1 Board have some question that is one of those.
2 So who do I go to ask this? How do we, is it
3 possible for us to also be aware of who those
4 individuals are at the sites where we have
5 some concerns. And is it appropriate for us
6 to be interacting with them?

7 DR. WORTHINGTON: Greg Lewis is the
8 person who actually is responsible for the
9 overall coordination of the POCs. I believe
10 that probably the first entry might be into
11 Greg or to our office that you are interested
12 in and he will pull together the POC or POCs
13 at that site that could help you more. I
14 don't know if you have anything add, Greg.

15 MR. LEWIS: Yes, I would back that
16 up. I mean, you already are interacting with
17 him. It is just typically through me and I
18 will channel it to the POC.

19 But I would also say at any working
20 group meetings there are specific questions
21 that you would like participation from our
22 site POC or site subject matter experts in a

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1 particular area, we would be glad to
2 facilitate that.

3 MS. MUNN: That is very good to
4 know.

5 DR. WORTHINGTON: The Site Managers
6 are very supportive of the program and would
7 be willing, you know, offer up their POCs for
8 these kinds of interaction.

9 CHAIRMAN ZIEMER: Dr. Worthington,
10 I have another sort of comment and it pertains
11 to slide 13. And I raise this mainly for
12 confusion that has occurred in the past and it
13 relates to General Steel Industries. And in
14 your third bullet where you mention Granite
15 City Steel, --

16 DR. WORTHINGTON: I have got to
17 find it.

18 CHAIRMAN ZIEMER: -- and now listed
19 as General Steel Industries, which is the
20 correct designator. But I noticed you brought
21 into the picture an additional name, which has
22 caused me some confusion and that is General

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1 City Steel. Is that -- I know there actually
2 is a separate Granite City Steel Company,
3 which had been pointed out to us which is a
4 facility that is not the same as General Steel
5 Industries. But this General City Steel is a
6 new term to me.

7 MR. LEWIS: Yes, and looking at
8 that now, --

9 CHAIRMAN ZIEMER: I know there has
10 been confusion and [identifying information
11 redacted] has tried to get these names sort of
12 straight and now I see this additional
13 designation.

14 MR. LEWIS: Yes, I would have to go
15 back and check the facility list to make sure
16 but looking at that now, I think that actually
17 is a typo. I think that perhaps it should be
18 General Steel Industries because that is what
19 it was called during the covered period. So,
20 we need to go back to work on that. But
21 General Steel Industries.

22 CHAIRMAN ZIEMER: The one that was

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1 named Granite City Steel was the term
2 originally used and apparently was the wrong
3 name.

4 MR. LEWIS: Yes, and I believe
5 there is --

6 CHAIRMAN ZIEMER: And that is maybe
7 what was meant here in this?

8 MR. LEWIS: I believe so. And I
9 think there is at least three other "also
10 known as" listed on our website.

11 CHAIRMAN ZIEMER: I want to make
12 sure we are not introducing yet a third name
13 into the --

14 DR. WORTHINGTON: It was intended
15 to provide clarification. So, we need to go
16 back and fix that. And so Ted, we may need to
17 fix the slide as well. I believe it is
18 probably correct in the actual AWE update.

19 MS. CANO: Yes, it should be
20 correct. And basically because we worked with
21 [identifying information redacted] on this and
22 [identifying information redacted] to make

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1 sure it was correctly cited. So, I believe it
2 should be listed now as Granite City --

3 DR. WORTHINGTON: But, we will come
4 back to you --

5 CHAIRMAN ZIEMER: No, General Steel
6 Industries --

7 MS. CANO: General Steel
8 Industries, yes.

9 CHAIRMAN ZIEMER: -- is the correct
10 name of the covered site. But this term
11 General City Steel, I had not heard that one
12 before. There is a Granite City Steel but a
13 General City Steel is yet a new term to me and
14 I want to make sure.

15 I don't think that has been used in
16 the past and if you wouldn't mind checking
17 that.

18 DR. WORTHINGTON: We will come back
19 to you with clarification on that and an
20 update to the slide, I believe, as well.

21 CHAIRMAN ZIEMER: But we do know
22 that General Steel Industries is the right

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1 name now.

2 Other comments, Board Members, or
3 questions for the DOE team?

4 We will be interacting some more on
5 general security issues in just a little bit.

6 So we will have additional opportunities for
7 it to change. But we appreciate the summary
8 and also the efforts that the Department of
9 Energy has made to help us move forward on
10 obtaining the records and getting the word out
11 to the former workers as well.

12 I guess I did want to ask one
13 additional thing on former workers. Is there
14 a master list the DOE has? Do you know the
15 names of all former workers at the DOE sites?

16 DR. WORTHINGTON: No, we do not.

17 CHAIRMAN ZIEMER: You do not. I
18 did not think so but --

19 DR. WORTHINGTON: That is a
20 challenge and that is one of the things that
21 we are working with the contractors to obtain
22 the rosters. And then as we go forward in the

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1 future, there is a more formalized process for
2 the ownership of that kind of information.

3 CHAIRMAN ZIEMER: Are you building
4 a database of these?

5 DR. WORTHINGTON: Yes, we are. We
6 are building a database but it is difficult to
7 do.

8 CHAIRMAN ZIEMER: Easier today.

9 DR. WORTHINGTON: Yes. And the
10 outreach, I think, will help us to clean that
11 up.

12 CHAIRMAN ZIEMER: Right. Thank
13 you. Mark Griffon.

14 MR. GRIFFON: Just a question on
15 the site database 334. I mean, I think I know
16 what it is. The covered facilities database.
17 Often we see these one pagers that outline the
18 years of operation. I guess you said you were
19 going to say more about that but I didn't hear
20 more.

21 DR. WORTHINGTON: No, it was --

22 MR. GRIFFON: Has it been expanded

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1 in its content or has it -- and also is it
2 available for the Board Members? I don't know
3 that I have ever --

4 DR. WORTHINGTON: It should be up
5 on our web page. It should be.

6 MR. GRIFFON: Is it on the web
7 page? Okay.

8 DR. WORTHINGTON: It should be.

9 MR. GRIFFON: Okay.

10 MR. LEWIS: Yes, there is a link to
11 it on the DOE EEOICPA web page.

12 MR. GRIFFON: Oh.

13 MR. LEWIS: I would be glad to give
14 you that --

15 MR. GRIFFON: Yes, I can find that.

16 DR. WORTHINGTON: And let us know
17 if for some reason it is not working but it
18 should be. It should be there.

19 MR. GRIFFON: All right.

20 CHAIRMAN ZIEMER: Thank you.

21 DR. WORTHINGTON: And thank you for
22 your questions. They are always helpful.

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1 CHAIRMAN ZIEMER: Thank you very
2 much.

3 We are going to be getting in to
4 the Board Security Plan but I don't think I
5 will start that quite yet. I am thinking
6 though while we are in the general area of
7 security and so on, Mr. Katz, would it be
8 appropriate for us to have the IT Security
9 update that is on tomorrow's or --

10 MR. KATZ: I mean that is -- yes, I
11 can be very brief. It is not -- I am really -
12 -

13 CHAIRMAN ZIEMER: I was hoping you
14 would be really lengthy.

15 MR. KATZ: There is not a lot
16 there. There is not a lot there. I would
17 like to take it as I understand it, but I am
18 not hearing from everybody. As I understand
19 it, everybody has received a laptop. Is that
20 correct? Are there any who have not?

21 CHAIRMAN ZIEMER: Any Board Members
22 who have not received the official laptop?

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1 MR. KATZ: And then can I just have
2 a raise of hands? How many Board Members have
3 actually received a key fob, the RS (Security
4 Device)? One, two, three, four -- eight.

5 DR. MELIUS: I may have. I haven't
6 opened --

7 MR. KATZ: Your Christmas package?

8 DR. MELIUS: -- my Christmas
9 present. I told them to lock everything up
10 and I have no idea what was included in the
11 package.

12 CHAIRMAN ZIEMER: The key fob
13 probably would have come by FedEx in an
14 envelope and it is very small and easy to
15 throw out with the padding.

16 DR. MELIUS: I just don't know. I
17 have been away for weeks.

18 MS. MUNN: In a little brown padded
19 envelope.

20 CHAIRMAN ZIEMER: Bob, I'm sorry?

21 MR. PRESLEY: Well the message that
22 I got said that we would be getting that key

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1 fob in a separate envelope. I haven't got
2 anything except the computer and they sent it
3 while we were gone.

4 MR. KATZ: Okay, so you were one of
5 the four who haven't received the key fob.

6 MR. PRESLEY: Yes, I ain't received
7 it. But I mean, I haven't received anything
8 in the mail.

9 MR. KATZ: So that is helpful to
10 me. And the other thing, this is just really
11 administrative, but there are a number of
12 Board Members who still have to complete their
13 security work before they can go forward with
14 getting a password and getting into the system
15 entirely.

16 So, I have sent out notices to
17 folks individually but it would be good to
18 hear back from everybody and get that buttoned
19 down. Because as I understand it, SC&A is
20 coming along pretty well with their security
21 work. Isn't that right, John? Yes. And once
22 they are through with getting online, in

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1 effect, we will want to complete the business
2 so that we can have everybody coming in
3 through the firewall. And that way, we will
4 change the way we are doing IT at that point
5 forward.

6 So I am hoping that, say, within a
7 month we can have this buttoned up.

8 CHAIRMAN ZIEMER: Ms. Munn.

9 MS. MUNN: Ted, I am one of those
10 people that received a message from you saying
11 complete your security work. And I blinked at
12 it because I did not have a feel for what
13 security work I had not completed.

14 The message that came along with
15 the key fob said call and get some further
16 instructions. I called and we had a verbal
17 exchange but so far as I know, there was no
18 real security information.

19 MR. KATZ: The main things for
20 people to do are one, I think some people
21 completed the security training but didn't
22 necessarily send in the form that allows CDC

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1 to know that you have passed the IT security
2 test. For folks who haven't done that, that
3 is something. And then some individuals have
4 fingerprinting that they still have to get
5 into CDC.

6 MS. MUNN: It wasn't all that long
7 before I got the fob.

8 MR. KATZ: Right, but there seems
9 to be some disconnect because again, there is
10 a number of people who haven't completed that
11 process.

12 And then there is, CDC is trying to
13 do this in sort of batch mode. So, until they
14 get everybody straightened out, they are not
15 going to initiate the process of getting
16 everybody through the firewall and in. They
17 are also, at the same time, they are making
18 arrangements with Larry's IT people to set
19 things up so that when you come in you will
20 know. You will get to where you need to go
21 and they are making that kind of software,
22 they are doing that sort of software work at

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1 the same time. But that is just about done.

2 CHAIRMAN ZIEMER: One of the
3 problems is the following. Perhaps problem is
4 not a good way to describe it but one of the
5 issues is that Board Members are getting
6 pieces of this from different sources. And it
7 has not always been clear what the total
8 picture is. One group needs some information
9 relating to these secure computers and what is
10 called the key fob or the something or other,
11 which is a little encoding number thing.
12 Thingy.

13 MS. MUNN: Thingy. It is a thingy.

14 CHAIRMAN ZIEMER: And then we have
15 the password or the, I don't know if it is a
16 password, but some kind of a pin number. And
17 you have there is a disc and some other things
18 that you have to do. And you have the
19 fingerprinting and you have all these
20 different pieces.

21 And I suppose that not everybody is
22 sure that they have taken care of all of the

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1 pieces.

2 MS. MUNN: Yes and you mentioned a
3 disc. I got no disc.

4 CHAIRMAN ZIEMER: Well, any way, I
5 am sort of suggesting maybe, Ted, between us,
6 we could compile a list of all those pieces
7 and everybody can say okay, I have done this,
8 this, this, and this but I didn't get that and
9 let you know or something.

10 MS. MUNN: It would be very nice if
11 we had a checklist.

12 MR. KATZ: I think I have actually
13 communicated to people what they are missing
14 or --

15 CHAIRMAN ZIEMER: Or maybe you have
16 essentially done it.

17 MR. KATZ: -- pieces, when they
18 have missing pieces. So anyway, we can talk
19 offline individually but I would like to do
20 that in the near term so we can finish up that
21 process.

22 CHAIRMAN ZIEMER: Okay, Josie and

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1 then Gen.

2 MS. BEACH: Well, we can talk
3 offline then, if some of those pieces --

4 CHAIRMAN ZIEMER: Gen Roessler.

5 DR. ROESSLER: Just to add to what
6 you are saying. Board Members, we have a
7 whole different life when we are not here at
8 the meetings and we have a lot of things that
9 are happening.

10 I think FedEx comes to my house
11 almost every day with a package and with
12 printed material and a disc in it. And at the
13 time, they are probably not necessarily high
14 priority. And I did find my disc that Ted was
15 referring to the other day. I had recognized
16 it and I set it aside as something to do. But
17 I think the problem is we just have so much
18 and we need guidance on these very important
19 things as to what we should put at the head of
20 the list.

21 MR. KATZ: Yes. Perhaps I have
22 been remiss. I mean, I was under the

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1 understanding that the CDC IT security people
2 would be contacting people and sort of holding
3 their hand a little bit. It sounds like it
4 happened in some cases but I gather it didn't
5 happen in many others. So maybe, I am sorry
6 about that. I just, it would be good for me
7 to hear when people are having trouble here so
8 that I can help.

9 MS. MUNN: You may have said it
10 before but I think I have it.

11 CHAIRMAN ZIEMER: Okay, and in
12 parallel, I believe SC&A is in process of
13 switching over to the new system. And are
14 they all on these similar computers? John?

15 MR. MAURO: Moving forward,
16 everyone has received their computers.

17 CHAIRMAN ZIEMER: You will have to
18 speak up. We are going to switch this mic
19 after lunch. But speak up real close to it
20 John.

21 MR. MAURO: Everyone has received
22 their computers that I spoke to. But my

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1 message to everyone because they call me and
2 say well what do I do with my computer and my
3 key fob and I say leave it in the box until we
4 get further direction. So right now, my
5 computer is sitting in a box and the key fob
6 is in an envelope in a secure spot waiting to
7 be given direction it is time to plug in.

8 So, am I correct? Is that the
9 correct posture to take?

10 MR. KATZ: That is fine. They
11 don't have to keep it in the box. But the
12 reality is that they are still running through
13 the security measures with the SC&A folks and
14 they would like to as much extent as possible,
15 take care of you all in batch mode.

16 MR. MAURO: At some point in the
17 process, we have our point of contact that
18 interfaces with the IT folks, Laurie Loomis.
19 Is the next step in the process our point of
20 contact will be approached by the IT folks and
21 then she will distribute direction?

22 MR. KATZ: Yes, you should be

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1 contacted as you are cleared.

2 MR. MAURO: Okay.

3 MR. KATZ: I would actually suggest
4 you folks take the computers out of the box
5 and make certain --

6 MR. MAURO: They are working.

7 MR. KATZ: -- they are what they
8 should be and that they operate. It would
9 probably be a good thing to do that upfront
10 rather than wait until everything else has
11 been done and then find that your computer
12 just doesn't turn on or whatever it might be
13 or there is missing parts.

14 DR. MELIUS: Is it true when you
15 try to play solitaire, the FBI comes to your
16 door?

17 MR. KATZ: It is absolutely true.
18 There are other measures that are taken, too.

19 DR. MELIUS: I have heard that.

20 CHAIRMAN ZIEMER: Yes we will need
21 a list of what games are permissible. Guitar
22 Hero is going to be your limit. Okay.

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1 Any other questions on this? It is
2 a business item but it does pertain indirectly
3 to what our next item will be and we are going
4 to take the next item up after lunch. But
5 just for planning purposes, we have two
6 documents that we are going to look at. One
7 is called, I am looking at the electronic
8 title of it, "Final Draft PROC-010-Data Access
9 and Interview Process" and "Final Draft
10 PROC-011- DOE Classification Review." Brad
11 Clawson will lead us in that discussion,
12 introducing the proposal of the ad-hoc Work
13 Group on security. And then I believe Joe
14 Fitzgerald will help us or lead us through
15 those documents and we will have a chance to
16 discuss them.

17 But let me, before we make our
18 break, let me make sure everyone has the
19 documents. Actually, I see they are on our
20 electronic information stick for this program.
21 So, if you didn't receive them or didn't bring
22 them electronically with you, they are on the

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1 information memory stick that Zaida
2 distributed to each Board Member.

3 So those two documents that we will
4 be reviewing. And Brad, any other sort of
5 preliminary comment at this point? We are not
6 going to take these up before lunch because I
7 want to allow full time for discussion but did
8 I describe what you intend to do all right?

9 MR. CLAWSON: Yes, we just wanted
10 to make sure that it got out to all the Board
11 Members. Ted had sent that out earlier. We
12 haven't received any comments back or anything
13 else like that but that doesn't mean that
14 something hasn't come up. We want to make
15 sure that everybody is satisfied with it and
16 so forth.

17 CHAIRMAN ZIEMER: After we -- oh,
18 okay. There is an additional comment, I
19 guess. Greg --

20 MR. LEWIS: Sure. Dr. Ziemer, you
21 had some questions during Dr. Worthington's
22 presentation about our covered facility

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1 website. I have called it up here. I can
2 always send out the link to everyone later.

3 But this is just what it looks
4 like. And over here you can select, you know,
5 it has all of the various covered DOE, atomic
6 weapons and beryllium facilities.

7 DR. MELIUS: Purdue?

8 MR. LEWIS: I have it on Pantex as
9 just an example --

10 CHAIRMAN ZIEMER: Yes.

11 MR. LEWIS: -- of how it comes up.
12 Just a brief description and the time period.

13 CHAIRMAN ZIEMER: Right. And
14 actually this is a good supplement to the
15 information on the NIOSH OCAS website. So
16 that is very good.

17 So each of these covered sites is
18 described in some amount of detail.

19 MR. LEWIS: Just like this.
20 Similar to this, yes.

21 CHAIRMAN ZIEMER: Right.

22 MR. LEWIS: Some have a little bit

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1 more description.

2 CHAIRMAN ZIEMER: Right.

3 MR. LEWIS: Some have less but this
4 is roughly what they look like.

5 CHAIRMAN ZIEMER: Very good. Okay,
6 any questions on that?

7 Now, and I think what is going to
8 happen here, and Board Members it will be at
9 your pleasure of course, but after the ad-hoc
10 group makes their presentation and
11 recommendation, we do want to hear from both
12 NIOSH and from DOE in terms of any comments
13 that they will want to make on the proposed
14 Board Security Plan. And my understanding is
15 that DOE has not had a full opportunity to
16 review that. So, they may ask us to at least,
17 if we do take action, to include some caveats
18 that will allow them to make recommendations
19 on changes if needed afterwards.

20 But in any event, that will be the
21 plan and we will take that up right after our
22 lunch break.

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1 Mr. Katz, do we have any other
2 items that have to come before us before the
3 break?

4 MR. KATZ: No, nothing else. Thank
5 you.

6 CHAIRMAN ZIEMER: Then we will
7 recess for a lunch break. And I think in view
8 of the time, we probably should be able to be
9 back here by 1:00, instead of 1:15; although I
10 don't know the exact layout of the food
11 situation here. Do we have to go offsite?

12 MS. MUNN: No.

13 CHAIRMAN ZIEMER: It is your
14 choice, I guess.

15 CHAIRMAN ZIEMER: Okay, well, we
16 will leave that up to the individuals but we
17 will shoot for reconvening at 1:00. So, we
18 are recessed.

19 (Whereupon, at 11:35 a.m., a lunch recess was
20 taken.)

21
22

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18

(1:06 p.m.)

19

CHAIRMAN ZIEMER: We are ready to

20

reconvene. We are going to begin our

21

afternoon session with a discussion of the

22

Board's Security Plan. This relates, of

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1 course, to materials particularly from DOE
2 sites that are classified or sensitive in some
3 way and the access that the Board has to those
4 documents, in terms of carrying out the
5 Board's responsibilities for dose
6 reconstruction and related matters.

7 We had appointed an ad-hoc
8 workgroup to help us develop a formalized plan
9 that would meet the Department of Energy
10 requirements and that we would coordinate with
11 the existing security plan for NIOSH and its
12 contractors and Brad Clawson was the chair of
13 that Work Group. So, Brad is going to
14 introduce this and then he will in turn, I
15 believe call on SC&A to assist in reviewing
16 the draft that is being presented by the Work
17 Group.

18 So, Brad, I will give you the floor
19 at this point.

20 MR. CLAWSON: Just to give you a
21 little bit of background, earlier in 2009
22 NIOSH established security plans for

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1 themselves, procedures. Theirs were procedure
2 10 and 11 to themselves. And at the
3 Albuquerque, New Mexico meeting in February,
4 there was some discussion about this and it
5 got into some members of the Advisory Board
6 felt that it took away from our independence
7 from NIOSH so this security group was formed
8 to be able to draft our own procedures and
9 mainly guidelining DOE Security Plans for
10 Energy Employee's Illness Compensation Act,
11 which is the governing document for both of
12 these.

13 On the Board, there was Josie
14 Beach, Bill Schofield, and Robert Presley. In
15 that time, we had a working group in April
16 21st to be able to go over these procedures to
17 be able to change them to the Board's
18 procedures so that we would still be
19 implementing the Department of Energy's
20 security plans with these. And our
21 procedures, too, came out for Procedure 10,
22 which is data access and interview procedures

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1 and Procedures 11, which is Department of
2 Energy classification review and documents.

3 We have had numerous emails back
4 and forth. And these basically, what I want
5 you to understand, is that these basically
6 mirror image what NIOSH's are. And we took
7 great pains to be able to try to do that
8 because our main issue is to make sure that
9 the Department of Energy Security Plan is
10 implemented, to be able to keep the security,
11 the documents and so forth like that handled
12 correctly.

13 And I guess all are supposed to,
14 all of us were emailed a copy of this. And I
15 guess if there is any other issues or plans,
16 or if Joe would like to say anything about it,
17 we are fine with it. I guess I would open it
18 for discussion if, they would like.

19 CHAIRMAN ZIEMER: Perhaps, Board
20 Members, would it be kind of helpful if we
21 asked Joe to kind of lead us through the
22 document or are you --

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1 MS. MUNN: That would be helpful.

2 CHAIRMAN ZIEMER: Okay. Joe, maybe
3 you could kind of take us through and point
4 out any particular, or highlight any
5 particular items or issues that you think
6 might be pertinent and perhaps make sure that
7 we all understand how it coordinates with the
8 NIOSH plan because we want to be working in
9 tandem pretty much but be able to exercise
10 both actual independence and perceived
11 independence from NIOSH.

12 MR. FITZGERALD: Yes, I think as
13 Brad was pointing out, we did go through some
14 real deliberate review to make sure this
15 tracks well with the Board's draft procedures.
16 So, the intent was to mirror both what PROC-
17 010 and PROC-011 has in it but to provide for
18 the independence of the Board the way we are
19 operating on sites. There are some
20 differences in that regard. Not many but some
21 differences. And to preserve, I think as Brad
22 pointed out, the adherence to the DOE Security

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1 Plan, and pretty much to practices that we
2 follow right now on DOE sites. So, it doesn't
3 change so much what we do at this site. But
4 what it does is, I think, provides for that
5 independence and also provides for some
6 discretion, once we get onsite in dealing day-
7 to-day with DOE site people.

8 I am going to walk through the
9 first one, data access interview procedures,
10 which is Procedure 010 that you have a copy
11 of. And I am going to just highlight what is
12 different or what is noteworthy, rather than
13 going through all the procedures. Because
14 most of this does mirror what is already in
15 PROC-010.

16 Under Responsibilities, 4.0, that
17 is page four, you will see the Advisory Board
18 Facility Point of Contact, that first label.
19 What this first provision makes clear is that
20 the Advisory Board's point of contact is the
21 Technical Support Contractor in this case,
22 SC&A, an SC&A employee or consultant. And

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1 that individual acts on behalf of the Board at
2 the various sites.

3 And in practice, it is typically
4 one or two people. We are not talking about
5 30 people or 15 or 20 people. It is going to
6 be one or two people that would be the
7 coordination point. That is not going to
8 change much in the way things have gone
9 relative to DOE sites and pretty much that is
10 going to be the same.

11 If you go a little further down,
12 clearly what we are basically saying is that
13 the POC, in this case, SC&A is responsible for
14 notifying NIOSH, the DFO, and members of the
15 Board, when we are going out and actually
16 beginning a process at the site. So certainly
17 that initial coordination of making sure
18 everybody knows that we are doing this. In
19 some cases, there is an invitation for Board
20 Members to participate and some interviews we
21 have done in the past. In the case of the
22 DFO, clearly when we start this process, we

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1 are going to start impinging on DOE resources
2 in some ways. And that is certainly a key
3 role for DFO to interface with DOE. And that
4 kind of launches the process.

5 There will be a data capture plan,
6 of course, produced and delivered. And really
7 the beginning of the process is where I think
8 we basically make sure everybody knows what is
9 going on. The difference is, once we do get
10 on site and go day-to-day, that pretty much
11 will go without going through these various
12 loops, unless something comes up.

13 If there is a question or an issue,
14 and this is the way it goes now, so this isn't
15 really a change. If something comes up where
16 there is a problem, certainly with the DFO or
17 the DOE, we will bring it back and try to get
18 that solved. So that is pretty much the same.

19 One thing that we have made a
20 little bit clearer under the responsibility
21 is, and we certainly were moving in that
22 direction last year. But I think this makes

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1 it more explicit that we are going to, as a
2 first step baseline, our document request
3 against what has already been collected, in a
4 very systematic way, by NIOSH at that
5 particular site. Which means we will formally
6 go to that NIOSH POC for that site, go through
7 pretty much their data capture plan, what is
8 in progress, what is in the pipeline, who they
9 have interviewed, and what notes exist from
10 those interviews, which is certainly a bit
11 more systematic than perhaps we have done in
12 the past and I think it is a good way to go.

13 This is going to, I think, minimize
14 and mitigate against duplication, the
15 redundancy, and it is going to help the
16 process, make it more efficient.

17 And I think the last item there is
18 that certainly as we are now responsible for
19 submitting pretty much everything we do at the
20 sites, the notes, the documents collected, any
21 draft material that we produce to DOE for
22 security review, this pretty much adheres to

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1 the DOE Security Plan. This doesn't change
2 that at all.

3 That is a thumbnail in terms of the
4 POC. And this differs, I think from an
5 earlier draft where I think we had a POC
6 designated for each site as we went from the
7 Work Group. I think this just makes it clear
8 that we are pretty going to use an SC&A person
9 pretty much for a number of these sites,
10 unless there is an issue where we need to have
11 an additional one.

12 Any questions on sort of the role
13 of the Technical Support Contractor, in this
14 case, SC&A, for this thing, data access? That
15 pretty much is the description of that role.

16 CHAIRMAN ZIEMER: Joe, do you
17 anticipate that this will simply be SC&A or
18 will it be one or two named persons that will
19 be sort of the fixed points of contact?

20 MR. FITZGERALD: Yes, the latter. I
21 think that has worked out well. I think the
22 only issue going toward the future, clearly

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1 Cathy has been a principal, one person doing
2 that. But as we get broader, we certainly
3 would look at the possibility of using
4 additional people in that role but it is not
5 going to be a lot of people. It is going to
6 be one, maybe two. So there will be a central
7 point of contact and a backup, in case there
8 is a need for a backup.

9 So, I think that is going to keep
10 it more coherent and coordinated and carry the
11 experience forward.

12 CHAIRMAN ZIEMER: Dr. Melius?

13 DR. MELIUS: Yes, I would just say
14 I would argue in support of that because I
15 think having some consistency to how this is
16 being dealt with and continuity is probably
17 most important at this point in time as we
18 sort of implement this procedure. But I think
19 it should make it more efficient for NIOSH,
20 DOE and the Board and its contractor for
21 dealing with these issues.

22 MR. FITZGERALD: Yes, this doesn't

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1 change the status quo. This pretty much
2 codifies what we do in practice. So, it is
3 going to be efficient.

4 CHAIRMAN ZIEMER: Dr. Poston.

5 DR. POSTON: Joe, I am pretty much
6 in favor of this but I wanted to make sure I
7 understood exactly how the -- let's take the
8 situation of a working group. On most working
9 groups, there is at least one person from
10 SC&A. Would that person be the POC? Suppose
11 we needed data. Suppose we needed information
12 --

13 MR. FITZGERALD: Right.

14 DR. POSTON: -- from whatever
15 working group site we are working on. How
16 does this, is that -- if the working group
17 says they would like to see the data, does
18 that mean that the SC&A person on the
19 committee becomes the POC and has the action?

20 MR. FITZGERALD: No. I think the
21 way it is worked, and I can speak from first
22 experience because I am sort of lead on a

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1 couple of sites like Mound and Pantex and I
2 rely on the SC&A POC, onsite POC for record,
3 you know, acquisition, review, and interviews.
4 And it is sort of a cross-matrix kind of
5 relationship where the individual provides
6 that support for the site to the various Work
7 Groups and that provides the continuity and
8 the support. And that seems to work pretty
9 well in practice. We have been doing that for
10 about four or five years now.

11 DR. POSTON: So you would, whoever
12 is on the working group would pass that to the
13 POC for action?

14 MR. FITZGERALD: Yes, it is pretty
15 seamless.

16 DR. POSTON: All right.

17 MR. FITZGERALD: And that would be
18 done very transparently. So clearly, if you
19 and your position as Work Group chair, you
20 would know that in fact the lead for SC&A for
21 the Work Group is relying on the so-called
22 lodge report POC to do that job.

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1 And there may be more than one
2 person doing that job. In some cases, I have
3 joined that individual for interviews, as have
4 some Board Members. So, it tends to expand
5 when the time comes to do interviews to
6 collect data. It is not just that one person
7 all the time. But that person has the
8 coordination role and sort of holds that role
9 and makes sure the trains run on time, there
10 is continuity.

11 Board Members, Work Group members,
12 others can join into that process at any time
13 but at least one person is responsible for
14 making sure that this thing gets followed, the
15 process gets followed and the results are
16 shaped.

17 DR. POSTON: So those other things
18 you didn't address because we don't have to
19 address them?

20 MR. FITZGERALD: I'm sorry, the
21 other things?

22 DR. POSTON: The involvement of

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1 more than one person, Work Group people.

2 MR. FITZGERALD: Oh, that's in
3 here. I mean, I think the initial
4 notification of the intent to go onsite and do
5 some of the interviewing and the data access
6 involves informing Work Group Board Members,
7 the DFO for NIOSH and the NIOSH POC,
8 everybody, and DOE, everybody knows that there
9 is a plan to go onsite to begin doing this
10 process. That opens it up for any questions,
11 issues, that the Work Group may raise. It
12 opens up for possible participation for one or
13 more Board Members that they want to
14 participate, interviews we have done in the
15 past. It raises questions about what
16 documents NIOSH has collected. It also alerts
17 DOE of the intent to go forward and starts
18 engaging the coordination that DOE would
19 provide.

20 So that really starts a process
21 that touches just about everybody in this room
22 and gives everybody a chance to weigh in. It

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1 also alerts them to this process that is going
2 to go forward. And you know, I think this has
3 evolved over time. I think this is probably
4 the best, sort of, layout of that process that
5 we have to date but I think that is where we
6 are right now. And it has worked. I mean,
7 that is one thing that you always wonder but
8 it has worked in practice and has been
9 effective.

10 DR. POSTON: Thank you.

11 CHAIRMAN ZIEMER: Brad.

12 MR. CLAWSON: Yes, I just wanted to
13 make sure with Dr. Melius because in the
14 earlier draft one of my issues was, as John
15 was alluding to a little bit earlier is a Work
16 Group chair and so forth like that, I wanted
17 to have be more apprised of what data access
18 is going on and so forth like that and your
19 comment back that the way that you read it was
20 that we didn't have the time to be able to do
21 that. And I wanted to make sure that this
22 addressed what your concern was.

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1 I think it went a lot, I think it
2 is very good the way it is there.

3 DR. MELIUS: Yes, I think it does.

4 I think Dr. Poston's comment was, there has
5 been a responsibility on the part of that
6 point of contact that SC&A to coordinate with
7 everybody and communicate with everybody. And
8 I think it is spelled out in different parts
9 so it is maybe not all in one place. I have
10 had a little trouble locating, I was looking
11 for another issue related to that and do that.
12 But I think it is all there.

13 And I think that will be the test
14 of this, as opposed to having a more -- you
15 know different, each Work Group would do it on
16 its own. And I think then we lose the ability
17 to coordinate and the consistency in terms of
18 contact with DOE and so forth.

19 I mean, I am supportive of this.

20 MR. CLAWSON: Yes, I just wanted --
21 you know, we really have been doing this up
22 front. I have been involved in somewhat of

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1 some data capture and so forth and Kathy
2 Demers-Roberts is SC&A's point of contact. We
3 didn't, we purposely the way we worded it was
4 wanted to keep it open if she got overloaded
5 or so forth like that. For some procedures,
6 SC&A may have to coordinate another person
7 into it or whatever. And we were trying very
8 hard to be able to implement that into it.

9 But in the retrieval and stuff, it
10 makes very good like a Work Group chair myself
11 for Fernald or whatever I can call her and
12 find out what we are actually going through or
13 I can go through SC&A who can go to her and we
14 know where everything is at and it has worked
15 quite well. She has done a fabulous job.

16 CHAIRMAN ZIEMER: Joe, let me
17 follow up, though. In practice, let's say
18 Kathy is the point of contact and let's say a
19 Work Group needs to some data capture where
20 they want to be involved in something, they
21 let Kathy know. But if she is overloaded, she
22 takes the initiative, I assume, to ask for

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1 another SC&A person to assist. Or at some
2 point where she is overloaded, does SC&A say
3 okay, we now have a second person and that is
4 who you now contact? Or is how this going to
5 work?

6 MR. FITZGERALD: Yes, I think --

7 CHAIRMAN ZIEMER: From the Board's
8 point of view, it seems like if there is one
9 person that we contact, it would be good, --

10 MR. FITZGERALD: Yes.

11 CHAIRMAN ZIEMER: -- even if that
12 person has to offload it.

13 MR. FITZGERALD: Yes, for
14 continuity purposes, this is a balancing act.
15 For continuity purposes, because you know,
16 there is a number of bases that have to be
17 touched and have to be touched every time.
18 So, to some extent, you know, she is managing
19 that process. Now, to the extent she has got
20 to cover the scope of work, that is where all
21 of us come in. She is not going out and doing
22 all of the site work by herself. She is part

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1 of the team that is doing the site work.

2 I am going to Brookhaven with her
3 next seek to do onsite work. And she is in
4 California doing on-site work with some other
5 SC&A people. So to some extent, this is the
6 common thread through the onsite work but she
7 is not the one simply doing the work by
8 herself.

9 Now, one thing we do monitor is,
10 and clearly we are concerned about over-
11 stretching her over too many sites even on
12 that basis. And that is something we monitor
13 all the time. And a couple of times we have
14 pulled her out from Mound have gone out with a
15 couple of people without her just to do the
16 onsite retrieval just because we were
17 stretching her too much. We can do what she
18 does but she has got to be sort of, I think,
19 that common thread continuity and that point
20 of contact, so that it is done right.

21 And we do lean on her to make sure
22 that the process, the bases are touched and

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1 that the interviews are done consistently over
2 time. And that is the value, I think, of that
3 approach.

4 CHAIRMAN ZIEMER: Phil, Wanda, Jim.

5 MR. SCHOFIELD: I have just got one
6 question for you. I assume the facilities
7 obviously are more sensitive than others, as
8 far as data classification and stuff. How are
9 you, SC&A going to handle that, where you get
10 into a facility that is just like on this
11 Board, some of you have clearances, some of
12 you don't.

13 MR. FITZGERALD: In terms of
14 classification?

15 MR. SCHOFIELD: Yes, in terms of
16 classification when you go into these records.

17 MR. FITZGERALD: Yes, well Kathy is
18 cleared, as am I. So you know, we have a
19 couple more cleared people who in tandem can
20 handle the classified sites. Yes, it wouldn't
21 work unless she and I at least one other
22 person were cleared for those data

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1 acquisitions.

2 And you know, we have to file the
3 protocol, security plan an all of that. And
4 yes, there is certainly a lot more
5 expectations and requirements that come into
6 play in dealing with that situation. But I
7 think at this stage, we are getting pretty
8 experienced, you know, at this point. It has
9 been four or five years dealing with
10 classified sites. And not to say it gets any
11 easier, but certainly we do know, you know the
12 process and the cautions that we have to go
13 through. But you know, we certainly divided
14 up where there is a classified side and an
15 unclassified side. And nothing comes out to
16 the unclassified site until DOE has cleared it
17 and it is not shared in all documents.

18 And one thing we did with the
19 procedure which I thought was helpful is the
20 back end, there were a couple of items that
21 were in PROC-010 on the NIOSH side. For
22 example, a somewhat more systematic approach

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1 to what you do with documents that
2 interviewees might give you in the process of
3 an interview. Well, we have always handed
4 those over to DOE. We didn't have a real
5 straight procedure that laid out A, B, C, D,
6 E. That is in here now. So, what we do, the
7 documents is exactly the same as what NIOSH
8 would do with documents. So there is
9 certainly some value in the uniformity that
10 has now been put into place where we would
11 accomplish the same thing. And certainly
12 under PROC-10 we are required to do the same
13 thing. But in the past, I am talking two or
14 three years ago, there might not have been as
15 much of a procedural process then.

16 CHAIRMAN ZIEMER: Thanks. Wanda?

17 MS. MUNN: Joe, there are a couple
18 of things in the document that we have been
19 looking at here that raise questions. I think
20 some of those questions were a part of our
21 original concern that underlay the request for
22 this document. One is that the DOE

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1 headquarters POC is responsible for
2 coordinating and providing funding to the DOE
3 site POC to support our activities here. And
4 this is something over which we, of course,
5 have absolutely no control. Only once in my
6 memory have we encountered a situation where
7 one of the sites said they really didn't have
8 the funding to support us at the time we
9 wanted it and that was some time in the past.

10 But if we encounter that situation,
11 we are sort of dead in the water before we
12 ever get going. But there is also the DOE
13 site classification officer will assist the
14 team by providing guidance on how to submit
15 notes, etcetera. And I am assuming that all
16 of these things are already, as you have said,
17 in place and operating. And all of the POCs
18 involved understand that and we are now just
19 simply codifying this appropriately.

20 The one thing that I am still
21 concerned with is the security clearance of
22 the people who are sitting around this table.

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1 You know, as you and I spoke last night, I
2 mentioned to you the fact I haven't held a Q
3 clearance for over, I personally have not held
4 a Q clearance for over ten years. And there
5 are times when I, as a Board Member, would
6 very much like to be involved in some of these
7 activities.

8 On some sites, that isn't the major
9 issue. On the sites where it is a major
10 issue, those are the sites that normally are
11 involved in the kinds of activities and the
12 precision of detail in which we really and
13 truly are quite interested.

14 So, I guess what I am asking is
15 whether there is anything in this document
16 that gives us more access as Board Members
17 than there was before we ever started this
18 process. I don't read anything in there that
19 tells me that it is any more likely that we
20 might have access.

21 MR. FITZGERALD: No, this sort of
22 codifies current practice.

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1 MS. MUNN: Yes, that is what I
2 thought. Thanks.

3 MR. FITZGERALD: Yes.

4 MS. MUNN: You said that. Just
5 verifying it.

6 MR. FITZGERALD: Right.

7 MS. MUNN: Thanks.

8 CHAIRMAN ZIEMER: Dr. Melius?

9 DR. MELIUS: Yes, I have a
10 question. And this may be as much a question
11 for the Department of Energy because I think
12 it applies overall also to the NIOSH policy.
13 It is regarding interviews. I have been
14 recently made aware of some confusion at one
15 of the sites with former workers and current
16 workers being interviewed offsite and some
17 confusion on their part as to whether and how
18 they were notified about the fact that there
19 would be a DOE review of those interviews.

20 And I believe I had asked at the
21 last Board Meeting would DOE consider some
22 sort of communication that could be handed to

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1 people who are being interviewed, indicating
2 that they would not be, there would be no
3 retaliation for them providing information, as
4 long as they, you know, followed the process
5 and so forth.

6 Because I think that has been a
7 long-standing issue within DOE going back
8 many, many years from my involvement
9 evaluating DOE sites. And I also think it may
10 need to be made more clear in all of our
11 procedures for interviews because one is the
12 question of whether these people were -- how
13 they are informed. And the informed part is
14 captured in the current document but there is
15 also, I think, an issue do their names need to
16 be given to DOE when the classification review
17 is taking place. And then is there any other
18 communication within the facilities. I think
19 it is particularly important for current
20 workers, any other communication of that
21 information within the facility because the
22 current workers feel there may be some

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1 retaliation for them having participated or
2 for what they might have said.

3 So, I don't know the internal
4 procedures well enough but if you could
5 comment on that.

6 DR. WORTHINGTON: Thank you.

7 CHAIRMAN ZIEMER: Dr. Worthington,
8 perhaps, can comment on that.

9 DR. WORTHINGTON: Sure, I will be
10 happy to do that.

11 In terms of your comment can DOE
12 proceduralize some thing that could be handed
13 out to the workers current informer, there
14 would be no retaliation associated with the
15 interview, Mr. Podonsky would certainly be
16 pleased to do that and we will work with our
17 security organization in terms of wording and
18 whatever it is and make sure that actually
19 when we update our security plan that there is
20 information that would actually refer to that.

21 I think you had another point that
22 was related to DOE.

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1 Yes, that is a very good
2 suggestion. We are always in the business of
3 process improvement. So we will look into
4 making that happen as well.

5 DR. MELIUS: Yes, I also think it
6 fits the Privacy Act issues.

7 DR. WORTHINGTON: Yes, we are very
8 focused on making sure that we are very
9 proactive in avoiding any PAI type activities.
10 And since I have the microphone, I will just
11 take one more minute to say that from a DOE
12 perspective, we are very appreciative of the
13 Board and its contract, in terms of all of the
14 work that you have done in working with us on
15 a security plan and how these requirements can
16 be met.

17 And we know it has been painful and
18 it has been longer than we all had hoped for
19 but we are certainly pleased with where you
20 are. And we received the document towards the
21 end of the day on Wednesday. We are reviewing
22 it and you will get comments back to you

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1 regarding that. And I guess the main comment
2 today is that we want to make sure that the
3 base document is referring back to the DOE
4 document, that here are the things that can be
5 done to meet those requirements.

6 So again, thank you.

7 CHAIRMAN ZIEMER: Joe, I think you
8 were still on Section 4 and maybe we have
9 asked questions beyond that --

10 MR. FITZGERALD: Well actually that
11 was --

12 CHAIRMAN ZIEMER: -- but why don't
13 you --

14 MR. FITZGERALD: To some extent,
15 yes.

16 CHAIRMAN ZIEMER: -- go into some
17 additional things that you wanted to
18 highlight.

19 MR. FITZGERALD: Well certainly one
20 of the key ones was this point of contact.
21 So, I think that was important to address.

22 The DOE facility POC, the DOE

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1 headquarters, POC, I think both of those are
2 pretty much tracking with what is already in
3 procedures. And so I don't think there is
4 anything there that you haven't seen already.

5 To respond a little bit to Wanda, I
6 think we have very promptly gone to the DOE
7 point of contact when we have had any issues
8 at all at the site, whether security or
9 resources. And in almost all cases, in fact
10 in all cases I can remember, they were
11 mitigated pretty quickly. So certainly, we
12 have gotten good support from Pat's office.

13 In terms of the NIOSH facility POC,
14 which is a little further down, I think the
15 key distinction there is the point of contact,
16 the interagency point of contact becomes
17 important when resources are being impinged
18 upon. Meaning, that whenever we make a
19 request for documents, we want people to do
20 searches, whatever, these are all resource
21 attempts in some cases. And that requires an
22 agency-to-agency contact or interface. And we

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1 can't do that on our own. And that is where
2 the value of having that up front
3 acknowledgment that we are going to the site
4 making this request, asking for X, Y, and Z,
5 making sure that both the NIOSH POC and the
6 DFO and DOE is aware of it. That is what
7 makes that happen.

8 So the key issue there is certainly
9 resources. And the other thing of course is
10 the, what I mentioned earlier, was the value
11 of baselining against what the NIOSH person
12 who is working on that site -- in most cases,
13 we do have a counterpart, what they have
14 collected, making sure that we certainly don't
15 ask DOE for the same information that has
16 already been requested. Or, try to interview
17 perhaps the exact same individual and when in
18 fact we have a transcript of the interview
19 sitting on the O: drive or something.

20 So it is certainly some useful
21 homework before we go anywhere on the site and
22 make sure we cover that. So that is what that

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1 covers.

2 Certainly the DFO speaks for itself
3 and I certainly let Ted speak for himself but
4 I think that pretty much lays out the role of
5 the Designated Federal Official as far as this
6 whole thing goes. It is certainly responsible
7 for the implementation of these procedures.

8 Beyond that, 5.0 is the procedures
9 themselves and I am not going to go through a
10 lot of this in detail. It is after lunch.
11 You have already read it. It is procedures.

12 Maybe some of the key things would
13 be under 5.1.2. This is something that I
14 mentioned earlier in response to John's
15 comment that, you know, certainly we would
16 notify the DFO, interested Board Members, all
17 initial visits to the sites so that you are
18 aware of these visits but the intent is what
19 we are trying to get at in terms of documents.

20 If it is a Work Group certainly you
21 would want to have a look at the data capture
22 plan. Pretty much the strategy for what

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1 documents are being sought and what interviews
2 are being planned. So really this is, the
3 whole idea is to keep the Work Group fully in
4 the loop as far as what this process is going
5 to deliver.

6 And one thing we wanted to make
7 pretty clear, though is once we get sort of to
8 the point where we are actually day-to-day on
9 the site and doing the actual reviews, you
10 know, interacting pretty much with the points
11 of contacts at the DOE sites, that is where we
12 are not going to be looping through all the
13 various POCs whether it is DOE, the Board or
14 the DFO. We are just basically going to be
15 working with the counterparts at the site that
16 DOE has identified for us.

17 That certainly is very efficient.
18 We have done it that way and it gets the work
19 done. If something happens, there is a
20 problem, we will surface that right away. So
21 either Ted will hear about it, the DOE site
22 counterpart will hear about it but certainly

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1 we haven't hesitated in the past to make sure
2 somebody knows there is a hiccup. Because we
3 really don't have that much time. You know,
4 we are sort of on the site for four or five
5 days. And if we lose a day, that is pretty
6 severe. So we really do need to keep plugging
7 ahead and make sure nothing slows it down.

8 I don't know, is there any question
9 on five? You know, I could go through all of
10 these but I think they are kind of self-
11 explanatory and actually they mirror what is
12 already in PROC-010, which is the current
13 procedure in place.

14 This also reflects our practice
15 over the last four or five years at the sites,
16 as it has evolved. I am not going to pretend
17 this is the way it was four or five years ago
18 but pretty much the way it is now. And there
19 is some more specification in places that we
20 didn't have it before but PROC-010 provides, I
21 think, for more specification. And we went
22 ahead and put that in and we are following

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1 that.

2 So, I think we have gone back and
3 forth with the NIOSH procedures. There
4 shouldn't be any differences except in those
5 places where it was intentional. And the
6 places where you might see a little difference
7 is in the interview process. You know, the
8 objectives are a little different and the
9 process is a little different. You know, we
10 have had this experience of trying to tell the
11 workers. In the beginning we would say, you
12 know, we are not going to use your name. That
13 is a little bit misleading because in a sense,
14 all of our interview notes go to DOE for
15 review.

16 And even if they don't have names
17 attached, if there is an issue, clearly they
18 will want to get back to the individual. So
19 we can't really guarantee any of that. We
20 just need to be very open about that, which is
21 in here and make sure that there is full
22 disclosure on how the process works.

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1 Now our interview summary, and we
2 do this for all the sites, we don't really put
3 these individual interviews in the report.
4 What we do is we summarize all the interviews
5 and come up with this master summary that is
6 the attachment to the, whether it is the Site
7 Profile or whatever. And so that tends to
8 mask identity better. And I think that is one
9 important feature that we go through.

10 And the other thing that we do, I
11 think, which is not explicit in PROC-010 but
12 we validate every single interview with the
13 interviewee and give that interviewee a chance
14 to not only validate that that is what he or
15 she had said but if on second thought after
16 reading the notes the light bulb goes on, you
17 know, there is some important thing that was
18 forgotten, that is not unusual, we tell them
19 that they can do it but the issue is, it goes
20 back to DOE one more time for a clearance
21 because something has been added and then it
22 comes back out. So that certainly is

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1 exciting.

2 CHAIRMAN ZIEMER: Questions? Jim.

3 DR. MELIUS: Yes, I think what I
4 was asking was is there a way of completing
5 masking the name of the interviewed individual
6 when that information goes to DOE for
7 classification review?

8 MR. FITZGERALD: Yes, we redact the
9 name but the issue, as we saw it was, if there
10 was an issue discovered, meaning that there
11 was a classification question, we couldn't,
12 you know, certainly, there might be a need to
13 go back and divulge that name just to find a
14 source of information. There was sort of that
15 possibility that we couldn't cover and didn't
16 want to mislead the interviewee.

17 In other words, if in fact
18 something was found, there might be a need to
19 find out what the source of that particular
20 piece of information might have been.

21 CHAIRMAN ZIEMER: So you would be
22 saying that you couldn't guarantee anonymity.

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1 MR. FITZGERALD: That's right. I
2 mean, we would do everything we could. And
3 the likelihood was there would be anonymity
4 but there wouldn't necessarily be a guarantee
5 because there was always that loophole where
6 if something was found in the clearance
7 process, you know, there could be
8 understandably a need to go back and find out
9 what the source of that particular piece of
10 information might have been.

11 DR. MELIUS: Yes, well at least I
12 think that should be explained --

13 MR. FITZGERALD: Right.

14 DR. MELIUS: -- in detail rather
15 than just the assumption that the main because
16 again, this is also during this transition and
17 I don't know exactly what happened here. But
18 the incident I heard about was people, you
19 know, assuming that their named information
20 was being what was submitted and was being
21 reviewed by the Department of Energy.

22 MR. FITZGERALD: Right.

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1 DR. MELIUS: And there are some
2 current workers at the site and they were
3 concerned about that. So, I think knowing
4 that they would only need to be named if there
5 needed to be follow back --

6 MR. FITZGERALD: Right and what we
7 have done --

8 DR. MELIUS: -- coupled with some
9 statement, official statement from DOE saying
10 you know, people will not be retaliated
11 against for this would be reassuring. Because
12 that is not how it was understood, I think.
13 And then again, this is sort of during the
14 transition. I don't know exactly what --

15 MR. FITZGERALD: Yes, I think
16 sometimes, you know, maybe a miscommunication
17 because when one is walking through that, you
18 don't catch -- and we are trying to be very
19 careful to emphasize it that DOE will review
20 these notes. But we do essentially is take
21 the names out and substitute a number. And
22 there is cross code that we have so we can get

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1 back to the individual for that particular set
2 of notes. But we give DOE the version that
3 has the number in it.

4 But you know, sort of, you learn as
5 you go. And one thing that we have learned is
6 that that is a possibility. So we have to be
7 able to alert them that we can't guarantee it
8 but the likelihood is probably relatively
9 small. But again, sometimes it gets lost in
10 translation. It can be misperceived as the
11 government is reviewing these things and they
12 know who I am. But we try to be clear, this
13 is the process we are following --

14 DR. MELIUS: Okay.

15 MR. FITZGERALD: -- and we have
16 followed this for quite a while. But I think
17 it is probably in the last six months that we
18 realized and we had some discussions on the
19 question of anonymity that that is the one
20 possibility that would affect that.

21 CHAIRMAN ZIEMER: Mr. Presley.

22 MR. PRESLEY: John, I have got one

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1 question. It says that the Advisory Board
2 Facility point of contact conducts scanning.
3 "When the Advisory Board Facility point of
4 conducts the scanning, the DOE point of
5 contact is responsible for providing adequate
6 space to conduct the scanning, and for
7 ensuring that all documentation is
8 appropriately marked before scanning is
9 conducted."

10 Are you all really comfortable with
11 somebody going into a facility like Y-12 and
12 doing their own scanning?

13 MR. FITZGERALD: Well, I might add
14 that this is coordinated with DOE so we would
15 not be doing our own scanning if it were a
16 secure area. It would have to be done some
17 other way.

18 CHAIRMAN ZIEMER: Okay, Greg will
19 perhaps add to this.

20 MR. LEWIS: Yes, that is something
21 that we often work out in our preplanning
22 calls when we interact with the POCs. Some

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1 facilities do allow scanning depending on the
2 information, how it is marked, what level of
3 classification, etcetera, some facilities
4 don't. So we can all work that on a case-by-
5 case basis and we get that clearly established
6 ahead of time before the data capture.

7 MR. PRESLEY: So you all are
8 comfortable with what it says.

9 DR. WORTHINGTON: We are still
10 reviewing the document and your comments. And
11 certainly this is the place where caveats are
12 needed. Because it doesn't apply universally.

13 MR. PRESLEY: Right. That is
14 exactly right.

15 DR. WORTHINGTON: If you need a
16 space and it is not --

17 COURT REPORTER: I don't have her.

18 CHAIRMAN ZIEMER: Pat, could you
19 repeat that into the mic because the court
20 reporter could not pick that up.

21 DR. WORTHINGTON: I apologize.
22 Again, as I mentioned, we received the

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1 document on Wednesday afternoon and are still
2 reviewing it. This certainly would be a place
3 where we would provide some feedback because
4 as written now, it kind of applies across the
5 Board universally. And as Greg was pointing
6 out, there is preplanning and you do it case-
7 by-case. And since we are talking about
8 certain facilities, the answer would be no.
9 There are some facilities where you wouldn't
10 come in and people from the outside would be
11 doing the scanning.

12 So, we will offer some suggested
13 edits for this.

14 MR. CLAWSON: Well, Mr. Presley,
15 too, I think you better look at 4 point --

16 MR. PRESLEY: I looked at the next
17 one.

18 MR. CLAWSON: Okay. Because this
19 line, it is explaining exactly that.

20 MR. PRESLEY: There is also, there
21 is two things there. And I just want to make
22 sure that they are comfortable with it all.

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1 MR. CLAWSON: Let me interject
2 though.

3 MR. FITZGERALD: Well let me
4 interject though. This is taken right out of
5 PROC-010 which is in place right now and
6 really this is a list of options. This is not
7 a sequence or anything. This is three things
8 that might happen. We do it, DOE does it or
9 NIOSH would do it. The three possibilities
10 exist for scanning documents.

11 We did not have something like this
12 in place before. In fact we, in practice, in
13 the past, haven't routinely scanned documents.

14 Now for Mound, for the first time, we were
15 shoulder to shoulder with ORAU. ORAU was at
16 the site doing something and we happened to be
17 there at the same time. And they scanned the
18 documents we were collecting right into the O:
19 drive. So, I think it is going to vary from
20 site-to-site. These are the three
21 possibilities and in three cases we followed a
22 different track.

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1 I might add that on the SC&A or the
2 technical support contractor doing it, that,
3 as far as a routine option, that is brand new.

4 So that is going to probably entail a bit of
5 a change of practice for us, since we don't do
6 it routinely and we would have to figure out a
7 way to get it done.

8 CHAIRMAN ZIEMER: Dr. Melius.

9 DR. MELIUS: If we are through
10 discussing, I could sort of figure out what we
11 are doing next to this document and I actually
12 have a suggestion.

13 CHAIRMAN ZIEMER: Okay well let me
14 ask, Joe, did you have additional comments?

15 MR. FITZGERALD: No, I think the
16 rest of this is procedures that you will find
17 in PROC-010 as it now exists. I think it is
18 pretty consistent.

19 CHAIRMAN ZIEMER: Well there are
20 two things. There is an additional document -
21 -

22 MR. FITZGERALD: Right.

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1 CHAIRMAN ZIEMER: And I believe
2 that, it is my understanding that, the Work
3 Group is going to recommend adoption of these
4 two documents. Is that not the case?

5 MR. CLAWSON: Yes, that is correct
6 with DOE's concurrence on it.

7 CHAIRMAN ZIEMER: Well and we know
8 that DOE is not in a position to concur today.

9 So there are a couple of possibilities. One
10 would be to defer action. The other would be
11 to adopt these documents with a caveat or two.

12 The caveats would be, for example, that they
13 not go into effect until DOE has completed
14 their review. That would be one caveat.

15 The second caveat would be that
16 they would be subject to modification the DOE
17 might suggest. But if it is a substantive
18 modification, then they would, in my judgment,
19 need to return to us to have a final look at
20 it. If it is an editorial or refinement, then
21 possibly we could adopt it and have it be put
22 in place once DOE's review occurred.

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1 DR. MELIUS: And I was going to
2 suggest that that final, that position on the
3 Board's part, whether it is a substantial
4 difference or not would be that you, Dr.
5 Ziemer, and Brad and Joe review that. And
6 then if you decide that it does require more
7 discussion at the Board level, bring it back.
8 If not, we would put it into this type of
9 possibility going into effect.

10 CHAIRMAN ZIEMER: Right because the
11 caveat would be that once DOE reviewed it,
12 number one, if they are happy with it, it goes
13 into effect. If they have minor
14 modifications, we make them and it goes into
15 effect.

16 If in our judgment they were
17 substantive, then we would bring it back to
18 the Board or even a subset of that might be
19 everything goes into effect except one
20 particular part.

21 DR. MELIUS: Yes.

22 CHAIRMAN ZIEMER: So that would be

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1 the outcome.

2 Now let me ask Joe and Brad, do we
3 need to discuss the other document first?

4 DR. MELIUS: My personal feeling is
5 that we really don't because the only thing
6 that we would change from this is to the
7 Board's POC. Everything else has stayed the
8 same from NIOSH is. Like we said, we tried to
9 mirror exactly what had already been approved.

10 CHAIRMAN ZIEMER: Joe, any comments
11 on the --

12 MR. FITZGERALD: I just want to
13 add, yes, this is based on the DOE Security
14 Plan and I think a very carefully worked out
15 set of procedures based on what the security
16 clearance process is. So really, we are doing
17 it to be held to it.

18 CHAIRMAN ZIEMER: I would like to
19 ask NIOSH if they have any comments. Larry,
20 has your group had a chance to review this?
21 And if so, do you have any comments one way or
22 the other? Are you comfortable that it

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1 parallels and provides the needed
2 coordination?

3 MR. ELLIOTT: Well, from an OCAS
4 perspective, we haven't reviewed what has been
5 drafted. We participated in the working group
6 discussion. We have no comments yet on that.

7 CHAIRMAN ZIEMER: Okay. Brad, do
8 you wish to present a formal motion at this
9 time?

10 MR. CLAWSON: Yes, I do but because
11 I was the Work Group chair, I didn't know if I
12 could do that or not.

13 CHAIRMAN ZIEMER: Oh, yes.

14 MR. CLAWSON: Okay.

15 CHAIRMAN ZIEMER: In fact, you not
16 only can, you must.

17 MR. CLAWSON: Okay. I would like
18 to -- thank you. I appreciate that.

19 I would like to propose to the
20 Board that we accept these two procedures,
21 with the caveat that we were discussing about
22 the DOE. And I can't remember everything that

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1 you said into it. It kind of took me by
2 surprise there. But anyway, DOE has got to be
3 able to concur on this and if there is
4 anything of great change that we could either
5 take that out and proceed on because I think
6 it is crucial for us to be able to get these
7 into place.

8 CHAIRMAN ZIEMER: And the motion
9 from the Work Group then is that we adopt both
10 of these documents with the caveat that they
11 would not take effect until DOE has completed
12 their review, caveat A. Number two, that if
13 DOE has suggested changes and they are not
14 substantive, then the changes be made and that
15 the procedures go into effect.

16 Or, if they are substantive, that
17 the Chairman of the Work Group, Chairman of
18 the Board, and the Designated Federal Official
19 will make a judgment as to whether they are
20 substantive and whether or not the full
21 document or parts thereof have to be returned
22 to the Board.

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1 Was that your motion?

2 MR. CLAWSON: Yes, that sure sounds
3 like what I tried to say.

4 (Laughter.)

5 DR. POSTON: That is exactly what
6 he said.

7 CHAIRMAN ZIEMER: That motion
8 doesn't require a second, since it comes from
9 a committee.

10 Josie, a comment?

11 MS. BEACH: I was just wondering if
12 we could hear from DOE on maybe a time frame
13 for comments?

14 DR. WORTHINGTON: Yes, by the end
15 of next week.

16 MS. BEACH: Okay, thank you.

17 DR. WORTHINGTON: For the record,
18 it was by the end of next week.

19 COURT REPORTER: Thank you.

20 CHAIRMAN ZIEMER: Dr. Worthington
21 has made a solemn vow to have this ready by
22 the end of next week, plus or minus a little.

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1 We understand it will happen very soon.

2 Are there any comments on the
3 motion? Any discussion on the motion or are
4 you ready to vote on the motion? And we are
5 voting on both documents, if anyone wishes to
6 divide the motion, we can do that. Otherwise,
7 it will remain as one motion.

8 Apparently not. I suggest then we
9 have a role call vote. We can just go around
10 the table.

11 MR. KATZ: Dr. Lockey suggested
12 that I randomize my role call votes for tally.

13 I can do it just very easily the way I am set
14 up here. So, I shall do so.

15 So, Mr. Schofield?

16 MR. SCHOFIELD: Yes.

17 MR. KATZ: And Mr. Presley?

18 MR. PRESLEY: Yes.

19 MR. KATZ: Ms. Munn?

20 MS. MUNN: Yes.

21 MR. KATZ: Dr. Melius?

22 DR. MELIUS: Yes.

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1 MR. KATZ: Mr. Gibson?

2 MR. GIBSON: Yes.

3 MR. KATZ: Ms. Beach?

4 MS. BEACH: Yes.

5 MR. KATZ: Mr. Clawson?

6 MR. CLAWSON: Yes.

7 MR. KATZ: Dr. Lockey?

8 DR. LOCKEY: Yes.

9 MR. KATZ: Mr. Griffon?

10 MR. GRIFFON: Yes.

11 MR. KATZ: Dr. Roessler?

12 DR. ROESSLER: Yes.

13 MR. KATZ: And Dr. Ziemer?

14 CHAIRMAN ZIEMER: I will vote yes,
15 but if that is randomized, why am I at the
16 end?

17 (Laughter.)

18 MR. KATZ: You are the exception.

19 CHAIRMAN ZIEMER: Okay.

20 MR. KATZ: Oh, Dr. Poston. Sorry.
21 So you weren't.

22 DR. POSTON: I'm tempted to vote no

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1 but yes.

2 CHAIRMAN ZIEMER: Okay, it truly is
3 randomized. I withdraw my comment.

4 MS. BEACH: Now I know why he
5 wanted to mix that up.

6 MR. KATZ: I'll go back to the
7 original plan.

8 CHAIRMAN ZIEMER: Okay, thank you.
9 We are going to move on to the next --

10 DR. MELIUS: Can I raise another
11 issue that is related to this?

12 CHAIRMAN ZIEMER: Yes.

13 DR. MELIUS: That is, I think, and
14 I have raised this before and no one seems to
15 pay attention but that is the issue that we
16 seem to be getting involved in as part of our
17 evaluation of SEC's evaluations that seem to
18 be getting into areas where there are some
19 difficult security issues.

20 The site here in Amarillo, I think,
21 is probably the prime example but I think
22 there are others also. And I am concerned and

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1 confused by what our procedure is going to be
2 to deal with some of these issues.

3 I am told we are not allowed to
4 have Work Group meetings to deal with some of
5 these secure issues, that we have individuals
6 reviewing this information. And I have
7 serious questions how we are ever going to be
8 able to get these to a vote of the Board,
9 given some of the limitations on sharing the
10 information, as well as how we are going to
11 maintain our process of providing public
12 discussion and public access to the basis for
13 our determinations.

14 Now, this issue has been around for
15 years. We sort of got around it at the Iowa
16 site. But I think that, unless we start to
17 develop a procedure, a policy for dealing with
18 this, we are going to be tying up these sites
19 for a significant period of time. There is
20 already enough delays simply just due to some
21 of the clearance issues of getting onsite to
22 access some of this information, let alone how

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1 we are going to discuss some of it in Board
2 meetings and documents and so forth.

3 And I am just concerned that we
4 need to come to grips with this in some way.

5 CHAIRMAN ZIEMER: Thank you for the
6 comment. What I am going to do is put that on
7 our Board working session for tomorrow so we
8 can discuss it at some length and maybe, at
9 least, plan a path forward.

10 I think it is a thorny issue. And
11 as you say, it came up at Iowa. We had kind
12 of a dilemma there for a while. It could very
13 well arise again.

14 DR. MELIUS: Okay. I don't have
15 any problems with postponing the discussion
16 until tomorrow but I think it is important
17 that the Department of Energy be aware of this
18 issue. And I wasn't sure if the Department of
19 Energy was going to be here tomorrow.

20 CHAIRMAN ZIEMER: Well I believe
21 that at least Gina and Greg will both be here.

22 So, we can certainly have the discussion and

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1 get some ideas on how we might proceed. I am
2 not sure it is something -- we may have to
3 have a Work Group address this even and come
4 up with some brainstorming ideas.

5 DR. MELIUS: I mean, as I have said
6 before when we have talked about the security
7 issues, it seems to me in some of these
8 situations, we may be better off just not
9 trying to go through our normal review
10 procedures, given some of the potential
11 security issues that may arise just from our
12 normal way that we do business, even trying to
13 be careful about how we handle some of this
14 information and how we make the public -- but
15 again, it would for the discussion tomorrow
16 and I think there would be some examples when
17 we talk about some of the specific sites and
18 the specific Work Groups but I think we do
19 need to deal with it.

20 CHAIRMAN ZIEMER: Thank you. Any
21 other brief comments on that? The reason I
22 want to push it to tomorrow is that we have

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1 some times certain that we have to deal with
2 here.

3 Brad, did you have --

4 MR. CLAWSON: No, I am just
5 standing up.

6 CHAIRMAN ZIEMER: Okay, thank you.

7 Okay, next on our agenda is
8 Standard Oil Development Company of New
9 Jersey, an SEC petition. This is an 83.13
10 petition. LaVon Rutherford is going to
11 present the NIOSH evaluation report.

12 We may have a petitioner on the
13 line and perhaps we should check to see if
14 they are. Can we just get a yes or no whether
15 --

16 MR. GEDDES: Yes, this is Richard
17 Geddes. I am the petitioner.

18 CHAIRMAN ZIEMER: Thank you and
19 stand by and we will give you an opportunity
20 to comment after we hear from Mr. Rutherford.

21 MR. GEDDES: Okay.

22 MR. RUTHERFORD: Hello? I think we

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1 may have to wait until it warms up a little.
2 Ah, here it comes.

3 All right, I am LaVon Rutherford.
4 I am the Special Exposure Cohort Health
5 Physics Team Leader for NIOSH. And I am going
6 to talk about Standard Oil.

7 We received this petition on
8 September 12th of this year. Actually of
9 2008. I don't know how that could have been
10 of this year.

11 The petitioner-proposed classes:
12 all employees who worked in any area at
13 Standard Oil from August 13, 1942 through
14 December 31st of 1963.

15 The petition was qualified for
16 evaluation on November 5th of 2008 and it was
17 qualified based on the lack of personnel
18 monitoring or area monitoring data.

19 We issued our evaluation report on
20 March 24th and we have one claim, who is the
21 petitioner for this site. We have one claim
22 for Standard Oil.

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1 A little background about the site.

2 We have two facilities. We have the Bayway
3 Refinery and the Linden. Currently, Bayway is
4 the Exxon Chemical Company and Linden
5 Laboratories is presently Exxon Research and
6 Engineering.

7 Some more background. Standard Oil
8 is classified as an Atomic Weapon Employer for
9 the covered operational period 1942 through
10 1945 and a residual period that is currently
11 listed as 1946 through 2006. However, that
12 residual period is under evaluation right now
13 and that end date will likely be adjusted.

14 In our search in understanding and
15 trying to get some information about the
16 standard oil site, we sent a letter to the
17 Office of Legacy Management asking if they had
18 information to support, 1) clarification of do
19 we have two facilities, two separate
20 facilities or are both facilities considered
21 part of the Standard Oil site, the Bayway and
22 the Linden Laboratories; and do you have any

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1 additional information they could provide us,
2 actual locations where the radiological work
3 occurred.

4 We did get a response from Legacy
5 Management. They could not provide us with
6 exact locations of where the work occurred at
7 the site. They did -- recently, we received a
8 letter concurring with us that they believed
9 that the Linden facilities and the Bayway
10 facility are actually both together, part of
11 the covered facility under Standard Oil.

12 Typically, as everyone knows, when
13 we get a petition in, there are a number of
14 places that we go to look for data to try to
15 resolve any issues that we have for the site.
16 We went to our current site profiles,
17 Technical Information Bulletins, Procedures.
18 We looked at a FUSRAP report, interviews in a
19 FUSRAP report and we also talked to the
20 Standard Oil Development Company employees.
21 Actually we didn't. That was done during the
22 FUSRAP process itself. NIOSH Site Research

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1 Database and data captures.

2 We went through the Office of
3 Legacy Management, which I mentioned earlier,
4 Nuclear Regulatory Commission; current owners
5 and operators of the site; New Jersey
6 Department of Environmental Radiation
7 Programs; Department of Health and Human
8 Services; and National Archives. We also went
9 to Washington State University, which many of
10 you know that we do get a lot of good
11 documentation from. We do DOE Opennet with
12 OSTI database, internet searches, the CEDR
13 database, which is the Comprehensive
14 Epidemiological Data Resource, Hanford DDR
15 System, National Academy of Press. So you can
16 see that we have actually built this approach
17 for doing our data capture and there are a lot
18 of places that we go to look for information
19 about the site.

20 An overview of the actual claims is
21 pretty simple. We have one claim and it meets
22 the class definition. So, it is covered under

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1 the operational period at Standard Oil. And
2 we did complete a dose reconstruction for this
3 site. We have no internal or external
4 monitoring data.

5 A little bit about the operations
6 that occurred at Standard Oil. Standard Oil
7 with this 1942 to 1945 time period was the
8 classic period when we were trying to produce
9 the atomic bomb. A number of companies, if
10 you remember my presentation on Westinghouse
11 Atomic Power Development, there were a number
12 of companies involved at that time working
13 with the MED and the Office of Scientific
14 Research and Development to try to come up
15 with a good approach for uranium enrichment;
16 Standard Oil was one of those sites. They
17 actually worked on a centrifuge process, a
18 uranium gas centrifuge process. If you
19 remember there were roughly four different
20 approaches they were looking at at that time.
21 They looked at the gaseous diffusion, they
22 looked at the calutron operation, the ionic

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1 centrifuge and then this uranium gas
2 centrifuge, which ultimately they focused at
3 K-25 on the gaseous diffusion.

4 They also did experiments and
5 studies of uranium with production of uranium
6 through chemical reduction processes. And
7 they also were involved in several other
8 research and development activities.

9 We found little documentation that
10 provides detailed process information. This
11 is very consistent with Westinghouse Atomic
12 Power Development. The uranium enrichment
13 process, the gas centrifuge process, we found
14 very little information on that. We also lack
15 information and record holdings that specify
16 exact locations of buildings or type of
17 personnel involved in the work.

18 Areas were generally referred to as
19 the Bayway facility or the ESSO Lab in
20 documentation.

21 Again, we have limited, also we
22 have limited documentation that details the

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1 amount of source material involved in the
2 studies and experiments. Very little
3 information at all on the pilot operations
4 with uranium enrichment. We do have some
5 information that indicates UF6 and UO3 were
6 sent to the site in 1942, 43, and 44. And
7 although other uranium compounds were
8 mentioned in a few documents, no specific
9 quantities were specified.

10 Other records, including a
11 Manhattan Engineering District letter from
12 1945, indicate that the plant was dismantled
13 and decontaminated. Basically at the end of
14 operations of the pilot operations at the end
15 of 1944 period, 44 to 45, they had pretty much
16 focused on gaseous diffusion and all work
17 associated with the pilot operations with the
18 centrifuge were shut down and indications are
19 again that the plant was dismantled and
20 decontaminated.

21 We have FUSRAP documentation that
22 concludes that the facility at Bayway probably

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1 has been torn down and the material remaining
2 may have been stored for some period at a
3 location leased by OSRD, which is consistent
4 with other documentation that we have.

5 Worker interviews, we did review
6 the CATI but there was one CATI involved here
7 and documentation provided by that petitioner
8 as well, which was some very good information.

9 We also contacted representatives
10 from the existing companies to see if they
11 could identify personnel that we could
12 interview at the site. One, they had no
13 records holding concerning the activities and
14 they were basically under the impression that
15 the individuals involved in the operations at
16 that time were senior personnel that were no
17 longer around.

18 And that was consistent as well
19 with the FUSRAP work. The FUSRAP did identify
20 two individuals that they were able to
21 interview, two long-time employees, one former
22 employee who they interviewed, who basically

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1 indicated the same thing, that workers
2 involved in that operation were senior
3 engineers and such and that those individuals
4 were no longer around.

5 Again, we lack information in our
6 record holdings that identify the exact
7 locations of any of the work that occurred at
8 the site. And as I had mentioned earlier, we
9 did contact the Office of Legacy Management
10 requesting if they had any additional
11 information, which they could not provide us.

12 Our internal exposure potential;
13 inhalation and ingestion from operations
14 involving uranium enrichment, as well as the
15 experimental work that occurred at the site
16 and external exposures exist from basically
17 the same sources.

18 Again, we have no internal or
19 external monitoring data for the site, nor do
20 we have any specific details of any medical x-
21 ray information required.

22 Our internal dose reconstruction,

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1 we found insufficient information to draw a
2 conclusion regarding a potential magnitude of
3 the internal doses involved with the exposure
4 to uranium enrichment, as well as the other
5 uranium work that was involved.

6 External exposures, we are in the
7 same position; insufficient data to actually
8 provide a potential magnitude of the external
9 exposures as well.

10 We do feel we could reconstruct the
11 medical dose using existing procedures that we
12 have. And as well, if personnel monitoring
13 data were uncovered at a later point, we would
14 use that personnel monitoring data for any
15 future claims.

16 Our feasibility, the early work at
17 Standard Oil Development Company, included the
18 unique enrichment operations, with the gaseous
19 centrifuge would not allow us to use surrogate
20 data. The surrogate data would typically be
21 from another enrichment facility like that
22 one. There was no enrichment facility like

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1 that facility at the time. This is consistent
2 with our approach with the calutron's early
3 years at Y-12, Westinghouse Atomic Power
4 Development, the Thermal Diffusion Plant S-50,
5 all of those early uranium enrichment works,
6 we have concluded this is a unique operation.

7 So our feasibility determination
8 was it is not feasible, internal or external
9 exposures. However, we can reconstruct
10 medical x-rays.

11 We also determined that the workers
12 in the class may have accumulated chronic
13 radiation exposures through intakes of
14 radionuclides and direct exposure to
15 radioactive materials. Subsequently, we feel
16 their health was endangered.

17 Our proposed class is all AWE
18 employees who worked at Standard Oil
19 Development from August 13, 1942 through
20 December 31, 1945. And the standard language
21 after that.

22 Again, our recommendation is that

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1 it is not feasible and that health was
2 endangered for that time period. There was a
3 residual. As you know, we qualified the
4 petition up to 1963. We have not determined
5 or come up with a feasibility finding for that
6 residual period because right now we are
7 uncertain as to the ending date of the
8 residual contamination period. We do have a
9 draft residual contamination report that is
10 working its way through the system and that
11 report does not have the current end date that
12 is covered by the -- that we have of 2006.

13 And the only claimant we have right
14 now is the petitioner and that petitioner is
15 covered by the proposed class.

16 We do know that the company
17 continued to provide consulting for AEC as
18 late as 1953. We know that the -- but based
19 on all of the documentation we have reviewed
20 and information available, it was consulting
21 information for other sites. We had no
22 indications of any additional work that

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1 occurred at the site and the Department of
2 Energy has stuck with that position as well.

3 So, we will continue. We will
4 basically prioritize our evaluation on the
5 residual period. Once the actual end date is
6 defined in the residual contamination report,
7 we will continue to evaluate the feasibility
8 for the residual contamination period and when
9 we get some additional claims for that period
10 as well. So, that is why we decided to
11 reserve that residual contamination period.

12 And that is it.

13 CHAIRMAN ZIEMER: Thank you, LaVon.

14

15 Ms. Beach, question?

16 MS. BEACH: LaVon, did you say, I
17 might have missed it, are there any claims for
18 the residual period at this time?

19 MR. RUTHERFORD: No, there is not,
20 only the existing claimant that we have who is
21 covered under the operational period.

22 MS. BEACH: I understand that. And

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1 then have you done any worker outreach in that
2 area?

3 MR. RUTHERFORD: At this point,
4 there has been no additional worker outreach
5 at this site. We have talked internally that
6 that may occur with our contractor.

7 MS. BEACH: Okay.

8 CHAIRMAN ZIEMER: Okay, let's hear
9 from the petitioner who is on the line.

10 MR. GEDDES: Well, you know, this
11 of course occurred before I was born. So I
12 can't say that I could add much. But I
13 understand the work has been done and
14 appreciate it and I certainly agree with it.
15 That is obviously the basis of my petition but
16 I didn't believe there was any valid data to
17 support a dose reconstruction. And it really,
18 on that basis, it qualified for the SEC.

19 CHAIRMAN ZIEMER: And the
20 petitioner probably is not in a position to
21 answer this but I will ask it anyway. Did you
22 know of additional individuals that worked at

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1 that time, or know of them? I assume some
2 search has been made to find out if there were
3 other individuals. And Mr. Rutherford is
4 shaking his head.

5 MR. GEDDES: No because the reason,
6 you know, your question about outreach, well
7 you know, it doesn't surprise that I am the
8 only petitioner in this case because I knew
9 about this program, not from outreach at
10 Standard Oil, but because I am a DOE
11 contractor. And I also knew, you know, I
12 noticed that Standard Oil was an AWE employer
13 and I also knew that my father had done what
14 he called secret defense work. And back in
15 the 1950s, I was a child. He died when I was
16 15. So, but in those days, they didn't talk
17 much about it, other than the fact he said he
18 was doing some secret defense work.

19 So, it doesn't -- I put it together
20 the fact that, oh, that was an AWE employer
21 and that he was doing defense work, you know,
22 later on. And I did it through my DOE

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1 involvement rather than through any outreach
2 involving Standard Oil.

3 CHAIRMAN ZIEMER: Okay, thank you.

4 Mr. Presley, did you have a
5 comment?

6 MR. PRESLEY: No, I want to make a
7 motion.

8 CHAIRMAN ZIEMER: Okay. Any other
9 general questions, Board Members, either for
10 the petitioner or for NIOSH?

11 If not, a motion would be in order.
12 Mr. Presley.

13 MR. PRESLEY: I would like to make
14 a motion that we accept this petition as
15 stated August 13, 1942 through 1945, whatever
16 that date is.

17 CHAIRMAN ZIEMER: Okay the motion
18 basically then would be to accept the
19 recommendation of NIOSH and to recommend to
20 the Secretary that a class be added for this
21 Standard Oil group, which currently exists as
22 one individual but could expand possibly.

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1 And is there a second to the
2 motion? And Dr. Poston has seconded it. We
3 will have tomorrow, if the motion passes, some
4 official wording for the Board to look at but
5 --

6 DR. MELIUS: Chairman, if I might,
7 I can offer some official wording.

8 CHAIRMAN ZIEMER: We can do that
9 now and we have time to do that.

10 DR. MELIUS: We can wait until
11 tomorrow.

12 CHAIRMAN ZIEMER: No, we will do it
13 now if the wording is ready. And at this
14 point, I will double check. The caveat was
15 that the end date could change. Is that not
16 correct? And we would understand that --

17 DR. MELIUS: Actually, I have a
18 sentence that covers that.

19 CHAIRMAN ZIEMER: Covers that.

20 DR. MELIUS: The end date issue
21 really is only for the residual period.

22 MR. RUTHERFORD: They are clearly

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1 distinct, separate.

2 CHAIRMAN ZIEMER: Right, so that
3 would be separate.

4 DR. MELIUS: Yes, so I think I got
5 that clear.

6 MR. PRESLEY: It would be a second
7 SEC. Is that correct?

8 CHAIRMAN ZIEMER: LaVon, can you
9 answer that?

10 MR. RUTHERFORD: No, I don't want
11 to say there would be a second SEC because our
12 feasibility, we did not ever come out with a
13 feasibility determination. We will issue
14 another feasibility determination with the
15 true end date that is defined for the residual
16 period.

17 CHAIRMAN ZIEMER: Okay, so the
18 residual period is not before us in any event
19 right now. But you have another sentence that
20 we will throw that in.

21 And then also we want to make sure,
22 and we will before the meeting is over, that

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1 the class definition, it is not a difficult
2 one since it is one person, but a class
3 definition in a general sense for Department
4 of Labor suits their needs as far as
5 administering it. It is my understanding that
6 it does.

7 LaVon?

8 MR. RUTHERFORD: The class
9 definition was provided to the Department of
10 Labor in a draft format to ensure that they
11 could administer it and we did get formal
12 correspondence that they could.

13 CHAIRMAN ZIEMER: Thank you. Then
14 here now is the formal wording of the Presley
15 motion.

16 DR. MELIUS: Okay. The friendly
17 amendment to the Presley motion.

18 The Board recommends that the
19 following letter be transmitted to the
20 Secretary of Health and Human Services within
21 21 days. Should the Chair become aware of any
22 issues that in his judgment would preclude the

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1 transmittal of this letter within that time
2 period, the Board requests that he promptly
3 inform the Board of the delay, and the reasons
4 for this delay, and that he immediately works
5 with NIOSH to schedule an emergency meeting of
6 the Board to discuss this issue.

7 The Advisory Board on Radiation
8 Worker Health, the Board, has evaluated SEC
9 petition 00129 concerning workers at the
10 Standard Oil Development Company in Linden,
11 New Jersey, under the statutory requirements
12 established by EEOICPA incorporated into 42
13 C.F.R. Section 83.13 and 42 C.F.R. Section
14 8314.

15 The Board respectfully recommends
16 Special Exposure Cohort status be accorded to
17 all atomic weapons employer employees who
18 worked at the Standard Oil Development Company
19 in Linden, New Jersey, from August 13, 1942
20 through December 31, 1945 for a number of
21 workdays aggregating at least 250 workdays
22 occurring either solely under this employment

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1 or in combination with workdays within the
2 parameters established for one or more other
3 classes of employees in the SEC. The Board
4 notes that although NIOSH found that they were
5 unable to completely reconstruct radiation
6 doses for those employees, believe that they
7 are able to reconstruct the occupational
8 medical dose.

9 This recommendation is based on the
10 following factors. Standard Oil Development
11 Company was involved in the early development
12 work related to uranium enrichment for the
13 manufacture of atomic weapons.

14 Number two, NIOSH was unable to
15 locate sufficient monitoring data, information
16 on operations at the site, and source term
17 information at the site in order to be able to
18 complete accurate individual dose
19 reconstructions for the potential internal and
20 external radiation exposures to which these
21 workers may have been subjected. The Board
22 concurs with this conclusion.

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1 Three, NIOSH determined that health
2 may have been endangered for the workers
3 exposed to radiation at this facility during
4 the time period in question. The Board also
5 concurs with this determination. Based on
6 these considerations and the discussions held
7 at our May 12th Advisory Board meeting in
8 Amarillo, Texas, the Board recommends that
9 this Special Exposure Cohort petition be
10 granted.

11 The Board notes that NIOSH is
12 continuing to evaluate information on
13 potential exposures during the residual
14 contamination period from 1946 to 2006 and
15 will make a recommendation regarding this time
16 period some time in the future.

17 We enclose this documentation from
18 the Board meeting where this Special Exposure
19 Cohort class was discussed. The documentation
20 includes transcripts of deliberation, copies
21 of the petition, the NIOSH review thereof, and
22 related documents distributed by NIOSH. If

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1 any of these items are unavailable at this
2 time, they will follow shortly.

3 CHAIRMAN ZIEMER: Thank you. Now,
4 if --

5 DR. MELIUS: I have actually one
6 correction to that because I thought about it
7 later. Actually, I think it is only an 83.13.
8 Correct? Not an 83.14. Yes.

9 CHAIRMAN ZIEMER: That is correct.

10 DR. MELIUS: So, I will strike
11 83.14.

12 CHAIRMAN ZIEMER: Friendly
13 amendment to the friendly amendment.

14 DR. MELIUS: Yes, by the friendly
15 amender.

16 CHAIRMAN ZIEMER: Are there any
17 questions or discussion now on the motion? If
18 not, we will proceed to vote following Mr.
19 Katz's randomized procedure.

20 MR. KATZ: Okay, beware.

21 Mr. Schofield?

22 MR. SCHOFIELD: Yes.

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1 MR. KATZ: Dr. Roessler?
2 DR. ROESSLER: Yes.
3 MR. KATZ: Mr. Presley?
4 MR. PRESLEY: Yes.
5 MR. KATZ: Dr. Poston?
6 DR. POSTON: Yes.
7 MR. KATZ: Ms. Munn?
8 MS. MUNN: Yes.
9 MR. KATZ: Dr. Melius?
10 DR. MELIUS: Yes.
11 MR. KATZ: Dr. Lockey?
12 DR. LOCKEY: Yes.
13 MR. KATZ: Mr. Griffon?
14 MR. GRIFFON: Yes.
15 MR. KATZ: Mr. Gibson?
16 MR. GIBSON: Yes.
17 MR. KATZ: Mr. Clawson?
18 MR. CLAWSON: Yes.
19 MR. KATZ: Ms. Beach?
20 MS. BEACH: Yes.
21 MR. KATZ: Dr. Ziemer?
22 CHAIRMAN ZIEMER: Yes. Have you

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1 got them all?

2 DR. MELIUS: Discrimination against
3 the lower parts of the alphabet.

4 CHAIRMAN ZIEMER: The motion
5 carries, nonetheless.

6 Mr. Clawson?

7 MR. CLAWSON: I just had one
8 question. I was just -- I didn't know when to
9 bring this in. I wanted to get the amendment
10 out of the way. But where there hasn't been
11 any worker outreach and we heard from the
12 petitioner how he did find it. I am wondering
13 if maybe we need to turn this over to the
14 Worker Outreach Group to kind of follow up on,
15 to ensure that we have something there.

16 CHAIRMAN ZIEMER: Well --

17 MR. GEDDES: Yes, well you know,
18 the other comment I would make though, is
19 recognize that this was 70 years ago. And as
20 you heard the speaker there, most of these
21 folks were senior engineers. It is unlikely
22 that many of them are still alive.

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1 MR. CLAWSON: That is correct but
2 they may have some children, too.

3 MR. GEDDES: They may have. I
4 think that --

5 CHAIRMAN ZIEMER: Well, certainly,
6 Mike, you are aware of the problem. It is not
7 clear to me exactly what can be done. I
8 think, LaVon, you have tried to identify
9 additional workers. I would suggest that if
10 NIOSH has some ideas that the Board can assist
11 with, that would be certainly useful.

12 I don't know if Department of Labor
13 or Jeff, if any of your folks have any
14 insights as to how that could occur but
15 obviously, this is almost an accidental,
16 coincidental situation where the son happens
17 to be working for the Department of Energy and
18 learned of the program.

19 Larry, did you have some comments
20 in this regard?

21 MR. ELLIOTT: Yes, I think I speak
22 for Jeff, but DOL typically does some type of

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1 communication about a class that has been
2 designated. So that is their responsibility
3 for outreach in this regard. NIOSH has no
4 responsibility --

5 CHAIRMAN ZIEMER: Right, I
6 understand.

7 MR. ELLIOTT: -- to outreach, other
8 than what we have done trying to find workers
9 who were there who could tell us more about
10 what happened. We certainly do assist DOL in
11 any outreach efforts that they undertake.

12 CHAIRMAN ZIEMER: Right. And Jeff
13 is approaching the mic as well.

14 MR. KOTSCH: The question was about
15 outreach, I guess?

16 CHAIRMAN ZIEMER: Well at this
17 particular site, there is one petitioner.
18 That petitioner only learned almost
19 coincidentally that he was eligible to make a
20 claim because he was a DOE worker and knew of
21 the program. The question was, is there any
22 way to identify others who might be eligible,

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1 taking into consideration that this is 70
2 years ago, number one. Number two, that
3 people who worked on the project were
4 identified as senior people at that time. And
5 beyond that, you know, is it feasible at all
6 to do any kind of follow-up to try to identify
7 at least some eligible people?

8 MR. KOTSCH: Yes, that I don't
9 know. I will take that back with me. I am
10 not sure. I know they do, they will attempt
11 to do some kind of outreach. But usually when
12 it is a limited number of people, they do it
13 by announcing in the media or something. But
14 I know they will usually try to publish
15 something in that area as to the fact that
16 there is a designated class.

17 CHAIRMAN ZIEMER: Jim?

18 DR. MELIUS: There is a corporation
19 here that may very well have some records and
20 outreach. Parts of that operation, I think,
21 have moved to Texas. But others may still be
22 in the area. The industrial facility, some of

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1 them are still operational, I believe.

2 There is an active union, certainly
3 for the blue-collar workforce there. So, I
4 would not be as pessimistic and I would expect
5 that yes, it is a long time ago but there are
6 also family members still, I suspect, many of
7 them still living in that area. And so I
8 mean, I think there certainly is some ability
9 that -- and I don't know if there is any sort
10 of group of former workers or former people
11 there who lead or you could network with.

12 So, I think it is worth some
13 effort.

14 MR. KOTSCH: Yes, I think so.

15 CHAIRMAN ZIEMER: And in fact,
16 perhaps it could be at least announced in
17 some, if there is a corporate news --

18 DR. MELIUS: Retiree letter.

19 CHAIRMAN ZIEMER: Letter or some
20 site --

21 DR. MELIUS: Retiree newsletter.

22 CHAIRMAN ZIEMER: -- of some sort,

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1 perhaps.

2 MR. KOTSCH: Yes, I think they do
3 those, actually. So I will make sure.

4 CHAIRMAN ZIEMER: We'll sort of ask
5 Labor to think about follow-up on that.

6 MR. KOTSCH: Sure.

7 CHAIRMAN ZIEMER: Thank you.

8 Our next item on the agenda is a
9 time certain at 3:00. We do have a break
10 scheduled. Are there any real short tings we
11 can do just before we take the break?

12 We will go ahead and take the break
13 and you will have a little bit more time
14 scheduled here but be back here promptly so
15 that we can do the Blockson item right at
16 3:00.

17 (Whereupon, the above-entitled meeting went
18 off the record at 2:31 p.m. resumed
19 at 2:59 p.m.)

20 CHAIRMAN ZIEMER: We are ready to
21 reconvene.

22 Before we take up our next item on

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1 the agenda, Larry Elliott has asked to have
2 the floor briefly to clarify some remarks
3 relating to worker outreach. Larry.

4 MR. ELLIOTT: Thank you. I
5 appreciate this opportunity. I just want to
6 make sure that my comments before were not
7 misunderstood.

8 I said that NIOSH is not in the
9 business of outreach to recruit claims is what
10 I mean. The Department of Labor has that.
11 That doesn't necessarily mean that NIOSH
12 doesn't have an outreach component. We
13 certainly do, as the working group on outreach
14 knows and understands.

15 Our outreach efforts in the case of
16 the Standard Oil situation was to have ATL,
17 our contractor, identify unionized labor
18 groups that we could approach. They talked
19 with a number of folks. They did a number of
20 interviews with older people. They had
21 contacts with the Teamsters. These are the
22 kind of outreach efforts that we do trying to

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1 develop our understanding and identify
2 information that is relevant to the needs to
3 fulfill our responsibilities.

4 So that is our outreach component.

5 I didn't want to have somebody misinterpret
6 what I said as meaning that NIOSH has no
7 outreach interests whatsoever. We just have
8 to recognize that DOL primarily has the lead
9 to recruit claims and NIOSH's outreach effort
10 is designed around soliciting more information
11 for our purposes of doing dose reconstruction
12 or evaluating a class.

13 Thank you.

14 CHAIRMAN ZIEMER: Thank you, Larry,
15 for that clarification.

16 Now we are ready to move on to the
17 Blockson SEC petition.

18 MS. PINCHETTI: Hello?

19 CHAIRMAN ZIEMER: Let me preface
20 this -- well first of all, let's see if we
21 have any petitioners on the line. Are any of
22 the Blockson petitioners on the line that wish

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1 to identify themselves?

2 MS. PINCHETTI: Yes, Kathy
3 Pinchetti is here.

4 CHAIRMAN ZIEMER: Thank you, Kathy.
5 Anyone else?

6 Okay, we will have an opportunity
7 to hear from you shortly, Kathy, and we will
8 call on you at that point. Let me remind the
9 Board just for background purposes, the
10 Blockson petition has been before us for quite
11 some period of time. And just as a reminder,
12 it had sort of begun to focus on a couple of
13 issues, one of which had been the, I guess you
14 would say the pedigree of the bioassay data,
15 as well as a radon Model, which was developed
16 and which was under discussion.

17 That radon Model, I am looking back
18 at the record here, was the discussion of a
19 report last April. The Work Group met in
20 June, on June 5th and again June 24th and 25th
21 to discuss a resolution of the radon issue and
22 other outstanding items.

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1 The Advisory Board deliberated in
2 June of 2008, discussed the radon Model.
3 There was a white paper that SC&A had produced
4 that came before us. SC&A issued a draft
5 report evaluating radon levels in Building 40
6 at Blockson. And that report came to us in
7 August of 2008.

8 The Work Group met again in October
9 2008, to discuss the resolution of the radon
10 issue and perhaps some related things. There
11 was a technical call between NIOSH and SC&A in
12 December of 2008 and then a Work Group
13 conference call later in December, dealing
14 again with the radon issue.

15 The discussion came back -- well
16 again, there was a Work Group teleconference
17 in January of this year to discuss resolution
18 of issues. And then that all came back to the
19 Board.

20 We, at our last meeting, discussed
21 it further and we came to the -- I will call
22 it a conclusion -- that the Work Group itself

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1 had done as much as it could do that the
2 issues had to be resolved at the Board level,
3 particularly the radon issue. There wasn't
4 any point in having the Work Group struggle
5 with it and then report back to us and sort of
6 have to repeat everything in the main Board
7 meeting, particularly since a number of Board
8 Members themselves were interested and
9 concerned about how to handle radon issues at
10 Blockson.

11 So, it now is at the Board level.
12 I mean, the Work Group is at the point where
13 they were not involved in this latest round.
14 We had asked that NIOSH come to us and I
15 believe we are going to start with that. Jim
16 Neton will make a presentation and this,
17 again, I believe, deals with the so-called
18 radon model. And then will have the
19 opportunity to discuss that. We will also
20 hear from the petitioners. And then we will
21 have to determine whether or not the Board is
22 ready to proceed from that point.

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1 So, let's begin with Dr. Neton.
2 And I am looking for Jim. Oh, there.

3 DR. NETON: I am poised and ready
4 to go.

5 CHAIRMAN ZIEMER: He is so rapid in
6 his response, he is already at the mic. Thank
7 you, Dr. Neton.

8 DR. NETON: Thank you, Dr. Ziemer.

9 It is my pleasure to talk about the
10 Radon Exposure Model that NIOSH is using at
11 Blockson Chemical. I am a little bit wary. I
12 have to talk about some mathematics and some
13 differential equations after lunch. So I
14 hopefully I can keep everyone alert and
15 conscious during my presentation.

16 Thank you for setting it up, Dr.
17 Ziemer, that takes care of a good part of my
18 five-minute preamble.

19 If you recall, Blockson, we have
20 only one piece really of radon data measured
21 at Blockson back in 1982 time frame or such.
22 So, we have had to rely substantially on a

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1 source term model which is in accordance with
2 our regulations. But let's back up just a
3 little bit and talk about Blockson and why
4 radon is really even considered here.

5 This is sort of a paraphrased
6 excerpt off of a DOE web site that you saw
7 Greg Lewis show you this morning. I just took
8 and rearranged some of the facts. But the
9 Blockson facility description is Building 55
10 and related activities. It is covered because
11 it was a DOE contract between 1951 and '62 and
12 there is also a residual radiation component
13 from '62 forward through July of 2006.

14 You recall that Blockson Chemical
15 actually was a phosphate plant. They made
16 phosphate products, including things that went
17 into detergent, fertilizers, that sort of
18 thing. And the AEC, during this time period,
19 recruited a few phosphate manufacturers to try
20 to extract some of the uranium that was there
21 naturally in the ore that entered the
22 phosphate plants.

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1 So the AEC did contract with
2 Blockson to recover some of the uranium but
3 the work was done in a single stand-alone
4 building on the site.

5 But as it says here, this listing
6 is also intended, that is the DOE listing, to
7 cover the AEC funded laboratory, the pilot
8 plant and oxidation process which also
9 occurred at Blockson and was related to work
10 on Building 55.

11 I think this little diagram I have
12 here helps explain the situation a little
13 better. You know, phosphate rock would come
14 in from Florida and be ground up or stored
15 there in calcine and enter Building 40 where
16 you would precipitate out phosphogypsum which
17 would be the waste piles of the residue of the
18 process and the phosphoric acid process.

19 But before that happened, the
20 material would enter Building 40, be dissolved
21 in sulfuric acid and create what we will call
22 a phosphate liquor that went to a different

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1 building. Building 55 was removed from
2 Building 40 by some distance. I have
3 forgotten the exact distance, but it is
4 somewhere in the order of a thousand feet or
5 something like that.

6 Once the uranium processing
7 activity occurred and they extracted it, the
8 liquor would be pumped back into Building 40
9 and then rest, the remaining phosphate
10 production process would ensue. So, Building
11 55 is covered.

12 Remember I said and related
13 activities. There was a couple of process
14 step changes that were required at Blockson
15 Chemical to optimize the uranium recovery.
16 That was, in Building 40, to add an oxidizer
17 to the process to essentially keep the uranium
18 in solution during the acid digestion.

19 And a second process change that
20 occurred was just outside of Building 40, they
21 had a calcining process. That is nothing more
22 than just heating the phosphate ore to a high

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1 temperature: 1400 to 1600 degrees Fahrenheit
2 to drive off the moisture and any organic
3 materials that might have been present. In
4 fact, it also drove off some of the radon,
5 which we will talk about a little bit later.

6 So this is the process in a
7 nutshell. The radon is covered here because
8 of that process step change they made here.
9 So even though it is not related to the
10 uranium production exactly, all activities
11 during the covered period, all radiation that
12 occurred in that building is covered exposure
13 now, which brings into play not only the
14 uranium operation in Building 55 but any
15 radiation source term that existed in Building
16 40 during the period. That would include all
17 the progeny of uranium.

18 So a little bit about the
19 properties of phosphate rock that make this an
20 interesting radiological exercise. Phosphate
21 ore or rock contains elevated levels of
22 uranium and progeny. By whatever geochemical

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1 processes that occur in that area of Florida,
2 the uranium would be concentrated up to about
3 40 picocuries per gram. That is about 40
4 times higher than what is naturally present in
5 the earth's crust. Most people's yards and
6 houses have about one picocurie per gram of
7 uranium naturally there. So this is somewhat,
8 I don't want to use the word enriched because
9 that might be is interpreted but slightly
10 elevated above natural background.

11 It is in approximate equilibrium --
12 uranium progeny are in approximate equilibrium
13 all the way down the uranium decay series.
14 One of those progeny, of course, is radon.
15 radon-222 I will be speaking of specifically
16 today. When I say radon, I mean radon-222.

17 radon will emanate from the rock
18 and create a radon gas and progeny exposure
19 problem. The emanation of the rock, though,
20 is dependent upon the moisture content of the
21 rock. There are two ways that the radon
22 leaves from the rock. One is a dry rock

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1 emanation coefficient. And by the way these
2 are backwards. It is 0.1 for dry rock and 0.3
3 for wet rock.

4 So, what happens is, when the
5 moisture is there, the radon enters the
6 moisture space and is more easily eliminated,
7 resulting in about a 30 percent elimination
8 versus ten percent for the dry material.

9 The thorium natural decay series is
10 also there but in much, much lower levels. It
11 is estimated it is about three percent of the
12 uranium levels. And in fact, radon-220, also
13 called thoron is not really an exposure issue
14 here.

15 I just put this diagram up to
16 remind everyone about the natural uranium
17 decay series. You start with uranium and go
18 through a series of progeny all the way
19 through radium-226, which ultimately gives
20 rise to the gas. So every time radium-226
21 decays, you create one atom of radon-222. And
22 then these are the progeny that deliver the

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1 dose. The radon itself delivers very little
2 dose. It is a noble gas. It has no sink in
3 the body. But it is the daughter progeny that
4 are generated that deposit in the upper
5 airways of the lung that are definitely known
6 to cause lung cancer.

7 So given that, what is the Blockson
8 source term? I mean, what do we know about
9 the processing and handling of material at
10 Blockson. What we know from the contracts
11 that the processing rate of the phosphate rock
12 through the plant during the covered period
13 was about 6,000 tons per week. And converting
14 that to kilograms gives you nine and a half,
15 9.45 kilograms per second entering the plant.

16 The rock was known to contain pretty
17 precisely at 1,460 becquerels per kilogram
18 uranium in equilibrium. That is equal to that
19 40 picocuries per gram that I talked about.

20 So, you have 6,000 tons coming into
21 the plant, 1,460 becquerels per kilogram
22 uranium, which means there is also 1,460

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1 becquerels of radium coming into the plant
2 that is going to give off radon gas,
3 eventually.

4 That is the next slide. You have
5 the amount of radium entering the building was
6 13,800 becquerels per second or 373 nanocuries
7 per second for those of you who prefer the
8 older units.

9 Now, not all of the radon that
10 entered the building, not all that enters the
11 building is released into the atmosphere. The
12 amount that was released is dependent on the
13 form of the material.

14 So, the challenge here is to
15 develop a radon exposure model using the known
16 input and removal rates. The interesting
17 thing about radon is that it is a noble gas so
18 it has no natural sinks. It will, just once
19 it is generated, distribute itself fairly
20 uniformly in any environment that it occupies.

21 So for the input term here, we have
22 the emanation of the radon from the dry ore

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1 that is in the building. We also have this
2 process of the release from the digester
3 tanks. Remember I said the ore came into the
4 building was dissolved in sulfuric acid. That
5 would precipitate out the radium, leave the
6 uranium in solution. But when you precipitate
7 out the radium, it would release potentially
8 the radon gas from the digester tanks into the
9 atmosphere. It turns out that it is going to
10 be one of our biggest, is our biggest source
11 term in this building.

12 And the removal of the radon is by
13 two processes. One is the ventilation rate of
14 the building. How many times does the air
15 change over in the building per hour? And
16 another process is radon is a noble gas,
17 natural radioactive gas. So, it decays. It
18 turns out the radioactive decay has a 3.8 day
19 half-life. That is insignificant compared to
20 the removal rate of the ventilation rate of
21 the building. For all practical purposes, you
22 can almost ignore it, although it is included

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1 in the model.

2 Now before I get too far into it, I
3 would like to just start simply and then build
4 up to the final model. And by the way, I
5 think the Board is well aware of this, this
6 model was developed as part of SC&A's review
7 of the Blockson situation, radon at Blockson
8 chemical, although it evolved over a series of
9 different meetings with some input from NIOSH
10 in the very beginning. The final model was
11 developed by SC&A. And Dr. Bob Anigstein, in
12 particular, was instrumental, the key person
13 in putting this together and I would like to
14 give them credit. That is not to say, though,
15 that NIOSH has not thoroughly reviewed this
16 model and we have also commissioned an
17 independent expert review by Dr. Naomi Harley,
18 who is an internationally recognized expert in
19 radon modeling and dosimetry. And she is
20 also, with some exceptions to the input
21 parameters, was in agreement with the basic
22 framework of this model.

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1 But let's start off simply and talk
2 about a single compartmental model. And this
3 is where we are getting a little bit of
4 mathematics. The change in the quantity of
5 any amount of material with respect to time
6 can be expressed as some input, the term P,
7 how much is coming in, minus a removal term
8 which is expressed as λQ . That is the
9 quantity of material times the removal rate.
10 So, input minus removal. It is a very simple
11 thing. It is very much like if you wanted to
12 know how high the water in your bathtub would
13 get if you turned the faucet on and had the
14 drain open at the same time. It would
15 eventually build up but at some point, it
16 would stop and you would get half the tub
17 would be full or three quarters, depending on
18 how high the faucet was turned on and how big
19 the drain was. That is really kind of what we
20 are talking about here. We are blowing radon
21 into the building and removing it through the
22 exhaust coming out. So this is a very

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1 analogous situation.

2 The nice thing about this equation
3 though is we know at equilibrium if you set
4 the change and the quantity with respect to
5 time equal to zero, it simplifies to a very
6 nice equation, which is the input rate divided
7 by the removal rate, the removal rate
8 constant.

9 So, keep that in mind so when you
10 see the next equation, it should be no
11 surprise. It is a little more complicated but
12 here you have the atoms, the change in the
13 atoms per time of radon in the building. Here
14 is your input term, RS. This is in kilograms
15 per second times the becquerels per kilogram.

16 So you have becquerels per second of radium,
17 which is also becquerels per second of radon
18 entering the building minus this removal rate.

19 This big fancy term in here is really to
20 adjust the amount of becquerels per second of
21 radon that are coming into the building that
22 become released.

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1 The first term here, if you
2 multiply becquerels per second times this
3 first term, gives you the number of becquerels
4 or atoms of radon that are released from a
5 pile of radon that is being generated in the
6 building.

7 There is a certain amount of time
8 where you are going to have radon, the ore
9 come in. And it can't be immediately dumped
10 into the digester tanks. You have to bring it
11 in and there is a grinding operation that goes
12 on. And so this allows for the in-growth of
13 radon from that process.

14 The second term here is related to
15 how much radon is released from the digester
16 tanks, once it is dumped in there. And that
17 is this term F. F is the fraction of radon
18 evolving from the sulfuric acid tanks.

19 So, you dump the material in. The
20 radium precipitates to the bottom. The radon
21 gas is released. And in this model, we have
22 allowed for the radon gas from the digester

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1 tanks to be directly emitted to the atmosphere
2 inside the building.

3 The remainder of this term is an
4 adjustment to account for the fact that not
5 all the radon was is the ore when it came into
6 the building. The last term here, epsilon sub
7 W is the emanation coefficient of radon from
8 wet rock. Remember I said about 30 percent of
9 the radon leaves the rock? Well, by
10 definition that means about 70 percent of the
11 radon that is in the rock is in there when it
12 comes in the building. So one minus epsilon
13 sub W is 0.7. So, at best, you are only going
14 to be able to release 70 percent of the radon
15 that was present -- only 70 percent of the
16 radon in the rock was there in equilibrium
17 with the radium.

18 MR. GRIFFON: I thought it was ten
19 percent.

20 DR. NETON: That is the dry.

21 MR. GRIFFON: Oh.

22 DR. NETON: The first term here is

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1 -- this epsilon sub D is the dry rock. One
2 minus epsilon sub D is 0.9. That is the
3 release fraction.

4 This term here is what was -- the
5 ten percent that was released while it was
6 sitting in the pile. This is the 90 percent
7 that wasn't released that got dumped into the
8 tank. And then this allows for buildup and
9 this allows for some decay. And then you just
10 subtract out the amount, you know, minus the
11 atoms of radon with the removal, times the
12 removal rate constant.

13 So it really is, this is sort of
14 like having a bathtub with two spigots and two
15 drains. It is a little more complicated in
16 the first model but not substantially
17 different.

18 So, that gives us the radon release
19 of the building. And with some rearrangement
20 of the equation and setting the equilibrium,
21 setting the situation to be at equilibrium,
22 you can solve for the concentration of the

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1 radon that would exist in the building at
2 equilibrium. And so here we have C is the
3 activity concentration of the radon in
4 becquerels per cubic meter and to get a
5 concentration, of course, you need to know the
6 volume of the building.

7 Now, the situation is that we do
8 not know all these terms with absolute
9 certainty. So one could make a best estimate
10 and plug in individuals values here and come
11 out with a concentration of radon in the
12 building. But what happens oftentimes in this
13 program and this is, essentially, this is very
14 much like how the IREP program works, we can
15 do a probabilistic model to determine what is
16 the distribution of concentrations that would
17 exist, given our knowledge of the uncertainty
18 of each of these parameters.

19 So here you have a table of the
20 estimated uncertainty parameters or the
21 parameters with their estimated uncertainties.
22 So we knew the specific activity of the

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1 radium-226, 1,460 becquerels per kilogram.
2 This was a normal distribution with a standard
3 deviation of 287 becquerels per kilogram. The
4 residence time of ore in the building was
5 modeled to be a triangular distribution with a
6 residence time anywhere from two to six hours.

7 Here is your dry emanation coefficient,
8 0.113. It is a lognormal distribution so it
9 has a geometric standard deviation of 1.5.
10 The wet emanation coefficient is 0.3 with a
11 geometric standard deviation of again about
12 1.5. And here we have the evolution fraction
13 of the sulfuric acid. This number should be
14 0.7. I made an error.

15 In some discussions in the working
16 group process, we all agreed that 0.7 would be
17 the upper limit for the evolution of material.

18 So what we are saying is we really don't
19 know. There is really no data on how much
20 radon comes out of a sulfuric acid tank when
21 you dump phosphate rock into it. But we know
22 it is somewhere between zero and 70 percent.

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1 And that is the uncertain -- and it is a
2 uniform distribution. Meaning, we are not
3 giving any more credit for knowing anything
4 more specific than it is somewhere between
5 zero and 0.7.

6 Here we have the air exchange rate,
7 which these two numbers correspond to one air
8 exchange per hour to five air exchanges per
9 hour and it is a uniform distribution. We are
10 not making any a priori assumption about the
11 distribution of the possibilities of
12 ventilation rates, although my suspicion is
13 that it is closer to this than that. Closer
14 to one than five, that is. And the building
15 volume is a uniform distribution anywhere from
16 17,000 cubic meters to 24,000. That was taken
17 off of some diagrams of the site and they were
18 to scale, based on the FUSRAP work that was
19 done and also with some input from some of the
20 stakeholders. I think it was the claimant or
21 so who had knowledge about the size of the
22 building. And that is where these values came

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1 from.

2 So remember, we have that
3 concentration equation there and we have
4 uncertainty terms for all of these values.
5 So, if we go and sample and run this
6 calculation, I think we ran it 65,000 times
7 and sampled each one of those distributions
8 appropriately based on the weightings that you
9 would get from our knowledge, and you run it
10 65,000 times, you end up with a histogram of
11 possible outcomes. And this histogram which
12 appears to be somewhat log normally
13 distributed, which is not unexpected, has a
14 95th percentile of 17.6 picocuries radon per
15 liter. Down here, probably the best estimate
16 will be somewhere around four. But you can
17 see that by allowing the probabilistic model
18 to sample all of those distributions
19 repetitively, we can now come up with an
20 estimate of what the upper range of the radon
21 values would be in the building.

22 We have just summarized here. We

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1 picked values off of this chart and plotted
2 increments here just so we get a little better
3 feel. And here is the 95th percentile at 17.6
4 picocuries per liter. The 50th percentile,
5 the median value, is around 5.0. And if you
6 remember our original value that we proposed
7 way back when when we did the Florida
8 phosphate mine model was somewhere around 2.3
9 or 2.4. So here even the 50th percentile is
10 slightly higher but the 95th percentile is
11 17.6.

12 So, how does that compare? We
13 don't have a lot of data. We have no data
14 during the 1950s from a phosphate plant that
15 we can use to do a sort of a validation as a
16 model. But we do have some more contemporary
17 data that we can look at that I have assembled
18 in this chart to try to assess, do somewhat of
19 a reasonableness test. You know, if these
20 values all came out higher than what we are
21 modeling, then we say we have got a problem.
22 If they are in the right ball --

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1 You know, so these are just sort of
2 a -- again, I am not suggesting that these
3 things validate the model but it is
4 constructive to bounce our outcomes up against
5 some known values.

6 So here we have one, two, three,
7 four, six different sites where radon was
8 measured starting the earliest in 1975. And
9 they were taken pretty much, these samples
10 were taken all over the sites with different
11 area storage areas, grinders, ore loading
12 areas. Of particular note is the reaction
13 vessel which is those digester tanks where
14 sulfuric acid is digesting the rock. There is
15 another feed tank measurement. So these
16 represent sort of a range of different
17 operations at the plants.

18 And if you look over here on the
19 far right, you see the picocuries per liter
20 that were measured in the Pocatello, Idaho
21 plant was between 0.14 and 1.9 picocuries per
22 liter. NIOSH did some work in the '70s and

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1 came out all below one picocurie per liter.
2 Some of these are in working levels. One has
3 to convert. So if you multiply this 0.02
4 working levels would be the equivalent of
5 about 4.0 picocuries per liter.

6 So they are all, basically what I
7 am showing here is they are all well below
8 that 95th percentile value of 17.6 picocuries
9 per liter. We have no indication of anything
10 close to 17.6, at least in the 1970s in wet
11 phosphate plants.

12 And remember, the ventilation rate
13 is one of the key drivers for this model. The
14 amount of radon that comes out of the digester
15 tank, followed by the ventilation rate of the
16 building is what is going to change the
17 concentration in the building.

18 And these numbers, there would have
19 to be substantial changes, increases in the
20 ventilation rates in these plants to get these
21 values to be in the order of 17.6 picocuries
22 per liter that we are estimating with the

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1 model.

2 Now, it is true we don't have any
3 measurements at phosphate plants in the '50s
4 but we do have an interesting set of data that
5 was taken at the Mallinckrodt Plant, which all
6 known and love now, where they did a fair
7 amount of measurements of radon between 1946
8 and 1957. That is what these data represent.
9 This is taken right out of the Mallinckrodt
10 Site Profile.

11 Oak Ridge Associated Universities
12 in 1989 actually did a study well before this
13 project ever started to try to reconstruct the
14 radon exposures of workers at the Mallinckrodt
15 Plant and here is how the data fell out.
16 These rank from highest to lowest. So you see
17 0.138 working level months per month worked
18 here, following down, all the way down to 0.03
19 for the lowest occupation which is a chemist.

20 It turns out that the process
21 operators and manufacturing operators had the
22 highest estimated working level months per

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1 month worked and it is about 0.14. Now that
2 is working level -- it is equivalent to
3 working levels. It is working level months
4 per month. It kind of cancels out. So it is
5 0.14 working levels. That would correspond to
6 about 28 picocuries per liter; 25 to 28
7 picocuries per liter, higher than the values
8 that we have estimated at Blockson. But one
9 needs to keep in mind that the uranium ore
10 that was processed here was much, much more
11 concentrated than any of the uranium ore that
12 was processed at Blockson.

13 We said that Blockson was about 40
14 picocuries per gram of uranium in the ore.
15 That corresponds to 0.014 percent uranium by
16 weight. The uranium that was processed in
17 this plant during this time period was
18 somewhere between 10 and 60 percent uranium by
19 weight. So hundreds of times higher if not,
20 in some instances, thousands of times higher
21 uranium. And here we are only seeing a factor
22 of two increase above what we would predict

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1 for the 95th percentile.

2 So again, I am not suggesting that
3 this proves our model is correct. But again,
4 I think we are building towards sort of a
5 weight of the evidence approach to say that I
6 think our numbers appear to be at least
7 reasonable.

8 So, as I have been hinting here,
9 what will our approach to dose reconstruction
10 be? Well, we issued that white paper that Dr.
11 Ziemer mentioned on April 22nd to the Board.
12 And that was our written description of how we
13 intend to do radon dose reconstructions at
14 Blockson.

15 We will apply the 95th percentile
16 of the model calculation, that is that 17.6
17 picocuries per liter to all workers during the
18 covered period. Because the dose is not from
19 the radon gas but it is from the progeny, we
20 have to apply some sort of an equilibrium
21 factor to convert it to working levels. And
22 we are going to apply the standard 0.4

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1 equilibrium factor that we used in the other
2 model as well. And that is based on some
3 guidance that we took from an unsecured
4 report.

5 So the input term to the IREP model
6 will be a constant intake of 0.84 working
7 level months per year during the AEC contract
8 period.

9 So it is always instructive to go
10 back when we make changes like this and see
11 what the effect on the cases may be at
12 Blockson. We have done several iterations of
13 Blockson with program evaluation reports. It
14 turns out that as I mentioned, that radon only
15 primarily affects the lungs, because that is
16 where the big dose is delivered. So we went
17 back and looked at the lung cancer cases that
18 were determined to be less than 50 percent
19 under the previous dose reconstruction method.

20 We found five lung cancer cases that had a
21 Probability of Causation of less than 50
22 percent. I didn't look up how many there

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1 were, but as I mentioned earlier in the day in
2 another discussion, most of the lung cancer
3 cases, and even at Blockson, are compensated
4 because of the exposure to the uranium model
5 that we have used.

6 So there were only five cases that
7 were less than 50 percent. And interestingly,
8 we looked at these and changed the radon
9 concentration to be the value that we are
10 proposing. And it only created minor changes
11 in the PoC. And by minor, I mean less than
12 0.1 percent in the Probability of Causation,
13 which really surprised me. I mean, here we
14 have made a seven-fold or so change, a seven
15 to eight-fold change increase in the radon
16 concentration and the Probability of Causation
17 only goes up by 0.1 percent. So what is going
18 on there?

19 Well, it turns out after some
20 investigation the small change is due to the
21 nature of the radon model itself. There is an
22 exponential component in the radon risk model

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1 that decreases the excess relative risk as a
2 function of time since exposure. So, once
3 your exposure stops and these people's
4 exposure in the covered period stopped in 1961
5 at the latest, if you develop lung cancer 30
6 years later in 1990, the model confers a very
7 small amount of risk from that radon causing
8 that lung cancer 30 years later. That is just
9 the nature of the way the radon lung cancer
10 model works, which as we talked about in
11 earlier meetings, is based on the
12 epidemiologic work done on the uranium miners
13 in the Colorado Plateau. So these are U.S.
14 uranium miners that were modeled. So that was
15 somewhat interesting.

16 If you move that exposure in closer
17 in time, you can get tremendous changes in the
18 Probability of Causation. I mean, it could go
19 up by 30 or 40 points. But in this particular
20 scenario for these particular five cases we
21 looked at where the lung cancer has occurred
22 well after the exposure stopped, it makes a

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1 very, very small difference in the Probability
2 of Causation.

3 Nonetheless we plan on -- did I
4 miss something here? No. We plan on
5 incorporating this model into the Site Profile
6 for Blockson. We will issue, as we normally
7 would, a program evaluation report to address
8 this change and rework all the cases to
9 account for the increase in exposure. Again,
10 as I said, almost all of increase will be to
11 the respiratory tract but we can't ignore soft
12 tissue dose. There is a small component of
13 soft tissue dose because radon is a noble gas.

14 It is distributes itself in the body and does
15 irradiate soft tissue. But our original
16 estimate is that the increase in soft tissue
17 dose will be less than 20 millirem per year to
18 any of the cases.

19 So again, it would only affect the
20 lung cancer cases and right now, it looks like
21 it will be a very minimal effect, if any, on
22 those cases. And I believe that finishes my

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1 remarks.

2 CHAIRMAN ZIEMER: Thank you very
3 much, Jim. Let's open it up for questions now
4 from the Board for Dr. Neton.

5 Yes, Dr. Poston?

6 DR. POSTON: Jim, just a curiosity.
7 For the soft tissue, what coefficient are you
8 using?

9 DR. NETON: Well that is going to
10 generate our whole model because there are no
11 real coefficients out there. We took the -- I
12 can't give you the exact, quote the number,
13 but we had to generate the dose from the radon
14 gasses. I think it is about 1,000th of a dose
15 for the radon and gas partitions, 1,000th of
16 the atmosphere into the body, the soft
17 tissues.

18 There is an ICRP on this. I think
19 it is 65 maybe.

20 DR. POSTON: Yes, there is some old
21 data by Ostwald way, way, back.

22 DR. NETON: Yes, Ostwald's

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1 solubility concept.

2 DR. POSTON: Yes.

3 DR. NETON: Yes, I am familiar with
4 that. But it is more than the radon gas
5 itself. It turns out that if you have enough
6 radon that it does allow some time for the
7 progeny to leave the tracheobronchial tree
8 through swallowing. And it turns out, I think
9 the limiting dose becomes the GI tract for
10 something like polonium-210 or lead-210. And
11 that would be the limiting soft tissue dose.

12 DR. POSTON: Thank you.

13 DR. NETON: It is an interesting
14 exercise because not many people have
15 considered this.

16 CHAIRMAN ZIEMER: Other questions?

17 Mark?

18 MR. GRIFFON: Jim, I may be wrong
19 on this but I am just looking at the
20 production rates. I mean, this is a fairly
21 simplistic thing but I mean, I haven't looked
22 at this report. It would have been nice to

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1 have the analytical files so you could check
2 like what may be my math mistakes if I am
3 making a math mistake. But I don't get this
4 from 6,000 tons per, what is it, per week,
5 6,000 tons per week converting that, you get
6 9.4 or 9.5 milligrams per second --

7 DR. NETON: This is the production
8 schedule that was, I believe, around the
9 clock. I think we allowed in the model eight
10 hours.

11 MR. GRIFFON: I think 160 hours per
12 week, you have eight hours down time.

13 DR. NETON: Yes, right, correct.

14 MR. GRIFFON: And I am getting like
15 45 kilograms per second.

16 So anyway, it brings me on my main
17 point, which is that I would love to have the
18 spreadsheet with a crystal ball.

19 DR. NETON: Sure. I would be happy
20 to send it to you. That's not a problem.

21 MR. GRIFFON: That would be great,
22 yes. And I am probably, I am doing it

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1 quickly, so I am probably --

2 DR. NETON: Yes, I am pretty
3 certain I was right but --

4 MR. GRIFFON: Yes, I just wanted to
5 double check. I don't know why I am getting a
6 different number.

7 And then I guess an initial
8 question I had here was why the evolution of
9 the radon from the sulfuric, you let it range
10 from zero to one. I see it from zero to 0.7
11 actually. But it is also a uniform
12 distribution in that case. So it tells me
13 that you really have no, I mean my initial
14 thought was it can be zero or one. You don't
15 have any idea. I mean, there is no preference
16 sort of. You know, it is not a triangular
17 distribution. There is no data there to
18 support --

19 DR. NETON: Right. Well, the
20 uniform would be the --

21 MR. GRIFFON: -- that distribution
22 or very little.

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1 DR. NETON: Yes, it would be the
2 most conservative distribution that we could
3 pick, to allow it to vary anywhere between
4 those two parameters.

5 MR. GRIFFON: It varies anywhere in
6 between, yes.

7 DR. NETON: Unless it was sort of a
8 reverse lognormal and we had it all on the
9 high end.

10 But the reason we went down to 0.7
11 was because Naomi, Dr. Harley, Naomi Harley
12 had an input there. And she believed that it
13 was way too high to say one was really sort of
14 the upper limit. She had suggested 50 percent
15 as a plausible upper bound or a reasonable
16 upper bound.

17 And SC&A, in looking through the
18 literature, and we concurred with this, there
19 is some data showing if you turn on a faucet
20 with hot water and spray a shower into a room,
21 you are going to release a maximum of 70
22 percent. So, we both ended up agreeing that

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1 that seemed to be a plausible upper bound on
2 the release.

3 Because remember that this model
4 assumes that it is essentially an
5 instantaneous release from the tank. There is
6 no hold up time in this tank. So you have got
7 a tank that is a very tall tank. I mean, it
8 went from the floor up to the second story of
9 the building.

10 So, it is a very deep tank full of
11 a lot of liquid. And so the chance that the
12 radon that is generated at the bottom of the
13 tank would be instantaneously ventilated is
14 pretty small. Plus you have sort of the
15 aperture of the tank. It is a restricted
16 opening so it would all have to percolate
17 through that calm. To me, it is sort of akin
18 to opening a can of Coke and saying it goes
19 flat instantaneously. That is what we have
20 done here.

21 MR. GRIFFON: Okay and the
22 probability that it would instantaneously mix

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1 through this 28,000 cubic meter building is
2 also --

3 DR. NETON: I think that is not --
4 no, I think that is not that incredible.

5 MR. GRIFFON: Yes?

6 DR. NETON: I think given the air
7 exchange rates we have here, once it goes
8 through an hour's worth of iteration, it is
9 going to be pretty well mixed, I think.

10 And I know you had a problem with
11 inhomogeniety. And I forgot to mention that I
12 think one of the reasons we went with the 95th
13 percentile was to try to address that issue.
14 We cannot guarantee that the radon release the
15 radon behaved perfectly according to this
16 model. Originally we were proposing the 50th
17 percentile with a distribution about it but by
18 going to the 95th percentile, these are the
19 parameters that affect the upper limit of the
20 radon in the building.

21 And so I can't conceive of any
22 circumstance where those combinations of

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1 parameters could be different and generate
2 more than 17.6 picocuries per meter.

3 For example, you could argue well,
4 the ventilation might be lower in a certain
5 part of the plant. Well, we used the 95th
6 percentile or it might be a higher release
7 fraction here. In my mind, the probabilistic
8 model by going to the 95th percentile
9 considers the totality of all of those
10 parameters together. And it is implausible in
11 my mind that you could get a continuous
12 exposure in this plant higher than 17.6
13 picocuries per liter.

14 MR. GRIFFON: I guess I was
15 expecting more of a sort of, I mean, your
16 qualitative explanation -- I guess I was
17 looking for more of a do a what if for me.
18 Show me if we had a certain scenario, how that
19 would be bounded by your 95th percentile. I
20 guess I was looking for a little bit --

21 DR. NETON: You know, Mark, I
22 looked and look for this but there is really

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1 no evidence that there is any of these massive
2 releases in the building. I don't know, I
3 just, I tried to model this the best we can
4 and I don't see any scenario where the
5 releases would be higher than what is coming
6 out of the tanks which are distributed through
7 the length of the building, by the way. These
8 are not like individual tanks sitting in the
9 corner.

10 My understanding of the tanks are
11 they ran the length of the building. So, you
12 have that and that is the main release point
13 from the tank. It is not a point source
14 release in a corner somewhere.

15 I looked at data for the filtration
16 beds, where you have the material being
17 filtered through and you are generating
18 phosphogypsum. Those don't appear to be very
19 high. It is a liquid material, the radium is
20 there but I could not find any indication that
21 you would have these, like say, an operator
22 over. If you look at the Mallinckrodt the

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1 data the people that were handling all those
2 filters did not have those huge inhomogeneity.

3 So, I can't explain it any more
4 than that, I guess.

5 CHAIRMAN ZIEMER: Dr. Melius,
6 comment?

7 DR. MELIUS: No, Mark just asked my
8 question. I guess I am still concerned that
9 there is no analysis of that here in the
10 paper.

11 DR. NETON: Well, I think that is
12 why the probabilistic model was done, so that
13 we could account for the uncertainty in all of
14 the parameters and roll them together and pick
15 the upper end of the distribution to consider
16 the differences that would account for
17 inhomogeneity.

18 I mean there may be, my guess is
19 that the best estimate of the radon in this
20 plant is about four picocuries per liter.
21 There may be pockets that go as high as 17.6
22 based on this inhomogeneity, which would be a

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1 combination of an upper-end of an emanation
2 coefficient with a lower end of an air
3 exchange rate. That is what would cause
4 inhomogeniety in a radon model and they are in
5 there and we have accounted for them
6 explicitly.

7 DR. MELIUS: What about mixing
8 factors?

9 DR. NETON: That is what I am
10 saying, though. This would account for non-
11 uniform mixing in the environment. You may
12 have pockets where the mixing, you have a high
13 emanation rate followed by a low ventilation
14 rate would be essentially a low mixing
15 situation and the 95th percentile, those
16 combinations gives you 17.6 picocuries per
17 liter.

18 CHAIRMAN ZIEMER: Phil Schofield.

19 MR. SCHOFIELD: Yes, I have just
20 got a question. You are talking about the
21 tanks. Are these open tanks or are these
22 tanks that are basically enclosed with a

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1 fanned ventilation system?

2 DR. NETON: My understanding is
3 during the early period, they were open to the
4 environment and later on, I forget what the
5 time frame was, collection cones were put over
6 the top to help direct it. But they were near
7 the, closer to the roof of the building than
8 further way. They were up on a second floor
9 deck, the opening of the tank, that is. And
10 there were vents up on top of the building.
11 They weren't completely shut off.

12 But to the best of our knowledge
13 during this time period, there was no active
14 ventilation of the tanks that would capture,
15 hoods and such.

16 CHAIRMAN ZIEMER: Okay, perhaps we
17 are ready to hear from Kathy Pinchetti on the
18 phone. Kathy, are you still there?

19 MS. PINCHETTI: I am still here.
20 Do you have some comments or questions for us?

21 Well, it seems like one thing that
22 doesn't get mentioned very much is the weather

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1 factor. In Joliet, they tend to have you
2 know, pretty drastic swings in the weather,
3 like tornadoes, ice, hail, humidity. And when
4 there is a thunderstorm or a tornado touching
5 down, the material doesn't move because the
6 electricity is out. And so if you have one
7 part of the plant that is in the middle of
8 production and can't get it out of the
9 building into the next portion, it sits there.

10 And in the winter, those vents are probably
11 frozen shut and if the sky is turning green
12 because there are tornadoes touching down,
13 those bay doors are not going to be open.

14 So if the ventilation rate affects
15 a lot of the exposure, I think we need to
16 consider those drastic changes.

17 And in the Harley report, it looked
18 like one of her references was a home in the
19 Pacific Northwest. And I think Washington
20 State is, you know, warm rain and there is a
21 lot of greenery. I mean, it doesn't mean it
22 never gets cold but I don't know if that would

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1 have an affect on the, I guess it was the
2 ventilation rate through a home.

3 And I respect that all you guys are
4 scientists. I am certainly not but I have
5 been learning and learning a little bit about
6 radiation. And the spot that they found in
7 1983, that spot was 25 years old when they
8 found it. So I don't know how estimating what
9 the, I guess the strength of it was when it
10 was originally there, as opposed to when it
11 was found in '83.

12 CHAIRMAN ZIEMER: Okay, perhaps,
13 Dr. Neton, you can respond to that.

14 DR. NETON: I just have one comment
15 on Dr. Harley's reference to this home. I
16 believe it was in New Jersey. And that was in
17 reference to the lower bound of the
18 ventilation rate. Originally, SC&A's model
19 had a lower bound of 0.1 air exchanges per
20 hour and Dr. Harley was pointing out that even
21 under the tightest conditions of an energy
22 efficient home, one can barely achieve that

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1 type of lower bound of a ventilation rate. So
2 clearly, in a plant that has open doors and
3 windows and has a heat source in the middle of
4 hot sulfuric acid, the ventilation rate would
5 clearly be higher than 0.1 interchanges per
6 hour, that was the point that she was making.

7 MR. GRIFFON: Didn't you use 0.1 as
8 your lower bound in your range now?

9 DR. NETON: No, we used one air
10 exchange per hours as is a credible lower
11 bound for the air exchange rate. That was
12 after discussion with Dr. Harley and looking
13 at some literature, we believe it is pretty
14 reasonable as a lower bound.

15 CHAIRMAN ZIEMER: Jim, did you have
16 any comments on the other weather issues that
17 were mentioned in terms of, or loss of power,
18 electricity?

19 DR. NETON: Well I mean, other than
20 that those may have been temporary excursions.
21 I mean, I am sure power went out occasionally
22 but I can't comment on it other than like I

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1 say, in the big picture, for an entire year's
2 worth of operation, this model does not make
3 any distinction between winter and summer when
4 summer it would clearly be the windows would
5 be more wide open, the doors would be, you
6 know, there would be more natural ventilation
7 through the plant. We believe that the one to
8 five range adequately addresses the average
9 type of ventilation that one would experience
10 in a plant.

11 MR. GRIFFON: Jim, just another
12 reason I wanted to see the analytical file.
13 Because on your slide, it says air exchange
14 rate and maybe it is not the value you used,
15 but it says 2.78 E to the minus 5th per
16 second, which converts to 0.09 something.

17 DR. NETON: That is a cut a paste
18 issue. I'm sorry.

19 MR. GRIFFON: Okay, okay.

20 DR. NETON: I meant one.

21 MR. GRIFFON: And that was what was
22 confusing me.

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1 DR. NETON: Yes, I am sorry.

2 MR. GRIFFON: That's okay. I just

3 --

4 DR. NETON: Yes, I apologize for
5 that.

6 MR. GRIFFON: It's okay. I just
7 wanted to --

8 DR. NETON: Clearly, just for the
9 record, it was one air exchange to five air
10 exchanges per hour is what we used in our
11 model.

12 DR. MELIUS: Don't sit down, Jim,
13 unless you want some more exercise. It's a
14 quick question.

15 You have just mentioned some
16 references relative to industrial building
17 ventilation that were used here. I don't see
18 them referenced in the report. So, I am just
19 curious.

20 DR. NETON: Yes, what I did was
21 sort of produce here the Reader's Digest
22 version, I suppose. The original SC&A report

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1 had references associated with it. And I
2 guess I assumed that the Board had access to
3 those. The working group certainly had them.

4 I should have attached them and I can make
5 them available to the full Board.

6 MS. MUNN: They were sent to the
7 Board.

8 DR. NETON: They were sent to the
9 Board?

10 MS. MUNN: Yes.

11 DR. NETON: The Board did have
12 them. That is from Appendix B of the SC&A
13 white paper on radon modeling at Blockson.

14 DR. MELIUS: Okay. I am just
15 trying to -- I think we do have those.

16 DR. NETON: Yes.

17 DR. MELIUS: I just, you didn't --

18 DR. NETON: I'm sorry.

19 DR. MELIUS: -- specification on
20 it.

21 DR. NETON: Yes, I thought since
22 those had already been distributed, I really

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1 was asked to put on paper our position on
2 radon because we had been criticized for
3 verbally agreeing to a certain value. But I
4 think Mark asked, well, what is NIOSH doing.
5 So this is in writing what we are committed to
6 using for our dose reconstructions.

7 MS. MUNN: Those references were
8 all included in the material that was sent to
9 the Board prior to our vote at the last
10 Albuquerque meeting.

11 CHAIRMAN ZIEMER: Okay, further
12 comments or questions?

13 Board Members, we have a situation
14 here where we have to determine whether we are
15 ready to vote on the original recommendation
16 from NIOSH, the NIOSH position that they could
17 reconstruct dose for this site. The working
18 group did not have a consensus position or
19 recommendation for this because of these open
20 items. I ask the Board now if you are ready
21 to take action or do you believe that you have
22 some additional questions or concerns in terms

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1 of these items that we have just discussed?
2 Ms. Munn?

3 MS. MUNN: Dr. Ziemer, I bring to
4 your attention the fact that I believe we took
5 a vote at our Albuquerque meeting with respect
6 to this very issue and it was a split vote.
7 And at the end of that time, there were
8 additional questions raised, specifically with
9 regard to the topic that Dr. Neton has just
10 covered. I believe I just heard that there is
11 still a request on the table for yet some
12 additional information. Didn't you say you
13 wanted more?

14 MR. GRIFFON: Just the analysis
15 file, yes. I mean, I think that is
16 legitimate.

17 MS. MUNN: So it would not appear
18 that a vote at this time is in order from
19 either side of the picture.

20 CHAIRMAN ZIEMER: We do not have a
21 motion before us, I grant you that. What I am
22 asking is, does anyone wish to make a motion

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1 at this point? Otherwise, no action would
2 mean that we would continue -- this would be
3 in a sense a continuing item that would have
4 to reappear on our agenda because we make --

5 Well, let's put it this way. We
6 have an action which is inconclusive which, in
7 itself is a kind of action. But if the Board
8 wishes to take further action based on the
9 findings that we have had here, then we have
10 the opportunity to do that.

11 Mark, you have a comment? Dr.
12 Melius?

13 MR. GRIFFON: I guess I was just
14 going to ask a process question. I think this
15 has been taken out of the Work Group and back
16 to the full Board. Right?

17 CHAIRMAN ZIEMER: That's right.

18 DR. MELIUS: My question was if I
19 get this analysis file and I have follow-up
20 questions, I hate to wait until the next full
21 Board meeting. How can we work that through,
22 I guess is the question I have.

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1 CHAIRMAN ZIEMER: Well we may need
2 to ponder that and address it tomorrow in our
3 Work Group session. But even if it went back
4 to a Work Group, this Board cannot take action
5 until we meet again. Dr. Melius, did you have
6 an additional comment?

7 DR. MELIUS: I guess procedurally,
8 didn't we once have a motion and then table
9 the motion? That is what we are operating
10 under.

11 MS. MUNN: No. We had a motion.
12 We tabled the motion. I brought it off the
13 table in Albuquerque. We voted on it. It was
14 a split vote with a request for additional
15 information, which was the reason for Dr.
16 Neton's presentation today, as I recall those
17 occurrences.

18 DR. MELIUS: I would like
19 clarification. I don't think it makes --

20 CHAIRMAN ZIEMER: I think we can
21 clarify that before our work session tomorrow
22 and then decide how to proceed.

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1 DR. MELIUS: Yes, please.

2 CHAIRMAN ZIEMER: Either way, it
3 would either have to come off the table for
4 something to happen or we would need another
5 motion for something to happen. But if we can
6 agree to address that tomorrow and perhaps in
7 the meantime, make a determination on how to
8 proceed in terms of the information that Mark
9 Griffon has asked for.

10 Are there any other comments on
11 this particular item?

12 DR. MELIUS: I just have one
13 comment to Jim Neton.

14 It would have been preferable to me
15 to not have a Reader's Digest version of this.

16 I know it means more work for you and so
17 forth but for example, the table in your
18 presentation on known values and so forth, I
19 think we may have seen some of that in other
20 places.

21 DR. NETON: Actually, all of those
22 values are developed in Appendix B of the SC&A

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1 report.

2 DR. MELIUS: Was it? Okay but it
3 would have been better to pull it all
4 together, I think, and been more useful to me.
5 Certainly, take it for what it is worth.

6 CHAIRMAN ZIEMER: Okay, any further
7 discussion on this item at this point? We
8 will return to the Blockson discussion during
9 our work session tomorrow, so that we can
10 delineate a path forward.

11 Let us then proceed. We are just
12 within a few minutes of 4:00, so I think we
13 can proceed with the Santa Susana discussion.

14 I do want to check first to see if
15 the petitioner is on the line for Santa
16 Susana.

17 MS. KLEA: Yes. Bonnie Klea.

18 CHAIRMAN ZIEMER: Thank you,
19 Bonnie. Since you are on the line, we will
20 proceed. Mr. Rutherford will present the
21 NIOSH evaluation report and you will have an
22 opportunity then also to comment. So first,

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1 LaVon Rutherford.

2 MR. RUTHERFORD: Okay, thank you,
3 Dr. Ziemer.

4 I want to go ahead up front and say
5 that what we are presenting is a revised class
6 definition from our original evaluation report
7 and the justification for why we have changed
8 that class definition.

9 I will give a little background
10 here. Back on June 22, 2007, we received a
11 Special Exposure Cohort petition for the Santa
12 Susanna Field Lab. On October 19th of that
13 same year, we qualified that petition. We
14 qualified that petition based on the limited
15 data that we had in the early years of the
16 proposed class by the petitioner. On October
17 29th of that year, we issued a Federal
18 Register notice announcing that qualification.

19 On February 15th, we completed our
20 evaluation and issued our evaluation report.
21 And in April of 2008, we presented that
22 evaluation report at the Tampa meeting,

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1 Advisory Board meeting.

2 At that meeting, we had proposed a
3 class to be added to the SEC and I will get
4 into that a little bit further. But the Board
5 at that meeting determined that they would not
6 vote on that class until the newly formed
7 Santa Susana Field Lab Work Group had a chance
8 to evaluate whether the class was properly
9 defined.

10 Based on that, we went back and
11 recognizing that that was an issue, we went
12 back and we did some further evaluation,
13 looking at whether the class that we had
14 originally proposed to the Board was properly
15 defined as we had originally thought.

16 In April of 2009, based on further
17 review, we determined the proposed class
18 definition needed to be revised. We reported
19 this to the Advisory Board's Work Group for
20 Santa Susana during its meeting on April 17,
21 2009. We issued a revised evaluation report
22 to the Advisory Board and the petitioners. I

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1 want to further say that, you know, there are
2 a number of issues actually between the time
3 we issued our evaluation report, it went to
4 the Work Group, and to the time we issued the
5 new revised evaluation report. SC&A did do a
6 review of the evaluation and it had identified
7 some issues. Those issues were put together
8 in a matrix and we initially responded to
9 those issues.

10 Those issues are still on the
11 table. We are working through those with the
12 Work Group and SC&A. And at some point when
13 those issues are resolved, it may be at a
14 point where we may look, when we come to
15 resolution of those issues, an additional
16 class could be added.

17 So at no point am I going to say
18 that this evaluation is totally complete,
19 until those issues have been resolved. This
20 is standard practice that we have done with
21 other evaluations and I just wanted to make
22 that clear.

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1 Our initial proposed class was all
2 employees of DOE, its predecessor and so on
3 who were monitored. The key point here is
4 monitored while working in any area of the
5 Santa Susana Field Lab-Area IV. And the dates
6 were January 1, 1955 to December 31, 1958.

7 We identified that class as
8 monitored because of basically our
9 justification was that we determined that it
10 was not feasible, our feasibility
11 determination it was not feasible was for
12 internal exposure, internal dose to the class.
13 And again in our evaluation, we recognized
14 that, or at that point we determined that only
15 individuals that entered radiological areas
16 had the potential for internal exposure.

17 And then through interviews, also
18 through other data sources we had indication
19 that all individuals that entered radiological
20 areas were monitored. So ultimately, we
21 concluded that the class would be defined by
22 those individuals that were monitored. We

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1 could come back and we presented this class
2 definition at the time to the Department of
3 Labor and they felt they could administer it
4 at the time. Now again, this class was not
5 voted on.

6 After further review, we went back
7 and we looked at additional documentation that
8 we had received through Santa Susana. We also
9 went back and looked at some claimant
10 interviews and it had some other interviews
11 where indications were that some of the
12 workers, you know, typical workers like
13 patrolmen, you know, some of the firemen and
14 so on that were in job titles that we would
15 have perceived in certain situations that they
16 would have been monitored, we were not coming
17 up with monitoring data.

18 We also -- and that could have
19 been, it may have been that they were
20 monitored but the data does not exist or that
21 they were not monitored. Either way, we could
22 not support the original class definition that

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1 all our personnel that were monitored during
2 that period.

3 So we revised our recommended class
4 to basically include all employees for that
5 period at Area IV, January 1, 1955 through
6 December 31, 1958. We issued the revised
7 evaluation report. Again, the revised
8 evaluation report addresses that change and
9 that change only.

10 Questions?

11 CHAIRMAN ZIEMER: Okay, so the main
12 change since the previous time was the
13 definition of who was eligible in terms of
14 monitoring versus not monitoring.

15 MR. RUTHERFORD: That is correct.

16 CHAIRMAN ZIEMER: Okay. Let's see
17 if we have questions from the Board on this
18 proposal. And LaVon, as I understand it, you
19 have specified that this does not preclude
20 adding additional classes for later time
21 periods, depending on the outcomes of the
22 matrix resolution that is now underway with

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1 SC&A and the Work Group. I believe, Mike, you
2 are the Chair of that Work Group. Are you
3 not?

4 MR. GIBSON: Yes. That does not.
5 It does not.

6 CHAIRMAN ZIEMER: Okay. Let's ask
7 Bonnie Klea, the petitioner, if she has some
8 comments at this point.

9 MS. KLEA: Well, I do have some
10 comments but I am not sure they are
11 appropriate for what we are discussing right
12 now. When we had the meeting in Redondo
13 Beach, I asked Mr. Neton why was he
14 restricting the class to the monitored workers
15 and he said well Boeing told me that.

16 And so my problem with your site
17 expert is he is the Site Expert witness who
18 has testified against all of the workers who
19 are dead and deceased and I am not at all
20 happy with the data that has been provided to
21 the Site Profile. And so I do have a lot of
22 issues.

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1 But I am very happy that NIOSH has
2 changed that word monitored because I told
3 them it was very insulting to lead people to
4 believe that the workers who were onsite that
5 were monitored were not exposed. And so I am
6 very happy that that has been changed.

7 CHAIRMAN ZIEMER: Okay, thank you
8 very much. And of course, as the workgroup
9 proceeds with NIOSH, I am addressing some of
10 the issues for the later time periods. They
11 certainly will keep you in the loop on that as
12 well.

13 MS. KLEA: Thank you.

14 CHAIRMAN ZIEMER: Mike do you have
15 any additional comments on behalf of the Work
16 Group on this particular item?

17 MR. GIBSON: LaVon, in your revised
18 evaluation report, NIOSH still maintains that
19 you can do dose reconstruction after '58. Do
20 you have any other information that leads you
21 to believe or makes you doubt that decision or
22 that current position?

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1 MR. RUTHERFORD: As you know, there
2 is discussion onboard looking at the early
3 years after 1958, the internal monitoring
4 data. At this point, we have not made a
5 change to our feasibility determination. We
6 are continuing to look at that period.
7 Ultimately in a relatively short period of
8 time, we will be able to make that decision.

9 MS. KLEA: This is Bonnie. I have
10 a question and I would like to know why the
11 period of residual contamination, which would
12 be for the cleanup, why that period did not
13 qualify.

14 CHAIRMAN ZIEMER: Let me see if I
15 can get someone to answer that.

16 MR. RUTHERFORD: I can answer that
17 question.

18 CHAIRMAN ZIEMER: LaVon, if you
19 could, answer that.

20 MR. RUTHERFORD: Yes, it is not
21 really part of this evaluation but the reason
22 the petitioner proposed or actually had a

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1 petition for both the earlier period all the
2 way up through the residual period. The
3 reason for qualification of the petition was
4 the lack of internal monitoring data that
5 occurred during the early years. That lack of
6 internal monitoring data stopped after that
7 issue was no longer an issue and not an issue
8 within the residual period. And therefore, we
9 did not qualify that portion of the petition.

10 MS. KLEA: Are you saying that
11 after '65, there was no need to do internal
12 monitoring?

13 MR. RUTHERFORD: I am saying that
14 based on, at the time, when we evaluated the
15 petition, that the data that we had at the
16 time, your basis was not supported to qualify
17 that period. We had monitoring data,
18 personnel, or area monitoring data, which is
19 the qualification criteria.

20 MS. KLEA: Thank you.

21 CHAIRMAN ZIEMER: Josie Beach has a
22 question or comment.

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1 MS. BEACH: LaVon, a little bit on
2 what Mike asked you. Is there any way you can
3 be a little more clear or specific about the
4 dates that you are looking at that you will
5 have information very soon for?

6 MR. RUTHERFORD: Well you know, I
7 am not sure that we want to throw out exact
8 dates, but it is a short, the first few years
9 after the '58 period, '59 to '62 time frame,
10 roughly, that we are looking at the internal
11 monitoring data during that period.

12 MS. BEACH: And I hate to pinpoint
13 you. But what kind of time frame? You said
14 very shortly. Is that a week, two weeks?

15 CHAIRMAN ZIEMER: Jim Neton.

16 DR. NETON: One of the reasons that
17 LaVon can't be more specific I think is there
18 are some data sets that we need to get full
19 complete access to. And one of those data
20 sets is the identified monitoring data that
21 John Boyce used in his epidemiologic study of
22 those workers.

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1 We have the de-identified set. But
2 to adequately develop a coworker model, we
3 need to have the fully identified set. And
4 right now we are having some discussions with
5 the folks at Rocketdyne and others to make
6 sure that we get those data. And so in some
7 respects, it is a little bit out of our hands
8 at this point.

9 MS. KLEA: This is Bonnie. I would
10 just also like to remind everyone that it was
11 after 1958 that we had reactor failures. We
12 had AE-6 in March of '58 or March of '59. We
13 had the SRE in July of '59 and in '64 we ran
14 SNAP-8ER with 80 percent of the cladding
15 cracked for a whole year. And then in '68,
16 SNAP-8DR failed, over 70 seal rods cracked.

17 CHAIRMAN ZIEMER: Okay, thank you
18 for that additional comment. Any further
19 questions? Yes, Mike, go ahead.

20 MR. GIBSON: One more question.
21 The petitioner had a concern about any names
22 the Site Expert, one of the Site Experts being

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1 conflicted. How have you looked into that and
2 what information have you used from this
3 person in question?

4 CHAIRMAN ZIEMER: Well, I will be
5 honest with you. I am not aware who that
6 individual is. I think, Dr. Neton, do you
7 have any idea who this person is? And the
8 team that actually did the evaluation that was
9 responsible for the evaluation, will not
10 conflict.

11 DR. NETON: Yes, I am not aware of
12 any specific individual that was brought up
13 during the working group discussion. So I am
14 at a loss to comment.

15 CHAIRMAN ZIEMER: I am going to
16 suggest, Kathy, that you communicate with Mike
17 Gibson, the Work Group chair in a little more
18 detail on that. Pardon me? Or, I'm sorry. I
19 am still back at Blockson, I guess. Bonnie,
20 communicate with Mike Gibson that information
21 and then he can follow up on that further with
22 the Work Group and with NIOSH. It is

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1 certainly true that in many cases we use
2 information from site experts and actually any
3 site expert in the sense it is conflicted
4 because they worked on that site. But that
5 has to be filtered through others who review
6 what was said and typically site experts are
7 not the authors of the documents.

8 But they will follow up on that and
9 they will get back to you. Mike, you have an
10 additional comment?

11 MS. KLEA: Yes and I do, too, when
12 Mike is done.

13 CHAIRMAN ZIEMER: Okay.

14 MR. GIBSON: I just wanted to
15 indicate that I believe that it was indicated
16 that this person had testified against
17 workers. So that is a little bit more than
18 being a site expert.

19 CHAIRMAN ZIEMER: Oh, okay. I
20 thought it was a site expert. But yes, that
21 is certainly another situation.

22 Go ahead, Bonnie.

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1 MS. KLEA: This person is the
2 expert witness against the workers. He
3 testified against me and he testified against
4 all the other workers when they brought their
5 workers compensation to trial. And actually,
6 they wrote the documents. He wrote the
7 document that is listed in Section 5.0 in the
8 latest NIOSH evaluation. He authored that
9 large report on a factual perspective. And he
10 authored it and that report has not been
11 accepted in the environmental community here
12 in California. Not by the EPA and not by the
13 activist. And I have been working on this for
14 15 years side-by-side with the EPA. And that
15 particular document is especially
16 misrepresenting the hazards from the reactor
17 failures. And that was offered by this
18 particular person.

19 CHAIRMAN ZIEMER: Okay. Jim Neton,
20 comment on that?

21 DR. NETON: Yes, that exchange has
22 jogged my memory. This was in relationship to

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1 the modeled exposures as a result of the
2 reactor failures and NIOSH has proposed that
3 there are several scenarios that have been
4 postulated as to what the hazards were from
5 the reactor failures. One of those is
6 authored by the person we are talking about.
7 There is another model, release model that had
8 been proposed. What we have proposed to do is
9 to have an independent expert review both of
10 those reports and comment on the scientific
11 validity and accuracy of both of those models.

12 CHAIRMAN ZIEMER: So NIOSH has not
13 officially accepted that model then that is
14 being --

15 DR. NETON: That is correct.

16 CHAIRMAN ZIEMER: Okay, so Bonnie,
17 you heard that comment and --

18 MS. KLEA: Yes, I did.

19 CHAIRMAN ZIEMER: -- and you can
20 track that. That is still yet to unfold, I
21 would say.

22 MS. KLEA: Well and then also we

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1 are having a conflict of interest with Dade
2 Moeller. They are doing the dose
3 reconstructions for our employees and they are
4 also being paid to find no evidence of
5 radiation offsite of the reactor area. They
6 are doing separate work for a home builder and
7 they have reported no offsite radiation, which
8 is contrary to earlier studies that were done.

9 So, we are pretty conflicted about
10 that also.

11 CHAIRMAN ZIEMER: Okay. Okay,
12 thank you very much for that additional
13 information. Larry Elliott has a comment
14 here.

15 MR. ELLIOTT: Yes, Bonnie, this is
16 Larry. If you have that kind of information,
17 we would encourage you to seek out the
18 Conflict or Bias Officer at NIOSH to report
19 that. This is news to us.

20 MS. KLEA: Can somebody send me an
21 email with an exact contact?

22 MR. ELLIOTT: Yes. It is on our

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1 website. If you look at the Conflict or Bias
2 Policy that is presented on our OCAS website,
3 you will find the contact information there
4 but we will send you the information, the
5 contact information you do need.

6 MS. KLEA: So do you agree with me
7 that that would be really a bad conflict?

8 MR. ELLIOTT: I am not going to
9 offer an opinion or a comment until I
10 understand the circumstances.

11 MS. KLEA: Okay, thank you.

12 MR. ELLIOTT: Because Dade Moeller
13 Associates is a teaming partner of ORAU but
14 doesn't necessarily mean that an individual
15 working in the Dade Moeller employ on a
16 different project did what they did at
17 someone's home. It doesn't mean that --

18 MS. KLEA: No, it is on all of the
19 land adjoining the nuclear area has been
20 bought by a home builder and so they were
21 hired to give a report to the city on its
22 safety. And they said it is perfectly safe.

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1 And we uncovered original data in the past by
2 other contractors that found very high levels
3 of radiation.

4 MR. ELLIOTT: I would suggest and
5 encourage you to provide the details that you
6 have --

7 MS. KLEA: Okay, thanks.

8 MR. ELLIOTT: -- and let the
9 Conflict or Bias Officer examine them.

10 MS. KLEA: Okay.

11 CHAIRMAN ZIEMER: Thank you. Any
12 further comments? Mike?

13 MR. GIBSON: If there are no
14 further comments, I am ready to make a motion.

15 CHAIRMAN ZIEMER: Okay, thank you.
16 Go ahead.

17 MR. GIBSON: Based on NIOSH's
18 change of the definition of the class and/or
19 to continue looking at potentially extending
20 the scope, the length of this class, I would
21 make a recommendation that we pass this
22 partial SEC.

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1 CHAIRMAN ZIEMER: The motion, in
2 effect, is to recommend to the Secretary to
3 add this class to the SEC.

4 MR. GIBSON: Yes.

5 CHAIRMAN ZIEMER: And is there a
6 second to this motion?

7 MR. GRIFFON: Second.

8 CHAIRMAN ZIEMER: And seconded.
9 So, unless our regular scribe is ready to give
10 us the exact words, they may have to come to
11 us tomorrow. Well, we will need to get his
12 vote as well.

13 Dr. Poston?

14 DR. POSTON: Could you take a
15 moment and summarize the ramification of this
16 motion in terms of positive and negative; if
17 we vote positively, we vote negatively, so I
18 can understand?

19 CHAIRMAN ZIEMER: The motion itself,
20 the preamble is not part of the motion. The
21 preamble is Mike's understanding of the
22 context of the motion that there is some

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1 possible additional work. But the motion
2 itself is to add a class to the Special
3 Exposure Cohort and that class will be all
4 individuals -- well, let me not -- and it is
5 all employees of the Department of Energy, its
6 predecessor agencies, DOE contractors and
7 subcontractors who worked in any area of Area-
8 IV of the Santa Susana Field Laboratory for a
9 number of workdays, aggregating at least 250
10 work days from January 1, 1955 through
11 December 31, 1958 or in combination with
12 workdays within the parameters established for
13 one or more other classes of employees in the
14 SEC. And that is the motion. It is adding a
15 class, those definitions. And the only change
16 from what we had before was that it is anyone
17 that worked there, not just those who were
18 monitored.

19 CHAIRMAN ZIEMER: Then I think we
20 are ready to vote. Well has Jim left for the
21 day?

22 CHAIRMAN ZIEMER : No, I think we

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1 will go ahead and vote. And we will have the
2 precise wording available for us tomorrow. It
3 will be a standard boilerplate type of wording
4 with this class as defined. So, let's
5 proceed.

6 Okay, and if Dr. Melius is not back
7 by the time that the vote is finished, we,
8 under our rules we still will get his vote and
9 we can do that tomorrow.

10 MR. KATZ: Okay, Ms. Beach?

11 MS. BEACH: Yes.

12 MR. KATZ: Mr. Clawson?

13 MR. CLAWSON: Yes.

14 MR. KATZ: Mr. Gibson.

15 MR. GIBSON: Yes.

16 MR. KATZ: Mr. Griffon.

17 MR. GRIFFON: Yes.

18 MR. KATZ: Dr. Lockey?

19 DR. LOCKEY: Yes.

20 MR. KATZ: Mr. Munn.

21 MS. MUNN: Yes.

22 MR. KATZ: Dr. Poston?

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1 DR. POSTON: Yes.

2 MR. KATZ: Mr. Presley?

3 MR. PRESLEY: Yes.

4 MR. KATZ: Dr. Roessler?

5 DR. ROESSLER: Yes.

6 MR. KATZ: Mr. Schofield?

7 MR. SCHOFIELD: Yes.

8 MR. KATZ: Dr. Ziemer?

9 CHAIRMAN ZIEMER: Yes.

10 MR. KATZ: That is all, except for
11 Dr. Melius.

12 DR. MELIUS: Okay.

13 CHAIRMAN ZIEMER: Now, we have a
14 little bit of time, Ted. I am wondering if we
15 can -- Dr. Melius, we just finished voting.
16 Are you prepared to vote on the petition or
17 would you wish to wait until tomorrow?

18 DR. MELIUS: Tell me the motion.

19 CHAIRMAN ZIEMER: The motion was to
20 add this class -- to add the class as
21 described.

22 DR. MELIUS: And I will vote yes.

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1 CHAIRMAN ZIEMER: Thank you.

2 DR. MELIUS: Make sure you weren't
3 tricking me.

4 CHAIRMAN ZIEMER: We have given you
5 a deferred to time tomorrow to provide some
6 words for us, if you are so willing to do.

7 Ted, can we talk about future
8 meeting dates? Is this a good time to do
9 that?

10 MR. KATZ: Sure, absolutely.

11 CHAIRMAN ZIEMER: First of all, our
12 next meeting, I believe it is Cincinnati, is
13 it not? Where are we at?

14 MR. KATZ: Our next meeting is in
15 Cincinnati, yes. And then following that we
16 are --

17 CHAIRMAN ZIEMER: Give us the dates
18 for the record.

19 MR. KATZ: One second.

20 MR. PRESLEY: 27th, 28th, and 29th
21 is what I have.

22 MR. KATZ: That sounds right.

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1 MR. PRESLEY: It will be downtown.

2 MR. KATZ: That is correct, the
3 27th to the 29th of July. And it is somewhere
4 downtown Cincinnati. At the Marriott
5 downtown. I don't know exactly the address.

6 Oh, it's over the river, then. The
7 Marriott over the river in Cincinnati. No, it
8 is not Ohio. It is Kentucky.

9 CHAIRMAN ZIEMER: It's Kentucky.

10 MR. KATZ: It is right over the
11 bridge, I think pretty much. Is that correct,
12 Nancy? Thank you.

13 DR. MELIUS: I have actually stayed
14 there. Yes, but my question is, I mean, it is
15 not the best access for Fernald or Mound. I
16 thought that we were trying to be a little bit
17 -- I thought we were only in Cincinnati in
18 order to be able to reach out to people from
19 Fernald and I thought Mound also. And sort of
20 going in the wrong direction.

21 CHAIRMAN ZIEMER: All right. Hold
22 on here. Let's get a comment from --

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1 MR. RUTHERFORD: Yes, I am with Dr.
2 Melius on that by the way. But I want to
3 point out another factor, that we are going to
4 be presenting Piqua or Organic Monterey
5 Reactor but Piqua is a little north of Dayton
6 and so the farther south in Covington, that is
7 more of a drive. So, I just wanted to get
8 that out.

9 CHAIRMAN ZIEMER: And perhaps when
10 we selected Cincinnati that was -- the details
11 were not necessarily known to the staff, in
12 terms of the site locations and particularly
13 the Piqua issue was not in the picture, I
14 don't think.

15 MR. KATZ: That's right. I don't
16 know the details. I am assuming that this
17 hotel was the hotel that she could get
18 availability for in that time period. I am
19 sure she tried.

20 We had to try at least three hotels
21 in the area to get a best value decision, in
22 terms of the hotel.

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1 MR. PRESLEY: Well, it is only 500
2 yards across the --

3 MR. KATZ: It is right across the
4 bridges from --

5 CHAIRMAN ZIEMER: Yes, it is still
6 not close to --

7 MR. KATZ: But --

8 CHAIRMAN ZIEMER: -- the site.

9 MR. KATZ: I suspect that the
10 contract is already made at this point. But I
11 can look into the question.

12 DR. LOCKEY: Yes, I would concur,
13 Cincinnati is a funny town. There's people on
14 the west side that have never been to the east
15 side and there's people on the east side who
16 have never been to the west side. So across
17 the river is like maybe a whole new world.

18 DR. MELIUS: And frankly, Covington
19 has a pretty bad reputation. So, you know, in
20 the past, so people from Dayton may not want
21 to go there, right?

22 CHAIRMAN ZIEMER: Yes. Okay, well

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1 Ted will look into this. Also a reminder that
2 we have a teleconference on June 16th. So
3 make sure that is on your calendar. That
4 would be between now and then.

5 MR. KATZ: Actually I wanted; I put
6 that there, actually with sort of a question
7 mark to it because it is about a month from
8 now. And we have now two teleconferences in a
9 row that felt like really there was not enough
10 new water under the bridge to convene the
11 teleconferences following the face-to-face
12 Board Meeting. So I just wanted to raise the
13 question as to --

14 For example, if there were to be a
15 substantial reworking, which I don't expect
16 with respect to the Security Plan based on DOE
17 comments, if there needed to be, of course,
18 that would be then a very close time to have
19 another full Board Meeting. But anyway, I
20 just wanted to raise the question whether
21 Board Members feel like we should keep that on
22 the agenda, on the schedule, in which case I

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1 need to put out a Federal Notice etcetera to
2 notice it.

3 CHAIRMAN ZIEMER: Well, I simply
4 observed there are a couple of Work Groups
5 that we will be meeting between now and then.
6 The Fernald work -- no, the Mound Work Group
7 will be meeting, I believe, Josie.

8 MS. BEACH: Yes.

9 CHAIRMAN ZIEMER: And then the
10 Procedures Work Group meets on June 9th.
11 Seeing as those dates are fairly close to a
12 teleconference, it is not so likely that you
13 would have action items ready to come to the
14 Board from either of those Work Groups. The
15 only -- Phil?

16 MR. SCHOFIELD: INL on the 10th of
17 June and Pinellas on the 11th.

18 CHAIRMAN ZIEMER: Okay. Even more
19 so then, it is unlikely that you could have
20 action items ready for the Board.

21 MR. PRESLEY: And then Pinellas is
22 the 11th.

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1 CHAIRMAN ZIEMER: I have INL and
2 Pinellas.

3 So, unless there are major things
4 on the DOE issue, security issue, it is not so
5 likely that we would have anything requiring
6 action. Now, I told Ted last time, I don't
7 want to have a Board Meeting where we just get
8 on there and each Work Group says we haven't
9 met since the last meeting or we have no
10 action items, it is not a good use of our
11 time.

12 So unless we have real work to
13 accomplish, why we can easily cancel it. But
14 you have to have an agenda ready soon.

15 DR. MELIUS: Well, what is the date
16 for the agenda?

17 MR. KATZ: I would need an agenda
18 next week, basically, to put in the Federal
19 Register. And that is fine. I can come up
20 with an agenda but the question is, do you
21 think you will want that meeting?

22 DR. MELIUS: I mean, the only item

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1 I can think of is DOE. The security -- I
2 shouldn't say DOE. The only item is security
3 plan. We are not going to have the comments
4 back in a week. It is like the end of next
5 week. It just -- if we need, I don't know if
6 it makes a difference whether we do that or
7 wait until, what is it, August? July? I
8 don't remember.

9 MR. KATZ: That's right.
10 Otherwise, our next meeting would be in July.

11 CHAIRMAN ZIEMER: Well, as a
12 practical matter, aside from that document, we
13 are, in essence, operating under those rule
14 anyway, using the NIOSH procedures. So, the
15 Chair sees no real reason, at this point, for
16 us to meet by phone. Is there any objection
17 to canceling the teleconference on June the
18 16th?

19 MS. BEACH: None.

20 CHAIRMAN ZIEMER: There appears to
21 be none.

22 MR. KATZ: Okay then, the next item

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1 about future plans is we have -- so we are
2 scheduled out through the fall for locations.

3 We have the next on the schedule is February
4 of 2010.

5 CHAIRMAN ZIEMER: Hold on a second.

6 We have a Brookhaven meeting scheduled. And
7 I want to ask NIOSH how likely is it that we
8 will actually be ready to discuss Brookhaven?

9 Brookhaven is maybe even hard to get to than
10 Amarillo.

11 MR. RUTHERFORD: The Brookhaven
12 evaluation, we have had a number of issues
13 which this is great. I could just take away a
14 couple of slides out of my presentation
15 tomorrow. We have had a number of issues with
16 data capture. They had the PII issue and we
17 are back to work in getting things done at
18 Brookhaven. There is a chance we won't make
19 July but I am certain we would make the
20 September meeting for presenting that
21 evaluation.

22 MR. KATZ: It is actually October.

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1 MR. RUTHERFORD: October meeting.

2 MR. KATZ: Yes, we should have
3 that. I don't want to say I am certain.

4 CHAIRMAN ZIEMER: The dates for the
5 October meeting are the 20th through the 22nd.

6 MR. KATZ: That is correct.

7 CHAIRMAN ZIEMER: So I guess we
8 leave it there for the moment.

9 Okay, proceed.

10 MR. KATZ: Okay then the next face-
11 to-face meeting would be February 9 to 11,
12 2010. For that, --

13 MS. MUNN: Are you not counting the
14 teleconference in December?

15 MR. KATZ: We don't need a
16 location. That is by phone.

17 MS. MUNN: Oh, all right. You are
18 talking only locations.

19 MR. KATZ: Yes.

20 MS. MUNN: So the question is, some
21 locations such as Las Vegas are very difficult
22 to book and we would certainly need to get to

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1 work on that soon. Other locations are not as
2 difficult.

3 DR. MELIUS: Actually, February in
4 Las Vegas isn't that hard.

5 MR. KATZ: Okay, I was warned about
6 that location in particular but okay.

7 So, it is February 9th through the
8 11th.

9 CHAIRMAN ZIEMER: So are we talking
10 Las Vegas then?

11 MR. KATZ: No, so no locations have
12 been suggested. And I am just -- some
13 locations could be problematic. That is why I
14 don't know if the Board has any thoughts about
15 where to meet at that point or whether OCAS
16 has any suggestions with respect to --

17 DR. ROESSLER: In the south,
18 somewhere where it doesn't snow.

19 MR. CLAWSON: Now wait a minute.
20 Every time we have been back here, you guys
21 have left because Idaho and Denver was so bad
22 snow, we got a snow storm in Cincinnati. So,

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1 I don't want you to jinx anything. Perhaps
2 Cincinnati is not the south.

3 MR. CLAWSON: I was kind of
4 thinking it was.

5 MS. MUNN: California maybe?

6 CHAIRMAN ZIEMER: Ted, how much
7 lead time do we need?

8 MR. KATZ: Again, it would be good
9 to have a location now. We are sort of right
10 on the edge of where it nice to be able to
11 plan.

12 DR. LOCKEY: Yes, Savannah River or
13 California.

14 MS. MUNN: What is or most likely
15 site?

16 CHAIRMAN ZIEMER: Well we were --
17 it has not been that long since we have been
18 in Augusta. Nancy has a comment.

19 NANCY: The issue with Las Vegas,
20 the last time we were there, was the
21 electronics show. The electronics show is
22 early January. So that is not an issue for

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1 Las Vegas. So we can check that for that
2 meeting, for the February meeting.

3 MS. MUNN: But the point is, if we
4 are attempting to follow where our action is,
5 the question then becomes why Las Vegas in
6 February. And I am proposing -- I don't know
7 what the timeline looks like, but we have
8 Santa Susana on our scope here. And I would,
9 one would anticipate there would be interest
10 in that area. Certainly some development
11 would have occurred by February.

12 DR. MELIUS: I know that you are
13 tired of me agreeing with Wanda all the time
14 but I would actually concur on that. And I
15 think the other site that we have only been to
16 once that we need to at least get on the
17 radar, the questions about the weather also is
18 Idaho.

19 MR. SCHOFIELD: Idaho in February,
20 are you crazy?

21 CHAIRMAN ZIEMER: Well we could
22 think about Idaho for May of 2010. And will

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1 the snow be out by May, Brad?

2 MS. BEACH: Not normally.

3 MR. CLAWSON: Early July.

4 MR. SCHOFIELD: We will be riding
5 snowmobiles.

6 CHAIRMAN ZIEMER: Any other
7 comments? We have heard a couple of
8 suggestions for the California area for that
9 February meeting.

10 MR. KATZ: And should we consider
11 Augusta as a backup, considering -- Savannah
12 River, I don't know, that is a big site and it
13 has a petition which one would hope would be
14 very far along at that point.

15 MS. BEACH: Well, I don't really
16 want to forget about NTS because we do have
17 quite a bit of action there.

18 MR. PRESLEY: We are going to be
19 working on the NTS.

20 MS. BEACH: This is 2010, though.

21 MR. PRESLEY: February 10th.

22 MS. MUNN: We have been there three

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1 times.

2 MR. KATZ: So I will go with Santa
3 Susana as a first choice. If there is a
4 problem with that, I will come back for help.

5 CHAIRMAN ZIEMER: Do we need to get
6 the main meeting established or not? We can
7 wait.

8 MR. KATZ: Not a location.

9 CHAIRMAN ZIEMER: We have dates of
10 19th through 21st of May 2010.

11 MR. KATZ: So the only other thing
12 to do if you follow tradition of being more
13 than a year out or it could wait until the
14 next one, would be to try to pin down some
15 possible dates for the August/September time
16 range for 2010. Not a location but just
17 dates.

18 So the only other thing we might do
19 is try to pin down dates from the summer of
20 2010. August/September sort of time frame
21 would be your normal spread.

22 MR. SCHOFIELD: Well, I have got

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1 dates for May and what else do we have in the
2 summer? Do we have anything in July?

3 MR. KATZ: Right. So it would be,
4 it is very late in May, your dates. That is
5 why I am saying through August/September.

6 CHAIRMAN ZIEMER: Early August
7 maybe.

8 MR. SCHOFIELD: Well that would be
9 reasonable, I think.

10 CHAIRMAN ZIEMER: The 2010 dates
11 that we have on the record so far are February
12 9th through 11th. These are full Board
13 meetings. We have a conference call
14 tentatively for March 31, 2010. We have a May
15 19 through 21, 2010 full Board meeting. I
16 believe that is as far as we have scheduled.

17 DR. LOCKEY: Has something been
18 decided for May?

19 CHAIRMAN ZIEMER: No. So if we
20 have the dates scheduled a year out from now,
21 we would looking now for probably early
22 August, I would say.

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1 MR. KATZ: That would be best, if
2 August worked.

3 MR. SCHOFIELD: That would be a
4 good time to go to Idaho.

5 DR. LOCKEY: There is about a two-
6 day window.

7 CHAIRMAN ZIEMER: Ted do we need to
8 get some specific dates?

9 MR. KATZ: Some specific dates
10 would be good because that allows NIOSH to
11 plan around that as well.

12 MS. BEACH: So the third, fourth,
13 and fifth, or tenth, eleventh or twelfth, to
14 keep us from traveling on a Monday or on a
15 Sunday, excuse me?

16 CHAIRMAN ZIEMER: August, the week
17 of the third, fourth, fifth, or tenth,
18 eleventh, twelfth.

19 DR. LOCKEY: The tenth, eleventh,
20 twelfth is better for me.

21 MR. SCHOFIELD: What?

22 MR. KATZ: The tenth, eleventh,

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1 twelfth is better for the two Jims here.

2 MR. SCHOFIELD: Do you have a life?

3 CHAIRMAN ZIEMER: Okay, should we
4 tentatively put down the tenth through
5 twelfth? Does anyone have a major conflict on
6 the tenth through the twelfth?

7 DR. ROESSLER: August?

8 CHAIRMAN ZIEMER: August 2010.

9 MR. KATZ: Okay, we don't have to
10 get a site for that time. All we need is a
11 date.

12 MR. KATZ: That is correct.

13 CHAIRMAN ZIEMER: Okay, that takes
14 care of our calendar for now. Josie,
15 question?

16 MS. BEACH: Well, the only thing I
17 want to go back to is I was trying to go
18 online to look at the last Board Meeting
19 minutes. I couldn't get online but I believe
20 that we did actually did try to vote to remove
21 Blockson from the table and if that vote
22 failed, it is actually --

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1 CHAIRMAN ZIEMER: Yes, we will
2 check. We will check the minutes. Did you
3 find the minutes?

4 MS. BEACH: I couldn't get on the
5 NIOSH website.

6 CHAIRMAN ZIEMER: Okay. Well, I
7 have the minutes on my --

8 MR. KATZ: I am sure she is
9 correct. I am going to correct that.

10 CHAIRMAN ZIEMER: We are going to
11 recess and we will reconvene later this
12 evening for the public comment period at 7:00
13 p.m. Thank you everyone.

14 (Whereupon, the foregoing meeting went off the
15 record at 4:38 p.m. and resumed at
16 7:03 p.m.)

17 CHAIRMAN ZIEMER: Good evening
18 everybody. Let's get underway. My name is
19 Paul Ziemer. And I am the chair of the
20 Advisory Board on Radiation Worker Health.

21 I want to take just a minute to
22 tell you a little bit about this Board. We do

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1 not work for NIOSH. And we do not work for
2 the Department of Labor. We are an independent
3 group. Some of us, such as me, are retired.
4 Some still are working. Well, we all think we
5 are working but some are past the age of
6 regular work. Most, I think everybody on this
7 Board has some sort of a nuclear background.
8 So we have some idea of what goes on in the
9 nuclear world.

10 Our Board provides what we might
11 call independent oversight of the Federal
12 Program, the EEOICPA program, the compensation
13 program for nuclear workers.

14 The purpose of our public meetings
15 is to gain insight from the public, often
16 claimants, not always, in terms of how the
17 program seems to be working from their point
18 of view or sometimes not working from their
19 point of view. But some of you may wish to
20 share personal experiences and so on. We are
21 not here to deal with individual cases
22 tonight. In fact, we cannot, in the public

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1 forum, answer questions about your particular
2 case. There are individuals who can deal with
3 that on an individual basis and we can point
4 you to those.

5 But we are here to get some idea of
6 the issues that you might feel are important.

7 And I think most of you, as I looked at the
8 sheet here, most of your are Pantex people.
9 So we are trying to gain some insight into the
10 program. The compensation program with
11 respect to the Pantex group.

12 We do have a time limit. In
13 consideration for your fellow individuals who
14 will also comment, we ask you to limit your
15 comments to ten minutes. And that will still
16 take us a couple of hours to get through all
17 of the comments.

18 I usually tell folks that ten
19 minutes is not a goal to be achieved. It is
20 an upper limit. So, if you can be more
21 concise than ten minutes, that will be
22 helpful, particularly for those who are the

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1 end of the list and may be waiting quite a
2 while to be heard.

3 I am going to go through the list,
4 just in the order that people signed up,
5 although I may make an exception to that. I
6 understand there is one gentleman who has
7 perhaps assisting nursing assistance tonight
8 and may need to address us when, I don't
9 believe he has arrived yet but in any event,
10 we will, in consideration for his condition,
11 put him in at that time.

12 We also have possibly some folks
13 who will want to comment by phone. And there
14 are open phone lines, so there are folks even
15 now on the line who will be listening as well.

16 Now, before I begin with the list
17 here, we do have a Fed at the table. Each
18 committee of this sort, Board of this sort,
19 has what is called a Designated Federal
20 Official and he makes sure that we operate in
21 accordance to all the appropriate regulations.

22 That is Mr. Katz. And he is going to make a

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1 few remarks about some ground rules as far as
2 what goes into the public record and what will
3 not go into the public record. So, here is
4 Mr. Katz.

5 MR. KATZ: Right. Hi. I am Ted
6 Katz. And welcome to everybody here. I just
7 want to let you know as we have at the regular
8 proceedings of the Board, we have a verbatim
9 transcript that is being made of this session
10 as well. So, everything that is said will be
11 recorded and written up and will end up on a
12 website that the Agency has, the NIOSH OCAS
13 program has a web page with all sorts of
14 information about this program. It includes
15 the transcripts of these meetings, including
16 the transcripts for the public comment
17 sessions.

18 So all of you who come up and
19 comment, everything you say will be recorded.
20 And along with that, you should understand if
21 you identify yourself, if you give us your
22 name, your name will stay in the transcript

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1 for everyone else to read.

2 If you discuss personal things
3 about yourself, your medical condition and so
4 on, typically that will stay in the
5 transcript, too. So that is your choice to
6 make.

7 If you give information, however,
8 about a third party, about someone else that
9 you know, a friend, a coworker or whatever,
10 the information will stay in the transcript
11 but their personal identifying information
12 will not. In other words, we will black out
13 their names to protect their privacy. So you
14 should know that. The full rules are on the
15 back table, if you want to see the redaction
16 rules or redaction policy as it is called.
17 And it is also on the OCAS website, if you
18 ever want to refer back to that, what were the
19 rules about keeping in people's names and
20 information versus taking it out.

21 But I just want to let you all know
22 that. And we are ready to go.

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1 CHAIRMAN ZIEMER: Thank you, Ted.

2 Bill Sachse is the individual I
3 referred to and he has arrived. And I believe
4 his nurse will be escorting him in the doorway
5 here. Bill are you coming in? And if you
6 would take Bill to the mic, please. And do we
7 need a chair? We have got a chair coming.

8 MR. KATZ: This will work.

9 CHAIRMAN ZIEMER: Bill, just before
10 you came in, I did mention some of the ground
11 rules and one of those is a ten minute time
12 limit. So, if you will be cognizant of that,
13 we would appreciate it.

14 MR. SACHSE: Thank you. You want
15 me to go on?

16 CHAIRMAN ZIEMER: You can proceed.
17 Please proceed.

18 MR. SACHSE: I was at Pantex back
19 in the 1945 and I was in metrology and then
20 later I went to gauger valve.

21 And I was stricken with whatever I
22 had in the old building, the old hospital when

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1 it was here out on Canyon Highway. And then I
2 was in the Baptist Hospital and then I went to
3 the other hospital over a period of time.
4 That lasted about, all of about three or four
5 days. And they -- I didn't get reimbursed for
6 my sick leave but my sick leave went on the
7 bill.

8 I went to Arkansas one time and I
9 got sick during the latter part of that and
10 the doctor didn't know what it was. So, he
11 claimed he sent a sample to Florida. I never
12 heard anything from it so I don't know if he
13 had done that or not. And my doctor, Dr.
14 Archer, he sent a sample to down around Austin
15 and we never heard of that either. And it was
16 --

17 MS. SACHSE: Guys, I am his
18 daughter. Let me talk to him right quick.

19 CHAIRMAN ZIEMER: Okay.

20 MR. SACHSE: And I was sick during
21 that time, they took me to the hospital in the
22 ambulance and brought me to town.

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1 And one day before the St.
2 Anthony's, they put me in a tub of cold water.

3 And I stayed in there for quite a while. But
4 after a while, it would go away. But I was in
5 there a number of times with a chill.

6 And we had they were flu-like
7 symptoms and doctors sent all his findings to
8 the downstate, down around Austin or
9 somewheres down there. And he never did hear
10 from them.

11 And the FBI came to Dr. Archer's
12 office one time and told him to look out and
13 see if there was anything unusual. And he
14 told him that if they, if they told someone
15 and they told, and the FBI got a hold of it
16 and they hit him up, he said he would have to
17 deny it because they must have some pretty
18 good claws in that.

19 And I got 100 degrees or more. I
20 was up to Baptist St. Anthony's Hospital in
21 the new room and then the old room and then
22 St. Anthony's Hospital. And then I was in the

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1 one in Arkansas.

2 And that is, the Department I
3 worked at, it was I worked in the Metrology
4 Department.

5 MS. SACHSE: I am his daughter.

6 CHAIRMAN ZIEMER: That's fine.

7 MS. SACHSE: Is that all right?

8 CHAIRMAN ZIEMER: If you would like
9 to help read the statement that would be fine.

10 MS. SACHSE: Okay.

11 CHAIRMAN ZIEMER: But you will need
12 to use the mic. Is that all right, Bill, if
13 your granddaughter reads the statement for
14 you?

15 MR. SACHSE: Yes, please.

16 MS. SACHSE: We talked about this
17 last night.

18 MR. SACHSE: That's okay.

19 MS. SACHSE: My dad, like you said,
20 worked at the in the metrology department.
21 And he was exposed to unknown toxins. There
22 was a label but didn't show what it was. And

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1 it caused him to have high temperatures, like
2 100 plus temperatures. And when he went to
3 the hospital, like he was saying, he would
4 have to be iced down.

5 And so far he has had, he has been
6 compensated for Part B and part of Part E and
7 some claims are pending as of right now. And
8 like he was saying about Dr. Archer, he
9 diagnosed him with flu-like symptoms but it
10 wasn't the flu. And he had a physical every
11 year. And he sent all these to the National
12 Medical Board in Austin and to Florida. And
13 the FBI, like he said, came to Dr. Archer and
14 told him that if he was to speak of the
15 illness, that he would have to deny it.

16 And there was one occasion where
17 Dad ran over 100 temperature and it was
18 unexplained. So the guys in Arkansas sent it
19 off but we never heard anything back from any
20 of them. And some of the cleaning agents that
21 they would use like acetone and carbon
22 tetracycline, they would use it on their hands

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1 with no type of protection for cleaning and
2 that is all that he can really remember.

3 CHAIRMAN ZIEMER: Okay.

4 MS. SACHSE: Thank you, guys.

5 CHAIRMAN ZIEMER: Thank you very
6 much and thank you, Bill, for being with us
7 this evening.

8 Next we will hear from Carolyn, I
9 believe it is Whitacre. Is it Whitacre?

10 MS. WHITACRE: Hello. My name is
11 Carolyn Whitacre and I am a cancer survivor.

12 I was denied. I went through the
13 application with NIOSH and I really wanted to
14 figure out how they did the reconfiguration
15 because I filled out all the paperwork. And
16 he was like well, what building did you work
17 in? Well, I worked in all of them.

18 I was on the line for 20 years and
19 not only that, I worked in the layouts for
20 another ten. So, I was, with radiation
21 exposure and chemical exposure. And I worked,
22 I didn't work in one building. I didn't work

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1 in one program. I worked assembly,
2 disassembly. So how did I wind up in the less
3 than 50 percent is totally ridiculous.

4 You know, I mean, I just don't know
5 how they possibly did the reconstruction when,
6 you know, I know it was in their eyes, maybe
7 you think about a person working at, and some
8 people did that work in one spot, did one job.

9 And you know, we got breaks, so you weren't
10 exposed all of the time but I was one of the
11 ones that worked in a special group. So, I
12 worked everywhere and I was exposed to
13 everything and I did all kinds of jobs.

14 And so, my conclusion is that since
15 I have been watching this program and going to
16 the meetings, that this particular group or
17 this particular area, Amarillo, they seem to
18 pay the deceased. And I don't think that is
19 fair to the workers because we are the ones
20 that were exposed. We are the ones getting
21 sick and our kids or our husbands or wives,
22 they might get compensated. But the person

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1 that actually did the work and suffered, we
2 are not being compensated.

3 And like I said, I just want to
4 know how they did this reconstruction because
5 it doesn't make sense to me and I did provide
6 -- I don't know if they went back to the
7 company, because I know the company didn't
8 have records. They didn't have records, they
9 couldn't possibly have a record of everything
10 I did. Because like I said, I was there for
11 20 years on the line and I did multi jobs,
12 multi programs.

13 And until they went to computers,
14 they couldn't possibly have a record of
15 everything that they did. So I just, I think
16 that the way they are doing it is not fair.
17 It is not fair for us to put our time in that
18 place. And you know, I know that radiation
19 affects you 20 years down the road. It is
20 sometimes an individual thing but on the
21 average, after you have been exposed, it is
22 like 20 years before the illness falls on you.

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1 And so how they can pick and choose
2 compensation and how this group is
3 reconstructing, I would like to know from that
4 group how they did it. Because it doesn't
5 make sense who they pay and who they don't
6 pay. It just doesn't make sense. We are all
7 suffering in different ways.

8 That beryllium, I think beryllium
9 is associated with Pantex so those claims are
10 paid faster than the cancer claim. They just
11 go ahead and pay those claims. But the cancer
12 people, we have suffered and we have had
13 people who have died with cancer just like we
14 have beryllium. So I don't know why they
15 would treat one better than the other one.
16 But they do get compensated faster.

17 And one other thing I wanted to
18 mention was I wanted to mention something to
19 Daisy. Well anyway, the breast cancer, well
20 they won't specifically say breast cancer but
21 that is basically we had women, that is where
22 it attacked us. You know? But you can't put

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1 us with the regular population because there
2 is so many of us that got breast cancer. So,
3 it had to be associated with the job.

4 And my cancer was not related -- I
5 mean, my doctors, the doctors in Amarillo,
6 that is how they associate with Pantex. This
7 is one of the better places to work. So my
8 doctor and the cancer people never put
9 anything about Pantex in my records. They
10 would not do it. They would not say anything.

11 Some of them will but most of them will not
12 mention Pantex as being the cause of our
13 cancer.

14 But I don't have a family history
15 of it so I feel like it is Pantex.

16 CHAIRMAN ZIEMER: Thank you,
17 Carolyn. Next, Daisy Nichols.

18 MS. NICHOLS: My name is Daisy
19 Nichols and I have worked at the plant for 24
20 years.

21 CHAIRMAN ZIEMER: Could you just,
22 just pull the mic down just a little bit.

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1 That's good.

2 MS. NICHOLS: Okay. My name is
3 Daisy Nichols and I worked at the plant 24
4 years. In 1994, I come out on disability on
5 my left breast. I lost it. Again in '97, I
6 lost my right breast. But I have been filing
7 all the claims but I have always been turned
8 down. So, I don't know why.

9 CHAIRMAN ZIEMER: Okay. Thank you,
10 Daisy, for sharing that.

11 Brenda Britten.

12 MS. BRITTEN: I am Brenda Britten.
13 I went to work out there in 1971 as a clerk.
14 I worked upstairs and it was an area where
15 the men could come to take a break and smoke.
16 And I had asthma so I didn't like working in
17 the smoke. So, I went downstairs to the
18 warehouse as a warehouse clerk.

19 And down there, we were working on
20 the dock where everything was unloaded.
21 Everything that went down to the assembly
22 line. And we were told that we weren't

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1 exposed to anything. We were exposed to all
2 the pits and all the radioactive containers
3 coming off of the trucks. All the beryllium
4 parts, we were never told what any of them
5 were.

6 My best friend that I helped give a
7 wedding shower for, helped give a baby shower
8 for, when her baby was born, she had no hands
9 and no feet. They wouldn't look at the fact,
10 even the union wouldn't look at the fact of
11 the amount of radiation she was receiving
12 during her pregnancy. Nobody would talk about
13 it. Even the union attorney would not discuss
14 it.

15 And one time on break I asked, I am
16 a convert to the Catholic faith and I asked
17 one of the Hispanic guys that we played cards
18 with, of course we are sitting with our legs
19 around a pit can, you know, playing spades on
20 our break time, and I asked him, I said, tell
21 me how come you guys always, you Mexican guys
22 always apply to work in the vaults, the north

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1 and south vaults down near the pit rooms. And
2 he kind of got embarrassed and he looked
3 around. He said, well, you are a Catholic.
4 He said I can tell you. He said, we don't
5 know why but we know that because all they
6 used was rhythm method for birth control, he
7 said, we know that when we apply to work down
8 there, our wives don't get pregnant.

9 We know now how much radiation they
10 were receiving. When I went back down there
11 years later with a dosimeter, they were quite
12 surprised at how much radiation I was
13 receiving. And then I wasn't even a clerk. I
14 was an inspector and I wasn't around nearly
15 the amount of radiation. And they put
16 dosimeters on those men and they started
17 rotating them out like every three or four
18 weeks. And those guys received that kind of
19 radiation for years but they never
20 acknowledged it.

21 Our engineers out there were
22 engineers in name only. They only had high

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1 school educations, they played golf together
2 or went to church together. They were not
3 engineers. They were our safety engineers.

4 We had no oversight. When an
5 explosion happened in '77 and three men were
6 killed, Washington couldn't even come in.
7 They couldn't even come in there. In the
8 '80s, I believe I asked one of my supervisors
9 for something and I said something about it
10 being an OSHA regulation. And he laughed at
11 me and he said, we don't have OSHA. We don't
12 have any regulations. The State couldn't come
13 in the, the federal government couldn't come
14 in. Nobody had regulations over that
15 facility. They meant it was run by Mason and
16 Hanger and they had their own rules and
17 regulations. And nobody had the authority to
18 come in and look.

19 And after those men were killed,
20 they said, they came down and they said, okay,
21 we have got to have some minorities on the
22 line. There may be some people from

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1 Washington coming in. It was an all white
2 male crew. There were no blacks, no browns,
3 no women. There was, I believe there was one
4 man that was a military black man. But they
5 ran their own ship and they did what they
6 wanted. And that is why a lot of times there
7 are no records to what happened to us. We
8 didn't have dosimeters. They were telling us
9 we were not exposed to anything.

10 On chemicals, we worked bare-
11 handed, breathing them, absorbing them. We
12 did not know what those chemicals were. We
13 didn't know what an MSDS sheet was until way,
14 way, later. We did not have the right to
15 know. And if we asked too many questions, we
16 were told by our supervisors, if you are
17 uncomfortable working with the radiation,
18 perhaps we should check your Q clearance. And
19 so our jobs were threatened if we asked too
20 many questions.

21 Thank you.

22 CHAIRMAN ZIEMER: Thank you for

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1 sharing that with us, Brenda.

2 Let's hear now from Sarah Ray.

3 MS. RAY: My name is Sarah Ray and
4 for the most part, my comments are going to be
5 fairly generic.

6 I am one of the three individuals
7 who initiated the petition for the Pantex SEC.

8 I am also a former worker and a surviving
9 spouse in a second generation weapons family.

10 I worked at the plant 14 and a half years. I
11 worked there in 1974, primarily in
12 manufacturing. And I left for about 20 years
13 and had a really good time. And then my
14 deceased thought it would be a good idea for
15 me to get some retirement benefits, so I went
16 back out in '94. And when I went out in '94,
17 I worked in training. And one of my jobs was
18 I learned all of the safety systems and am
19 familiar with all of the safety systems and
20 all of the buildings on the line. And I also
21 worked a lot with plant standards and with
22 SARS and various documents at the plant.

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1 Also, when I was there in '74, I
2 was very familiar with and worked with the red
3 phone. I also worked with the DCR, which is a
4 Daily Change Report, which has an exact record
5 of everything, every accountable item at the
6 plant, what happens to it when it comes in and
7 out. So, I am very much in disagreement with
8 the Site Profile that says that all of the
9 weapons, the older weapons, all of the
10 dismantlement was completed before, I believe,
11 it was 1962. That is a very erroneous
12 statement. I can tell you the program numbers
13 and many people can't. But I know for a fact
14 that the DCR and things like the manufacturing
15 activity calendar are very important
16 information to look at, when you are trying to
17 put together what happened in the early days.

18 Our SEC petition is for 1951 to
19 1991 and I feel like that the Site Profile
20 which is basically a snapshot in time today,
21 and a very nice snapshot because it is an
22 exact carbon copy to those of you who remember

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1 what a carbon copy is, it is an exact copy, a
2 duplicate of rhetoric to reality. A very
3 nicely done document that tells you what it is
4 today.

5 The facilities that were in use at
6 the time of our SEC petition, the time frame
7 that it covers, there were basically two bay-
8 type facilities and one older cell facility.
9 That is all of these facilities, not a single
10 one would in any way look like the diagrams of
11 the facilities that are shown in the Site
12 Profile. So, I have a great deal of
13 opposition to the current site profile.

14 Many of the things about the comp
15 program are upsetting to me and to other
16 surviving families and to workers. I have
17 worked with a lot of people and tried to help
18 them, along with David Pompa. He is kind of a
19 buddy. I always tell them I am not a union
20 worker but I am the best nonunion member that
21 I have. The length of time to process a claim
22 is usually beyond the remaining years of the

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1 older workers. I know many people who can
2 barely afford their homes. Many, many medical
3 problems, paying for illnesses, family
4 members. I mean, the money of our older
5 workers is just being depleted because they
6 are having to take care of themselves and
7 their families. And their illnesses that
8 basically come, as far as I am concerned, from
9 their employment at the plant are killing
10 them. But along the way, it is going to strip
11 them of all of their money.

12 It is true that it seems to be
13 easier to get a claim on a deceased person
14 paid instead of a live worker. I have heard
15 that many many times. Many people have
16 laughed and said they are just waiting for me
17 to die. It is almost as if the powers that
18 be, and I have commented to this, actually
19 asked Dr. Laurence Fuortes if somewhere there
20 is a list. And it is a mortality chart. How
21 long after exposure is Joe going to die?

22 Okay, if Joe dies and he matches

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1 that mortality list, then you check him off
2 and you pay him. They don't do that for the
3 living workers. And I think Carolyn commented
4 about that.

5 Workers are thought of as
6 expendable. The first time it hit me what my
7 husband, Michael, who died from lung cancer at
8 the age of 54, after living only three months
9 with cancer, it hit me that he was expendable.

10 That someone thought it was fine for him to
11 have worked on the program that he did, which
12 was well known for tritium releases. And some
13 of his coworkers told me that he often talked
14 with them about exposures that he had had and
15 releases he had been involved in.

16 Public information supports the
17 fact that the only people, I really feel this
18 that this is true, the only people who are
19 getting rich because of the comp program are
20 the groups like NIOSH, Oak Ridge, and possibly
21 the DOL claims examiners at the various
22 levels.

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1 It is disturbing when I read about
2 conflict of interest within the ranks of NIOSH
3 and Oak Ridge. Many of the people working on
4 the dose reconstruction program have had
5 previous involvement in the radiation
6 protection programs at the Department of
7 Energy sites or currently receive DOE funding.
8 And I knew a 150 million dollar contract was
9 just signed with Oak Ridge.

10 Many people have been hired to
11 crunch numbers, whether they are doing dose
12 reconstructions or just determining percentage
13 to pay someone under Subpart E. The sad
14 reality to me is that the human part of the
15 program, the workers themselves, seems to have
16 been virtually ignored. The workers tell
17 their stories to seemingly deaf ears and many
18 people here tonight have commented about this.

19 As more and more claims are denied
20 over, and over, and over again, in a previous
21 meeting hosted by NIOSH representatives in
22 Amarillo, the audience was told by NIOSH reps

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1 that it was not their job to do research and
2 they were not medical doctors and did not,
3 could not consider the medical evidence on a
4 claim. This was in part a response to a
5 question from a worker about published medical
6 statistics that show radiation is the primary
7 cause of thyroid cancer.

8 It is morally wrong to have a
9 process that omits human when the human is the
10 reason for the program. The current Pantex
11 site profile is a wonderful snapshot in time,
12 as I have already said. The sad thing is that
13 the Site Profile represents today and it is
14 being used against the workers and relied upon
15 almost totally by NIOSH and the Department of
16 Labor when they do the dose reconstructions
17 and evaluate the claims.

18 The SEC period noted in our
19 petition is 1950 to 1991 or 1951 through 1991.

20 During this time frame, facilities, weapons
21 systems, and activities were quite different
22 than they are today. Only one cell area and

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1 one or two bay arrangements were in use during
2 the time frame, stated in our petition. The
3 safety systems were quite different than those
4 in place today and the rad safety practices
5 barely existed.

6 The RADCON manual, and you all know
7 this, I am sure, but that did not even come
8 about until 1993 or 1994. And that
9 standardized the rad safety practices across
10 the weapons complex.

11 The Tiger Team report in 1990 over
12 and over again called the plant because of rad
13 safety and training practices. There were
14 many, many problems documented. The
15 dosimeters, which a weapons engineer recently
16 told me, protected the workers. So you can
17 see there is a lack of understanding on what a
18 dosimeter does. Because the dosimeter does
19 not protect the workers.

20 They were designed though, this
21 engineer told me, only to detect an acute
22 release. There are thousands of differences

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1 that come to mind when I think about the Site
2 Profile as it is and the reality of the days
3 that I know from 1970s.

4 The following is from a blog
5 posting that I read today and I am just
6 quoting but I agree with it. "Dose
7 reconstruction is a farce. It is conducted
8 using 'Voodoo Statistics' based on what
9 appears to be an unsupported method of
10 measurement. If an accurate radiation dose
11 was not 'constructed' in the first place, then
12 how can it be 'reconstructed?'"

13 I have dose records, my personal
14 records and those of my husband, Mike, that
15 state all doses were re-estimated, this means
16 changed, in 1990. I have never shared these
17 with anyone. They are in a big box that
18 weighs about 60 pounds that I keep up on a
19 shelf.

20 Of concern also is the fact that
21 the only review of the Pantex SEC I am aware
22 of was held in California. I would like to

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1 ask this audience, the people present, how
2 many of them were notified of that meeting to
3 discuss our SEC?

4 I don't see a single hand. Did
5 mine go up? No, it did not. As an SEC
6 petitioner, I did not receive any notice. I
7 never receive notices.

8 How many would have gone? How many
9 could have gone financially, time-wise?

10 (Show of hands.)

11 MS. RAY: If I could have, I would
12 have gone. But usually the notifications come
13 very late, if at all.

14 As I just said, I am an SEC
15 petitioner. I have rarely received any
16 notices or any information from NIOSH. I am
17 being lenient when I say rarely. The truer
18 word would probably be never. I ask if an
19 organization that cannot handle a simple
20 mailing to notify workers or SEC petitioners
21 of a meeting should be given the role and the
22 sole responsibility. Without question there

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1 is no oversight for NIOSH and the people who
2 do the dose reconstructions. We don't have
3 checks and balances for them. Should they be
4 the ones that we are allowing to do the dose
5 reconstructions? I question that.

6 Pantex workers and weapons workers
7 as a whole need and should receive fair
8 treatment. These men and women proudly served
9 their country during the cold war. Much like
10 our returning veterans, they are being
11 ignored. It is always easier to ignore
12 something unpleasant, as long as it does not
13 affect you or your family.

14 It has affected my family. My
15 husband, Michael, died of lung cancer at the
16 age of 54, after working 35 years in the
17 weapons complex. The first thing Mike's
18 cancer doctor asked him when he went in,
19 initially was, well, tell me about your
20 radiation exposures at Pantex. That kind of
21 takes you aback. We just found out we have
22 cancer. We are not ready to answer any

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1 questions.

2 My brother-in-law died from
3 pancreatic cancer in October. My sister
4 raised a little girl, my niece, whose mom
5 worked in the weapons complex and died of
6 breast cancer when the child was barely three
7 years old. Her claim has been denied over and
8 over again. My family is not the only family
9 affected. There are many good people just
10 like us.

11 The present system is broken, as
12 far as the worker is concerned. The original
13 intent of the comp program has long been
14 forgotten. Workers feel that they have been
15 lied to. What was explained to them in 2000
16 when the program was announced with the DOE as
17 a fair program designed to help them has
18 vanished. It has become a means of long-term
19 employment for workers within the many groups
20 hired to fight or disprove workers claims.

21 Please put the worker back into the
22 claims program. Make them first and honor the

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1 workers, as they have honored their country by
2 performing their work to the best of their
3 abilities in often hazardous environments of
4 the nuclear weapons complex. Thank you.

5 (Applause.)

6 CHAIRMAN ZIEMER: I must express
7 regret that the Pantex workers were not made
8 aware of that particular thing. But I also
9 want you to know now that the Board has now
10 established a Pantex Work Group which is just
11 getting underway and we will certainly ask
12 that Work Group to keep you informed of all of
13 their meetings.

14 We currently are struggling a bit
15 with some of the classification issues in
16 terms of having our own Board Work Group
17 address the issues of Pantex. But hopefully,
18 those will be overcome. We will keep your
19 group informed of when we meet.

20 I am talking about a Board Work
21 Group. But our practice is always to include
22 the petitioners. They are welcome to

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1 personally attend our Work Group meetings or
2 to attend by phone. We do keep transcripts,
3 open transcripts of those meetings as well.

4 We obviously are going to be
5 working around some, I don't want to call them
6 issues, necessarily, but some concerns as to
7 how we will handle the classified information
8 at Pantex. But we will solve that problem.
9 And we are just getting under way of not only
10 a review of the Site Profile but the SEC
11 petition and related matters.

12 So that will be an ongoing effort
13 for this Board and we will look for your
14 participation in that as well.

15 And maybe, I am trying to remember
16 who is chairing Pantex? It is Brad Clawson.
17 And Brad will touch base with you yet this
18 evening, if you will stay at the end and make
19 sure we have your email address and so on, so
20 we can be in contact.

21 MR. CLAWSON: I've already got her
22 email.

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1 CHAIRMAN ZIEMER: Okay, he is way
2 ahead of me. Okay. Next let's hear from
3 [identifying information redacted]. And are
4 you, Sarah --

5 MS. RAY: I'm Sarah.

6 CHAIRMAN ZIEMER: You are going to
7 -- okay, I saw your name here again and I got
8 confused for a moment. Please proceed.

9 MS. RAY: I was called by the wife
10 of a sick worker this morning and she asked if
11 I would make a statement for her and told me
12 what to say.

13 Her husband is currently at MD
14 Anderson and she had a conflict tonight so she
15 could not be here. What she told me and
16 stressed she just wants to make her record of
17 this statement.

18 Her husband [identifying
19 information redacted] has worked in the 1261
20 warehouse for 16 years. This is the only job
21 he has ever had at Pantex. He has sarcoma in
22 the sinus area and had extensive surgery on

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1 April first. They are not really sure what is
2 happening but as I understand it, they removed
3 the pallet of his mouth and it is a very
4 horrendous surgery. But she just wants to go
5 on record.

6 But that is the statement.

7 CHAIRMAN ZIEMER: Thank you. Then,
8 Gary Kennedy.

9 MR. KENNEDY: My name is Gary
10 Kennedy.

11 CHAIRMAN ZIEMER: Gary, if you pull
12 the mic up a little bit, you may be a little
13 taller than some of our other speakers there.
14 We need to get you on the transcript here.

15 MR. KENNEDY: I'm sorry I can't
16 talk any louder but this is --

17 CHAIRMAN ZIEMER: That's fine. We
18 will pick you up with the mic here.

19 MR. KENNEDY: This is a result of a
20 part of my condition. I feel kind of guilty
21 being here after seeing Sachse. I also worked
22 in metrology. I worked at Pantex from 1966 to

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1 1982. I left to go into business for myself
2 and subsequently married someone who worked at
3 Pantex. And we moved to Boulder, Colorado in
4 1998.

5 Upon arriving there, I lost my
6 voice. Having no idea what was going on, I
7 went to the doctors in Boulder, they did the
8 x-rays and all of that and discovered I had
9 granulomas on the left vocal chord. I
10 subsequently had eight surgeries on my left
11 vocal chord every six months, which left me
12 with not much of a voice.

13 They also discovered I had three
14 spots on my left lung. At the time they
15 diagnosed it as it must have been tuberculosis
16 scarring. Of course, I have never had
17 tuberculosis but that was their only
18 explanation.

19 After the eight surgeries, after
20 the last one, the voice got a little bit
21 better and allowed me to talk much better than
22 I am now.

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1 I went back to school and got my
2 teaching certification and started teaching
3 electronics and computer maintenance in
4 Irving, Texas at a science academy in North
5 Lake College. I taught there until November
6 the 15th of '07.

7 But in '04 I got a letter from a
8 University in Tennessee, I don't remember the
9 name of it, but they wanted to me to go to a
10 clinic in Dallas for testing for beryllium
11 disease. So, I went not even knowing what
12 beryllium disease was, of course. I was
13 shocked about three weeks to get a letter back
14 notifying me that that is what I had.

15 So they sent me to National Jewish,
16 where they did lung biopsies and confirmed
17 that I had three large masses of tumors in my
18 left lung and millions of microscopic tumors
19 in both lungs.

20 I go back to National Jewish every
21 four months now but as you know, it is an
22 incurable and terminal illness. There is

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1 nothing they can do for me except keep me
2 hopped up on steroids, which gave me little
3 fat cheeks. I used to weigh about 50 pounds
4 less than I do now. But that is what I have
5 had to endure.

6 I learned from Sarah, who I went to
7 high school with and have known for a long
8 time, --

9 MS. RAY: Junior high, too.

10 MR. KENNEDY: Junior high. Yes,
11 and her sister, both we were on the band
12 together. She told me about the compensation
13 program. So, I applied. And I guess after
14 hearing the testimony of some of these other
15 people, I was very fortunate because I had the
16 diagnosis of chronic beryllium disease from
17 National Jewish and there was no question
18 about it.

19 I applied for the Part B
20 compensation and it languished for a year. I
21 would call and I would have a different claims
22 examiner every time I called. I guess in

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1 another way I am fortunate because my sister
2 is a doctor of psychology and was one of
3 Hillary Clinton's friends and worked in the
4 campaign with her and is very politically
5 connected in New Jersey. I finally called her
6 and said I hate to bother you but can you help
7 me? She said of course, the governor is
8 sitting here in my house today.

9 I talked to him and it was amazing.

10 This was on Friday. And on Wednesday, the
11 Department of Labor from Denver called me and
12 said your paperwork is on the way, sign it and
13 get it back and we will get you paid.

14 That is so wrong. So wrong.

15 This same process has gone on ever
16 since, well, for the last four years. I
17 finally got paid for an impairment, a 50
18 percent impairment.

19 But finally in '07, November 15th
20 of '07, Dr. Mayer at National Jewish said no
21 more. You can't go on. Because I was off
22 from school so much and it wasn't fair to my

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1 kids. And so I had to take a medical
2 disability.

3 Well, the thing that really makes
4 me angry is this document right here, Official
5 Report of Proceedings Before the Final
6 Adjudication Branch of the Department of Labor
7 in the Matter of Gary B. Kennedy. I had filed
8 for lost wages effective the day I was put on
9 disability, permanent disability. This case
10 has drug on now for a year and a half. I
11 thought I could do it myself. I finally got a
12 rejection or denial as they call it for lost
13 wages because I couldn't prove a year's worth
14 of losses for '08. I gave them the
15 retirement, the disability retirement forms,
16 the last pay forms of the school district.
17 They said well you have to wait a year. And I
18 said where in your documents or the law does
19 it say you have to wait a year? And it said
20 well, it doesn't but you have to prove lost
21 wages for a year. I said I gave you all that
22 documentation. So, I requested a hearing and

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1 this is the result of the hearing.

2 The amazing part, I told the
3 representative that no where in the document
4 or any of the law does it say you have to wait
5 a year to collect lost wages. And she says
6 well, it doesn't. Well, as we went through
7 the hearing, here is the statement that she
8 said. Well, sometimes they use the
9 regulations, sometimes they don't. It is an
10 office to office choice. I can't speak for
11 the Denver office, I don't work in the Denver
12 office.

13 The lack of transparency in this
14 whole process is appalling to me. Since I
15 started, I have had at least a half a dozen
16 claims examiners and we have to start all over
17 every time. They told me in the Denver office
18 that no one had ever filed or ever collected
19 lost wages before. No one, until now.

20 Two weeks ago, I finally broke down
21 and called my sister again. I didn't want to.

22 She made a couple of phone calls. The next

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1 Monday, Monday of the week, I got the approval
2 for lost wages.

3 Again, that is so wrong. So wrong.

4 What about these people here that don't have
5 any political connections? They languish in
6 the system forever. Like Sarah said, until
7 they die. Then maybe you all will collect it.

8 I guess I am fortunate I am still vertical.
9 But there is something wrong with the system,
10 the claims system. Thank you.

11 CHAIRMAN ZIEMER: Gary, thank you
12 for sharing that with us.

13 David Pompa. David, are you here?

14 MR. POMPA: Yes, thank you and
15 Welcome to Amarillo. As the Middle Trace
16 Consulate Safety Officer I represent the Union
17 at Pantex. I want to welcome you. And we
18 have met before. I have met several of you.
19 We met before at Pantex and also met with the
20 NIOSH, Mark Rolfes and other representatives
21 and traveled to NIOSH to speak on behalf of
22 the workers at Pantex.

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1 But I would like to encourage the
2 workers. Sometimes, you know, for years, we
3 were informed not to say certain things. For
4 example, the pit or the building I worked in,
5 these gentlemen and ladies need to know how
6 you did the work and how you handled the work
7 or how you handled the pit. It is okay to say
8 pit. I can see the look on your face.

9 I know for years, you were told you
10 can't say this, you can't say that. But it's
11 okay. And I talked to [identifying
12 information redacted] who is security. It is
13 okay to open up a little bit and the Advisory
14 Board needs to know how we used to do the work
15 and how close we were with that working items
16 and how you held it in your hand and how you
17 held it on your lap and you cleaned it and
18 things like that. So it is okay to say
19 Building-1264 and pit. And it is good to see
20 everyone here.

21 It is okay if we can even say, the,
22 tritium bottle, we just cannot mention the

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1 function of the item associated with the
2 weapon.

3 Like I said, I have met and have
4 traveled to National, I mean to Jewish several
5 times and spoken on behalf of the workers. I
6 am going to make my report real short and
7 brief and I would like to give five minutes of
8 my time, Mr. Chair, to Mr. Daniel Sapeda who
9 did not sign in, if that is okay.

10 NIOSH has interviewed several
11 former workers who explained in detail how the
12 work was assembled, disassembled, the nuclear
13 weapons was accomplished. Then the 1950 to
14 the 1990s and during his interviews, the
15 former workers which were called to Pantex
16 explained how they held the weapons and how
17 they assembled and disassembled the weapons,
18 especially the radiological weapon components
19 were handled by hand and close to their
20 bodies.

21 During previous interviews with the
22 former production workers, comments were made

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1 to the effect that the safety factors were not
2 in place as they are today. And we know that.

3 I would ask in the future the Advisory Board
4 and NIOSH will come to a positive decision and
5 make the Pantex plan a Special Exposure
6 Cohort. Thank you. And I would like to yield
7 five minutes to Daniel Sapeda.

8 CHAIRMAN ZIEMER: And you may need
9 to adjust the mic a little bit for him. Sir,
10 if you would give us your name for the record,
11 please.

12 MR. SAPEDA: Daniel Sapeda. I was
13 a production technician for about 11 years and
14 then I was a supervisor for about five years
15 on the line. And I worked around all the
16 buildings and utilities. I would work
17 utilities for another 15 years. And I went
18 into all of the buildings when we were having
19 problems.

20 I am also a cancer survivor. I am
21 going through some chemotherapy right now. And
22 as a matter of fact today, I was in the

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1 hospital but I heard about it on TV so I
2 thought I would come over here and talk to you
3 all.

4 My claim has been denied by NIOSH
5 and I have sent several claims in and
6 everything has been denied. They said that
7 they weren't covering prostate cancer. But I
8 had cancer in my legs, and my spine, and my
9 ribs, and my lymph nodes. And I have had a
10 rough time. This is not what I had intended
11 for retirement, you know. I thought I was
12 going to have a good time after working out
13 there 35 years but I have been having a rough
14 time. And the money has been spent and I just
15 gave up on my claims and stuff like that
16 because I turned everything that I had to turn
17 in. And I didn't hear anything then they
18 finally sent me that they had denied my claim
19 and I didn't know why.

20 And I talked to David Pompa and I
21 have gone to several meetings and no one has
22 really helped me. And I really need help

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1 because my money is going out. And I am
2 getting older. I am 71 years old and my money
3 is going out and I still have a wife and I
4 still have a house. I still have payments.
5 And my medical bills, I am always buying
6 medical bills, I mean paying medical bills,
7 and going to the hospital.

8 So, it has been a tough life. So I
9 don't know who to talk to about my claims
10 anymore because I have exhausted everything
11 that I could do on my own. I don't have
12 anybody to really help me and I haven't had
13 anybody to help me. David has tried and some
14 of the people at the plant have tried but that
15 is about it.

16 Thank you.

17 CHAIRMAN ZIEMER: Thank you for
18 sharing that with us, Daniel.

19 The next person is Don Ray. Don?

20 MR. RAY: My name is Don Ray and I
21 worked at the Pantex plant from '81 until
22 2005. I was a production technician. I

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1 worked down where David did and Mr. Sapeda.
2 We worked in that area.

3 We worked multiple programs. We
4 worked a lot of different programs and they
5 wanted us to reconstruct some of the
6 information they lost on our dosimeters. I
7 worked as many as four different buildings in
8 one day, four different programs. We moved
9 around a lot. We were used on a lot of
10 different programs. So there was no way that
11 I could see that we could ever guess about our
12 radiation exposures.

13 They said coming to ask us if we
14 could reconstruct two years. They had lost
15 that information. But that was impossible.
16 And I never did hear what happened on it.

17 Our dosimeters were little.
18 Dosimeters that were worn on the collar. Just
19 one dosimeter. Nobody ever told us which way
20 to turn it. Sometimes that wind would be down
21 so there was nothing happening. You know, no
22 readings. Some of the guys in one of the

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1 programs because they got concerned about it,
2 they moved it to their waist. In one month,
3 they had to move them because the readings
4 were so high.

5 So, were they being careless with
6 the truth on some of this? How much can you
7 reconstruct when you don't have something to
8 work with?

9 When these meetings first started,
10 I made all of them for a while. Nothing ever
11 changed. I was asked a lot of questions. I
12 answered a lot of questions. Nothing changed.

13 One time I asked them about the dosimeters.
14 The DOE wouldn't talk to me. And I was a
15 production technician so I went to talk to
16 them. And they were asking, there was a lot
17 of questions on radiation. I told them I
18 wasn't too worried about being able to pass a
19 test on radiation. What I was concerned
20 about, I took my little dosimeter, and I said
21 is this the best you can give me? The people
22 reading it, how qualified are they to read it?

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1 And do you have the equipment, the best
2 equipment to read it? So we will have a good
3 positive answer, you know, when they say hey,
4 your count is too high so we have to move you.
5 And then like if it was late in the year
6 around December, January the first, your
7 readings, you were fine, you would go right
8 back where you were working.

9 Used to be a lot of people wouldn't
10 talk about this, these workers, because we
11 were told we can't discuss any of it. A lot
12 of the older people, their families had no
13 idea what they did. They knew they went out
14 there. And I know my mom, she said, there are
15 some people calling me and asking me what you
16 do. I didn't have any idea on what to tell
17 them. I said mom, you don't tell them
18 anything. You don't know.

19 So where are we going with all the
20 meetings we are having? Where are we going?
21 What are we doing? Are we helping anybody?
22 So far, I haven't had a problem yet. When

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1 does mine start? I am a year younger than Mr.
2 Sapeda. Will mine start next year? We just
3 don't know. I don't know.

4 Thank you for your time.

5 CHAIRMAN ZIEMER: Thank you. All
6 right, Floyd Wiley.

7 MR. WILEY: I am Floyd Wiley and I
8 went to work for Pantex. I was recruited by
9 [identifying information redacted], who was
10 the Department Superintendent. I worked for
11 the railroad prior to that and through a
12 friend that worked for Pantex, he put
13 [identifying information redacted] in touch
14 with me and they called me to come out and go
15 to work. The doctor turned me down and so I
16 left and he called me and I went back to my
17 regular job in Wichita Falls and he called me
18 and said come back up here. We want you to go
19 to work. We have got a job for you.

20 And so I came. I took him at his
21 word and I came back up here. I cleared in
22 six weeks when I was called in to

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1 [identifying information redacted]'s office,
2 he said Floyd, I want you to go down there and
3 learn everything that you can about this plant
4 because if you are the man I think you are, we
5 have got a job for you. It is going to be
6 approximately two years but I have got a job
7 for you.

8 And I took him at his word and I
9 went down on the line and then I begin to work
10 as a production assembler. We called them
11 assemblers then. I worked two years or a year
12 and three months as an assembler. I worked on
13 every program that was going then. We were
14 running six Gravel Gerties, which we called
15 the cells, and we were working 26 building
16 doing the mechanical assembly on the 31
17 program because it didn't have any plutonium.

18 The last job that I had as an
19 assembler, I tore down Mark-VIs. I can tell
20 you exactly how many of them but you should
21 know that already. Incidentally, I have been
22 on the internet. I know most of your people's

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1 names. I am terribly disappointed that Larry
2 Elliott didn't come because I never have been
3 able to see him.

4 But anyway, when I was promoted, I
5 worked every program. I started three or four
6 new programs from scratch; 57 was one I was
7 hired to work. I started it from scratch,
8 stayed on it for one year, and they took it to
9 Burlington because we were having to start
10 another program and we didn't have room for
11 it. And I can tell you exactly how many 57s
12 were built. It had to tritium bottles and
13 this goes into thousands of tritium bottles
14 that we handled. When I left handling the
15 tritium bay, I assembled, or my people
16 assembled the tritium bottles, put the squib
17 valves on them. In those days, you had to put
18 the squib on them here because you couldn't
19 transport them.

20 And when I left down there, I had
21 records of every one of them. And I just
22 scanned the pages, counted one page, and

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1 multiplied by the pages. And there was 4500
2 tritium bottles went through that bay in one
3 year. And I know you all don't like to talk
4 numbers but I am not afraid to talk numbers.
5 You can't do anything to me. I am 83 years
6 old. I had cancer of the prostate in 1990. I
7 am not here to hack my claim because some of
8 you all should know my name. I have talked to
9 enough people.

10 But these people like Danny Sapeda,
11 he worked for me and I probably told him there
12 is nothing wrong with this. I have been
13 eating it for 30 years. I have eaten enough
14 depleted uranium, I have swept it off the
15 floor and put it in a bag and sent it to the
16 burning grounds. We buried it in the ground
17 out there. I mean, and then in the later
18 years, safety would come down and pick the bag
19 up and I don't know what they did with it.

20 But the big problem is what these
21 people are telling you is that the dose
22 reconstruction. Each bay down there is an

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1 entity in itself. A man could be working this
2 bay here for 20 years and never even be
3 subjected to any radiation. And a man would
4 be working this bay over here and be subjected
5 to any amount, probably up to five rem because
6 that was what the law required then. We had
7 to stay below five rem a year.

8 And you know, when I see a man like
9 Danny Sapeda that worked for me and I told him
10 there wasn't any danger, it brings tears to my
11 eyes because I couldn't even recognize him.
12 And Sachse, I worked side-by-side with Sachse,
13 one of the finest men I ever knew. I wouldn't
14 hardly even know him and to see him in the
15 condition he is in. I worked with -- he is the
16 only one of three that has Parkinson's
17 symptoms. [identifying information redacted]
18 has Parkinson's symptoms and my senior moments
19 got in, I have lost one of the names. It is
20 [identifying information redacted]. He is in
21 a veteran's hospital with Parkinson's
22 symptoms.

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1 One of my clerks, which was
2 [identifying information redacted]'s I believe
3 he is your brother-in-law, he was my boss.
4 His wife sat at my desk after I left it within
5 ten feet of where we buried plutonium in we
6 had the cell five or six, whichever cell it
7 was, I can't remember when we had that spill,
8 we run the plutonium out. We run the shower
9 water under my desk and out into the yard and
10 buried it in the ground. And about late '86,
11 they come out there and dug a hole you could
12 put the whole building in. And they don't
13 give these people any radiation coverage on
14 the dose reconstructions for tritium. They
15 tell you tritium goes through your body
16 almost, you know, within hours. But if you
17 are subjected to tritium eight hours a day or
18 six hours a day for 20 years on a continual
19 basis, it is not going through your body.
20 Every time one goes through, another one comes
21 in. And you know, there is no one knows how
22 much tritium them bottles leaked. Every one

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1 of them leaked. Every one that I have ever
2 put on a unit leaked. When we brought the 57s
3 back in and began to disassemble them, there
4 would be about one out of five that we would
5 have to put on body suits and scuba gear in
6 order to disassemble it. I never would even
7 go in there. They would give me a body suit
8 and I wouldn't even go in there, let the
9 operators go in there and do their work
10 because you would only have as many people in
11 there. I mean, you don't want to subject any
12 more people to it than you have to.

13 And you know, I could stand here
14 and talk to you all night. Like I said, I
15 know most of your names and I would love to
16 talk to you personally, face-to-face. I would
17 rather talk to Larry Elliott face-to-face.
18 But I --

19 MR. POMPA: What year did you start
20 at the plant?

21 MR. WILEY: I started in '58. I
22 had my cancer in 1990 and went on sick leave

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1 and having a terrible time. I lost control of
2 my bladder, impotent, didn't have a job, and
3 went to my doctor and told him I was suicidal.

4 He sent me to a psychiatrist and he wrote the
5 company and the next week or so I got a letter
6 from them saying that my badge had been
7 cleared and there was no job for me at any
8 time in Pantex.

9 So, basically, I was fired because
10 I could still be working there right today. I
11 certainly could have worked until I was 70.
12 But that is, I don't want to get personal. My
13 person has nothing to do with it.

14 The first dose reconstruction they
15 give me was 42 percent, 43 percent. The
16 second one they give me was 42 percent. They
17 have got the thing back right now to do the
18 third one because I have had five skin cancers
19 since then. I had a kidney cancer, kidney
20 removed in 1995. And I am fortunate to be
21 here. I thank the Lord each minute that I
22 draw a breath.

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1 And as far as getting my \$150,000,
2 you know, I will flip a coin with you for
3 that. That is a 50 percent chance. But these
4 people that worked for me like Danny, and
5 there is a lot of others, it just tears my
6 heart out every time I pick up a newspaper and
7 read where another one of them has died. And
8 all that it says in there, he worked 40 years
9 for Pantex. He worked 30 years for Pantex.
10 His family don't even know what he did. They
11 don't know where he was.

12 When I was a supervisor, I could go
13 to Albuquerque. I could catch a plane in
14 Albuquerque at 4:00 in the morning, come back
15 at 5:00 that evening, my wife would never even
16 known I had been out of town.

17 But the real thing is the dose
18 reconstruction cannot be, it can't be
19 accomplished like you people are being told it
20 is. It simply cannot because there was
21 absolutely no records kept until at least
22 1966. And there was no such thing as a

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1 dosimeter until about 1974. They did have
2 film badges. They would bring a film badge
3 down and they would stick it up on the wall.
4 And it would stay there for a month and they
5 could come down, take it, and send it in to
6 get it read.

7 And there might be a dozen
8 different programs in there in a month. I
9 mean, we are working out of six bays and we
10 are running eight or ten programs. So, we
11 moved them in, we moved them out, we jockeyed
12 them around. Some of them we could complete
13 in three months, complete the whole year's
14 worth in three months. Some of them we had to
15 work continually. We had to work 68 for 18
16 years.

17 I started with a 68 program on a
18 development with [identifying information
19 redacted], who was the nuclear safety director
20 or whatever you call him whenever he left. He
21 has already been compensated. And I was in
22 the bay a hundred times for every one that he

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1 was ever in. But that doesn't matter to me.

2 But the thing of it is that I run
3 that program and under development of totally
4 top secret. It had a private building where
5 you couldn't even enter it without a need to
6 know. And then I worked, when I say I worked,
7 I didn't work, I mean, I supervised my people,
8 but with this job, a supervisor has to be in
9 the bay. At one time we considered putting a
10 supervisor in every bay because we almost had
11 a catastrophe on 57 and almost blew the
12 panhandle of Texas off the map.

13 But I think that is my story for
14 you. And I thank you very much. And I would
15 be happy to talk to any of you face to face
16 any time, any where. This started with me in
17 2001. [identifying information redacted] had
18 the meeting and he come over and told me to
19 write [identifying information redacted] a
20 letter telling him my experience because they
21 would like to know about it. So I sat down
22 and wrote a letter. I have got a handwritten

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1 copy of it out in my car, if you would like to
2 see it. And I never did hear a word from
3 [identifying information redacted] or anyone
4 else. This was in 2001 is when I filed my
5 claim was in 2001 and it hasn't been paid yet.

6 CHAIRMAN ZIEMER: Thank you very
7 much. And there is Mr. Elliott to say hello
8 to you right there.

9 (Applause.)

10 CHAIRMAN ZIEMER: [identifying
11 information redacted], is it [identifying
12 information redacted] or [identifying
13 information redacted]? Oh, [identifying
14 information redacted] did not come. Okay. I
15 need the second page of the listings here.
16 Hold on just a moment.

17 [identifying information redacted]
18 is not here. While we are fetching the next
19 page, are there any folks on the telephone
20 lines that are going to want to address the
21 assembly this evening?

22 I was asking if anyone on the phone

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1 lines were wanting to address the assembly
2 this evening? We are not quite ready for them
3 but I wanted to see if there were any.
4 Apparently not.

5 Okay, Sue Mathiasmeier. Have I
6 pronounced that correctly? Okay, you are
7 going to get a little help there. Okay,
8 sounds good.

9 MS. MATHIASMEIER: I have come to
10 speak for the dead, not the for the living. I
11 brought my husband's death certificate. He
12 died October 5, 2008 of recurrent malignant
13 pleural effusion and malignant ampullary
14 adenocarcinoma. He was lucky because he
15 worked at Burlington and that saint among men,
16 Dr. Laurence Fuortes, helped us get his
17 compensation.

18 But I will tell you, even when you
19 get the compensation, you have nothing. Like
20 somebody, Gary I think said, they change
21 constantly in Denver. We wouldn't -- he would
22 try to call one of his people, oh, you are

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1 with somebody else now. You would have to go
2 through the whole thing again. They would
3 approve your thing, send it to Podunk,
4 Kentucky which is where the insurance is paid
5 out of and they would deny it. And they told
6 us we can't talk to the people in Kentucky.
7 So we would have to go back over and over
8 again.

9 He died what six, seven months ago?

10 There are still two things that they denied
11 there. I owe \$2,000 to MD Anderson and to the
12 Veteran's Hospital because, what was he in the
13 hospital for? He died of cancer. But they
14 pick and choose what they want to pay.

15 It is the most corrupt system I
16 have ever seen in my life and it is providing
17 jobs for people who shouldn't have them.

18 But I went to work at Pantex. I
19 have worked at Pantex, Rocky Flats, and LANL.

20 I have done this for 30 some odd years. All
21 of it line work. When I went down in '75, if
22 somebody can tell me that a film badge is the

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1 dosimeter, I will put in with you that is not
2 what it is. And that is all we had.

3 And they wouldn't even pick them
4 up. I know the guys would call and they would
5 say, well we have been on ours for six months.

6 Are you ever going to come down and get them
7 and read them? What were they reading anyway?

8 I mean, you have to have a catastrophic
9 something that even would show. And it wasn't
10 measuring anything. We finally got those
11 little bitty ones with just the one little
12 thing on it. You had to put it on your
13 collar.

14 One of the first jobs I did on the
15 line and I worked around where Brenda did and
16 those rooms where we had the pits, they would
17 bring 16 pits in and open them all. Those
18 were those ALR8 cans. They are just cans and
19 open them out. Well, us women, you had to
20 hold it to you. They had never had aprons,
21 lead aprons. We didn't have lead aprons. We
22 didn't have what's the thing that goes on the

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1 face, respirators. We didn't have anything
2 and we made them get us lead aprons. And they
3 made us put the dosimeters behind our lead
4 aprons because we would have to put them in
5 our lap and roll them across the room.

6 And she is right about the guys
7 that Andy -- wasn't it Andy that died? Yes,
8 and he, they would sit on those cans. They
9 would do all kinds of things. It just wasn't
10 controlled at all.

11 And what Floyd said about Bob's --
12 my husband died. Debbie died, that was his
13 second wife. She was a clerk but she worked
14 only on the line. She had no dosimetry of any
15 kind because they didn't get involved with it.

16 She was in and out of every single bay
17 touching everything just like everybody else
18 did. And I think the first one, they said it
19 was 44 percent.

20 She had a three-year-old daughter
21 when she died at the age of 34. And I raised
22 her. She is almost [identifying information

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1 redacted] now and she is a very good girl but
2 she should have that money for them killing
3 her mother.

4 And then we got a thing that said
5 they -- I'm sorry, it just makes me so angry.

6 They said they were going to reconsider her
7 case. We didn't even ask them to because we
8 don't have all this information. Where do
9 they get this stuff? How do they tell me that
10 a woman that they don't even know where she
11 worked and never had dosimetry of any kind,
12 they can do a dose reconstruction? How?
13 Where did they -- they come out of thin air.

14 We read those pages and pages and
15 pages of crap that come in your rejection
16 letter. They said, well, we are reconsidering
17 it. We didn't even ask them to because we
18 couldn't tell them anything else. We told
19 them all we could tell them. And it comes
20 back it was dropped down from like 44 percent
21 to 43 percent after they reconsidered and we
22 didn't even ask them to do that. It was like

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1 a slap in the face.

2 And I listen to these people. I
3 have been sitting over there crying. I don't
4 recognize these people anymore. They are so
5 sick. I mean, I look pretty much like I used
6 to except I am twice as big as I used to be
7 and I don't have cancer yet. And I have done
8 everything that everybody else has. And I
9 have been, when I went to Rocky, I was shocked
10 because they had rad engineers, they had
11 dosimeters, things that Pantex did not have.

12 We had so much protection up there
13 and they still, there is horrible cancer cases
14 up there. I have had friends die everywhere.

15 I have friends everywhere from these places
16 and I just think they should stop denying,
17 stop building these huge bureaucracies that we
18 have had to deal with. It has just been
19 horrifying the people that you have to deal
20 with and how they treat you. Those last NIOSH
21 people were so rude. They, I mean, like we
22 are dumbasses or something. Maybe we are.

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1 But does Gary Kennedy, who I have
2 known all my life have to go to Hillary
3 Clinton to get something done? We don't have
4 Hillary Clinton. My husband was lucky because
5 Dr. Fortas, who is a saint among men, and this
6 is probably killing him to help all of us, but
7 he helped us get his through and he helped us
8 with his Part E. Isn't that right?

9 She is keeping me from crying. I
10 know I am talking too much but I am so
11 passionate about this. And she made me come
12 because I watched it on TV and I saw that guy
13 come and say, oh, we know our dose
14 reconstruction is right. And I just wanted to
15 kick the television. We all want to know,
16 where in God's name did you get this? There
17 is no records any good. Mason and Hanger ran
18 Burlington and then they ran this place. What
19 is so different? How come Burlington got it
20 but Mason and Hanger can't? They had fewer
21 rad programs than we do and actually in some
22 ways, better facilities.

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1 My husband knew it all. I mean he
2 really knew all this stuff. So did my
3 beautiful brother-in-law. And I just think
4 that they should stop messing around with
5 people's lives because you are letting people
6 die.

7 MS. RAY: I would like to make one
8 more comment about the Burlington plant in
9 Pantex. Cumulative knowledge is what I
10 arrived at this afternoon. Why in God's name
11 don't the lessons and the things that were
12 learned from Burlington, why aren't they
13 transferred over to Pantex? The same people
14 doing mostly the same thing.

15 Likewise, a production control
16 clerk, the same thing that Debbie Mathiasmeier
17 , was who has an approved claim, if they did
18 the same thing, then why isn't the knowledge
19 from that approved claim applied to other
20 people? I know in the 70s and 80s that the
21 Bureau of Mines could annotate every location
22 of the word water and any other thing they

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1 needed to find in any document they ever
2 produced.

3 Where is the database? Where is
4 the knowledge? All the stuff that has been
5 given to the Department of Labor, to NIOSH,
6 where is the database that can be used for
7 research to help the workers? Right now it is
8 the workers giving everything. It is all on
9 the workers. And that is wrong. All of that
10 information and what is data that is unusable.

11 One of them is unusable. One of them is good
12 stuff. It makes sense. Information has to be
13 used. Right now it is just dumping. That is
14 wrong. And we have the technology now that we
15 should take advantage of that. We should be
16 able to research the claims that have been
17 paid. Why are we redoing everything over and
18 over again?

19 MS. MATHIASMEIER: Well and Floyd,
20 like Debbie, that is who he was talking about
21 that set at his desk. I didn't know that.
22 Bob didn't know that. And Bob, he cried so

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1 much the last three years, he cried so much
2 about all of this. And these people tried.
3 They are hurting. Somebody has to get in
4 their corner and stop providing jobs for
5 useless whatever these -- I don't even want to
6 talk to those people in Kentucky again because
7 you cannot talk to them.

8 And the ones in Denver say we can't
9 talk to them. We were told we can't talk to
10 them. But it has to go through them so I can
11 get the money. It has to go to Denver but
12 they can't talk to Kentucky and they can come
13 back and say oh, no, we are not going to pay
14 this. I mean, what was MD Anderson for?
15 Cancer. Everything cancer. So deny \$1,000?
16 That makes no sense at all.

17 MS. RAY: And spend \$10,000 denying
18 it.

19 MS. MATHIASMEIER: Yes. I didn't
20 want to come to this thing. It is very hard
21 for me.

22 CHAIRMAN ZIEMER: We thank you for

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1 coming. I know it was difficult. J.W. Tomes.

2 MR. TOMES: I'll just go very
3 quickly and I am understanding this is what
4 this meeting was mainly about. In 1952 we had
5 Mark Vs and Mark VIs which we didn't have any
6 kind of shielding at all. We didn't have
7 badges. Three of my friends and I will give
8 you their names and you won't mention my name.
9 Floyd Kaufman, Johnny Powers, and the other
10 one's name has left me. They all died of
11 cancer and they put in for it and they still
12 contact them in the Denver office every so
13 often and they have destroyed some of the
14 records and they have had to send them back
15 in.

16 But during that time back in 1952
17 to 1958, there was no shielding. And that was
18 the time if you know the Mark VI, they had
19 open pits. And to make the pit where it was
20 one point safe, they put, as I recall, a trace
21 chain in it. And they had to pull those out.

22 No shielding at all. But that was 1952 to

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1 58.

2 Well, let me bring you up a little
3 bit. I wasn't working out there then but
4 these people were. Johnny Powers got bone
5 cancer all over him and he died on the job.

6 But Floyd Kaufman died about ten
7 years ago with cancer. And his wife has put
8 in for it several times with no luck. And
9 they keep making excuses. And they destroyed
10 some papers because she called him and talked
11 to him. They wanted him to call and talk.
12 And she read a letter to him and they said we
13 don't have a copy of that letter. And she
14 said well, sir, I am reading the carbon copy
15 that I sent to you.

16 So anyhow, but anyhow, let me give
17 you a little brief what I did out there. I
18 went to work in 1958 and I was on the line
19 seven years and I was a technical writer three
20 years, that was writing the assembly and
21 disassembly standards for the weapon systems.

22 And then I was in safety 23 years and then I

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1 went over to emergency management. And the
2 last ten years out there, I managed the
3 accident response crew, which is responsible
4 for responding anywhere in the world to a
5 nuclear weapon accident. And our job at
6 Pantex was to package the weapon and the
7 debris and get it shipped to the disposal
8 sites. That was my job for the last ten years
9 I was out there.

10 But in 1989, there was an incident
11 in cell one at Pantex plant. And what they
12 did, you are probably not familiar with the
13 weapons but you have to loosen a valve to take
14 the tritium bottle off. When they loosened
15 that valve, the alarm went off and everybody
16 evacuated. But they left the valve. They
17 didn't tack it back up, which they were
18 supposed to but I can understand why they
19 didn't if the alarm went off.

20 But anyhow, they sent two people in
21 there to tighten the valve and then later on,
22 they took two people in there to pinch the

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1 valve off and retrieve it. And there is a guy
2 in there with a monitor, tritium monitor and
3 he said, we have got to leave, because the
4 tritium monitor is just pegged out. So they
5 left.

6 And they decided they didn't know
7 anything, enough about it, so they got a hold
8 of Savannah River, which makes tritium. And
9 they came in and they said, yes, you need to
10 know this, and this, and this. And I will go
11 ahead and tell you, I was one of those people,
12 and the cell was the reason I know so much
13 about it. But they asked me, the Savannah
14 River people asked me, how long will it take
15 you to package this bottle, once you get it
16 off? And they had me to go into another cell
17 and time it. It took 50 minutes. And so they
18 said put on six pair of surgical gloves and
19 pull one off every ten minutes because tritium
20 will migrate through the tritium glove or the
21 surgical glove, and once it migrates through
22 it, it will migrate into your skin. Well,

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1 they were with me in the cell for probably an
2 hour with just one pair on.

3 But anyhow, when I turned in for a
4 claim, I brought this up. And I went to
5 Pantex. And what the Pantex records say is
6 that they had a tritium, they had an incident
7 in cell one. The alarm went off. The four
8 people evacuated with a minimum exposure. And
9 they locked the cell up and it hasn't been
10 unlocked since. They destroyed all the
11 records.

12 But they had me to give a urine
13 sample the next day after I was in there so
14 long. And I give it to them. I went in and
15 asked the health physics person how much I was
16 allowed and he says, well, I am researching
17 that issue as we speak. I went across to the
18 doctor in the lab and I says how much did I
19 get. I got no answer. And I have never
20 gotten an answer of how much tritium we were
21 exposed to, me and the other guy. However,
22 they have destroyed all the records. You

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1 won't find those records at Pantex.

2 When I filed for my claim, which I
3 had a heart attack about a year after that, I
4 give them what they had at Pantex and I have
5 put -- this is the rest of the story. And I
6 told them what happened. But, my claim was of
7 course denied.

8 And I just don't understand if they
9 had a big investigation on it. I went up and
10 answered questions in the investigation and I
11 don't understand why a plant that size would
12 destroy any accident record. In fact, when I
13 was in safety, we had an accident, we never
14 destroyed that accident record because
15 somebody might need it some time. But they
16 destroyed that. And you won't find it
17 anywhere. Okay? Thank you.

18 CHAIRMAN ZIEMER: Thank you. Next
19 we have Ken Meriwether.

20 MR. MERIWETHER: I defer.

21 CHAIRMAN ZIEMER: Ken, okay. How
22 about Gary Brown. Is Gary here?

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1 MR. BROWN: I am Gary Brown. I was
2 a security guard out there for 24 years and I
3 am on disability also. I am a cancer
4 survivor. I was involved in the tritium
5 incident as well in 89. And at that time,
6 security people didn't wear any type of
7 dosimetry. I did apply for Part B and I was
8 denied due to the so-called calculation
9 method, which like so many other people here,
10 I could not make any sense of how they could
11 come up with a less than 50 percent
12 calculation for me.

13 But I was also exposed to several
14 other radiation. One was cobalt, just due to
15 a supervisor ill-advising me to open a bay up
16 for an electrician.

17 I was diagnosed with multiple
18 myeloma cancer at the age of 45 in 2005.
19 Which if you look that up, it is very
20 extremely rare for a person usually, well, at
21 that age it is just almost unheard of to
22 receive this multiple myeloma, which can be

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1 considered as a radiogenic-activated cancer.

2 The cancer tumor wrapped around my
3 spine and basically broke my neck. It crushed
4 my C-7 vertebra, which had to be rebuilt and I
5 went through a number of radiation treatments.

6 But it has taken us three years. We attended
7 one hearing for Part B, like I say, which was
8 turned down. And then I went to Part E.

9 And also my wife and I we have
10 fought tooth and nail for this. And finally,
11 last November I was approved for Part E and I
12 am now in the process of trying to get
13 documentation from my oncologist to finish the
14 paperwork up. But it is a crime that it takes
15 so long, especially for people who are older
16 and obviously sicker than I am.

17 It is just my hope and prayer that
18 we can improve this system because it is, it
19 truly is on the verge of being broke or is
20 broken.

21 Thank you.

22 CHAIRMAN ZIEMER: And thank you,

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1 Gary. Then I have Rita Baker on the list.

2 Rita, are you here?

3 MS. BAKER: I am a surviving
4 spouse. My husband passed away ten and a half
5 years ago and he started working in February
6 of 58 and he was an explosives handler. The
7 only thing that he ever told me was that he
8 carried some boxes to be put on an airplane.
9 And they were wrapped and you could write your
10 name and it would light up. So, there was
11 something there. And he worked in there until
12 62 and then he went into the machine shop as a
13 metal trader.

14 And so in 90 he had to go to Scott
15 and Wyeth and he had carcinoma of the spine.
16 And that made him a paraplegic. The next 16
17 years, I was taking care of him. So, he
18 finally passed away and he had pancreatic
19 cancer also when he passed away.

20 So I hope these men all that worked
21 out there know more about it than I do. I am
22 just a survivor.

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1 But anyway, it is just like they
2 say. We called; they send us to somebody
3 else. We don't know who they are. And they
4 say, call every month. And nothing.

5 So, thank you.

6 CHAIRMAN ZIEMER: I want to check
7 again to see if there are any individuals on
8 the phone lines that wanted to make comment
9 tonight.

10 MS. KLEA: Yes, this is Bonnie Klea
11 from California.

12 CHAIRMAN ZIEMER: Yes, Bonnie.

13 MS. KLEA: I would just like to
14 thank all of the Pantex workers for being
15 brave and coming out and telling everyone what
16 happened. And I would like to let you know
17 that your situation is the same everywhere.

18 I worked at the Santa Susana Field
19 Lab and we had ten nuclear reactors. And we
20 actually had a partial meltdown in 1959. And
21 the Site Profile said we had a cladding
22 failure and it says very minimal exposures,

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1 which is not true.

2 And at our site, we have a very
3 large amount of bladder cancers, which is
4 similar to what the BIER studies show. Very
5 high lung cancers and very high bladder
6 cancers. So I submitted a petition for the
7 Santa Susana workers.

8 Now, I have bladder cancer and they
9 gave me a three percent dose. And I show
10 uranium in my body five times above normal and
11 I show strontium three times above normal.
12 Yet, I can't get paid.

13 And I just want you all to know
14 that if the Site Profile is not accurate,
15 which none of them are because they are not
16 giving the real critical information, you
17 can't possibly get paid.

18 And anyway, just thank you all for
19 coming out. Your stories are heart-rending
20 and we are all in the same situation in
21 America.

22 And actually, I had a NIOSH visitor

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1 come out to the Santa Susana Field Lab and she
2 actually was bragging that the dose
3 reconstruction absolutely saves money, rather
4 than paying the workers. It saves a lot of
5 money. So there you have the bottom line.
6 Thank you.

7 CHAIRMAN ZIEMER: Thank you,
8 Bonnie. Is there anyone else on the line that
9 wanted to comment? Apparently not.

10 Let me open the opportunity here.
11 Is there anyone else that didn't sign the
12 sheet that still would like to make a comment?
13 And if so, just approach the mic and give
14 your name for the court reporter.

15 MS. BROWN: My name is Jerri Brown.
16 I am actually Gary's wife and I signed on the
17 same line as he did.

18 CHAIRMAN ZIEMER: Oh, I'm sorry
19 that I missed you.

20 MS. BROWN: That's okay. I just
21 wanted to speak really more to the process. I
22 didn't work at Pantex but I have been fighting

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1 the fight.

2 And I wanted to say one of the
3 things -- we have been through two hearings.
4 I have three four-inch notebooks of
5 information that I set out to gather to take
6 to hearings because if I was going to a
7 hearing, I wanted to know what I was saying.
8 And I know more right now about cancer and
9 tritium and dosimeters than I ever wanted to
10 know in my entire life.

11 He worked at Pantex more than half
12 of his life. He was 44 when he was diagnosed.

13 He worked out there for 24 years. Is that
14 not 50 percent? That is at least 50 percent
15 exposure. His dose reconstructions have come
16 back less. We fought. He has a radiogenic
17 cancer. He has 23 years in the same facility
18 and he met all their criteria and yet they
19 still denied us.

20 And I said to the hearing rep at
21 the first hearing that we had been to -- or
22 maybe it was the second hearing. You know,

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1 and Gary made a mistake. We actually applied
2 four and a half years ago. We have been
3 fighting, and waiting, and going through
4 hearings. But I said to the hearing rep, they
5 have called in, they have done two dose
6 reconstructions. We have had two hearing
7 reps. We've had a medical examiner. We have
8 had a doctor of health. They have called all
9 kinds of people in to refer to his case. And
10 I said to the rep at one point off the record,
11 I think you fought. I think it has cost you
12 more to fight us than it would have cost, had
13 you written the check for \$150,000 within the
14 time of the initial application. And he said,
15 yes, ma'am, you are exactly right.

16 I would just like to say that I
17 think that the money that should be going to
18 the workers is paying the people working the
19 program.

20 (Applause.)

21 CHAIRMAN ZIEMER: Thank you. Any
22 other individuals that wish to make comment

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1 tonight? Yes, please approach the mic.

2 MS. MCGILL: I did not sign the
3 sheet.

4 CHAIRMAN ZIEMER: That's all right.
5 That is fine. Just approach the mic and give
6 us your name for the record.

7 MS. MCGILL: I am Helen McGill. I
8 have filed a claim for my husband, Raymond
9 McGill who worked at Pantex from 1959 until
10 1990. He had cancer. He is deceased. When I
11 first received a letter from -- well, it
12 wasn't to me. It was to my husband -- from
13 the, I believe it was the Department of Energy
14 then in 2000. It was in June of 2000. My
15 husband was in the hospital then and so I
16 attended that meeting.

17 Later, I received another letter
18 asking me to file a claim, which I did. So
19 from I believe it was 2001 was when I first
20 filed a claim, all I have received at this
21 point are denials.

22 I think the process is inherently

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1 flawed. I don't know what is happening but
2 when I listen to the stories here tonight, it
3 just sounds so much like my own. The last
4 time I was asked to give information for a
5 dose reconstruction, I did that, and received
6 a report that the dose had been, it was less.
7 It had been changed to less than from the
8 beginning.

9 And I know from, well, [identifying
10 information redacted] who was supposed to be
11 here tonight, is a person who has given me a
12 lot of information about my husband's work. I
13 knew nothing about it. And [identifying
14 information redacted] told me the materials
15 that he worked with and some of the things
16 that he did at Pantex. And I know that he did
17 some of the very same things, probably in the
18 same areas that J.W. Tomes and some of these
19 other people.

20 But I don't think I have anything
21 much to add except that I know that these
22 people are telling the truth. I also know

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1 that I looked up online about the number of
2 people who had cancer at Pantex. And the
3 indication online was that it is no greater
4 than in the general population. When you hear
5 stories like you hear tonight, I think it
6 probably is a lot greater than the general
7 population.

8 Thank you.

9 CHAIRMAN ZIEMER: Thank you. Are
10 there any others? Yes, sir.

11 MR. MENDOZA: Hi, my name is Manuel
12 Mendoza. And I have cancer. On October 25th,
13 I found I have cancer on my liver and it was
14 all around my kidney, on my right kidney, and
15 I had a spot on my left kidney. And I put in
16 a claim since 2002. I put a claim since
17 October that is when they found it, October 7.

18 And I put a claim in early 2008 and I still
19 haven't heard anything for my compensation.

20 And I got a letter here from NIOSH
21 that it says here that the Department of Labor
22 has received the claim you filed under Part B

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1 of the Act and determined that you were
2 possibly exposed to radiation while working at
3 a covered facility with the Department of
4 Energy in atomic weapons. In addition, the
5 record shows that you have been diagnosed with
6 cancer. After receiving your employment and
7 medical history, the Department of Labor
8 forwarded your claim to NIOSH dose
9 reconstruction.

10 Now my question is, I have been
11 since a year and a half that I have had these.
12 And the claim I put in it was 2008, early
13 2008. Now, two doctors and two nurses have
14 told me that I don't have to put in no claim.
15 You are automatically get the compensation on
16 account of my kidney.

17 And then I got the, on the kidney I
18 had the procedure with the needle, where they
19 burned it with the needle. And Dr. Archer
20 performed the operation. He put me to sleep.

21 And that is all I can say.

22 I worked at Pantex. I worked from

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1 1970 to December 1986. And I worked at pits
2 where they had the vault they had overloaded
3 with pits. And they just tell us go in there
4 and get a pit. They opened them up right in
5 front of us. No protection. And dosimeters,
6 I don't even know how to pronounce that name.
7 I didn't even remember dosimeter or any
8 protection.

9 We had an apron, lead or whatever
10 you call it. The supervisor said forget the
11 apron and just go in there and get the pits.
12 They were 30-gallon drums and the pits were in
13 there. They opened them and the pits were
14 like floating or something. It was hot. That
15 pit was hot.

16 But what I want to know is, how can
17 it be taking so long. How can they say it is
18 not cancer?

19 CHAIRMAN ZIEMER: I think we
20 probably have some folks here today that might
21 be able to help you. Since we are talking
22 about an individual claim, this Board can't

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1 deal with that in the public forum. But
2 perhaps the status of your claim. Do we have
3 someone from NIOSH? We don't, but we can
4 direct him to who.

5 MR. MENDOZA: I can give my name.

6 CHAIRMAN ZIEMER: Yes, Mr. Elliott
7 at the back of the room will tell you who to
8 contact so you can follow up. So, he will
9 take care of that.

10 Oh, sir, give us your last name or
11 spell it for the court reporter.

12 MR. MENDOZA: My name is Manuel
13 Mendoza.

14 CHAIRMAN ZIEMER: Mendoza?

15 MR. MENDOZA: Yes, Mendoza. I live
16 here in --

17 CHAIRMAN ZIEMER: M-E-N-D-O --

18 MR. MENDOZA: Z-A.

19 CHAIRMAN ZIEMER: -- Z-A.

20 MR. MENDOZA: I had my name there.

21 CHAIRMAN ZIEMER: Okay, thank you.

22 MR. MENDOZA: And you want me to

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1 give you my address and phone number?

2 CHAIRMAN ZIEMER: Not here. Not
3 here. Just Mr. Elliott will take care of you
4 here.

5 Are there any others who wish to
6 make public comment this evening? If not, let
7 me thank all of you for sharing with us. Oh--

8 (Off-mic comment.)

9 CHAIRMAN ZIEMER: If you make it
10 quick, since you have had your time share
11 already.

12 MR. WILEY: I haven't ever seen it
13 even mentioned about all of this but when I
14 went to work out here, DoD had the contract,
15 and AEC only did the inspecting. They didn't
16 have, there wasn't any DOE. We went through
17 URDA and then we went to DO --

18 CHAIRMAN ZIEMER: Yes, sir. They
19 are aware of that. The DOE didn't exist when
20 any of these programs started.

21 MR. WILEY: When DoD was running
22 this plant from 1952 up until sometime in the

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1 60s, they had one safety man out here and all
2 he did was walk around over the plant,
3 checking people's badges to see that they were
4 where they were supposed to be, so they didn't
5 get dead men on the payroll. Because back in
6 those days, it was routine for contractors to
7 put dead men on the payroll.

8 CHAIRMAN ZIEMER: Okay, thank you.

9 Let me thank all of you for being
10 here tonight, for sharing your stories with
11 us, and for giving us a better picture of what
12 the conditions were for your workforce here at
13 Pantex.

14 This Board will be meeting again
15 tomorrow. You are welcome. The sessions are
16 all open. We discuss a lot of other things
17 besides Pantex. So they may not all be of
18 interest to you but, nonetheless, you are
19 welcome to be with us tomorrow. We are here
20 all day.

21 Thank you very much. We are
22 recessed for the evening.

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1 (Whereupon, the above-entitled
2 matter went off the record at 8:55 p.m.)

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