

UNITED STATES OF AMERICA
CENTERS FOR DISEASE CONTROL

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NATIONAL INSTITUTE FOR OCCUPATIONAL
SAFETY AND HEALTH

+ + + + +

ADVISORY BOARD ON RADIATION AND
WORKER HEALTH

+ + + + +

63rd MEETING

+ + + + +

WEDNESDAY, JULY 29, 2009

+ + + + +

The meeting convened, at 9:00
a.m., in the West Chester III Ballroom at the
Cincinnati Marriott North at Union Centre,
6189 Muhlhauser Road, West Chester, Ohio,
Paul L. Ziemer, Chairman, presiding.

PRESENT:

PAUL L. ZIEMER, Chairman
JOSIE M. BEACH, Member
BRADLEY P. CLAWSON, Member
MICHAEL H. GIBSON, Member
MARK GRIFFON, Member
JAMES E. LOCKEY, Member
JAMES MALCOLM MELIUS, Member
WANDA I. MUNN, Member
ROBERT W. PRESLEY, Member
JOHN W. POSTON, SR., Member
GENEVIEVE S. ROESSLER, Member

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PRESENT: (Continued)

PHILLIP SCHOFIELD, Member
THEODORE M. KATZ, Acting Designated Federal
Official

REGISTERED AND/OR PUBLIC COMMENT PARTICIPANTS:

ADAMS, NANCY, NIOSH Contractor
AL-NABULSI, ISAF, DOE
BALDRIDGE, SANDRA
BRADFORD, SHANNON, NIOSH
BROCK, DENISE, NIOSH
BROEHM, JASON, CDC
DOLL, LOU, BTNMSP
GILL, JANICE, Fernald Worker
HINNEFELD, STU, NIOSH
HOWELL, EMILY, HHS
KOTSCH, JEFF, US DOL
MAKHIJANI, ARJUN, SC&A
MAURO, JOHN, SC&A
McFEE, MATT, ORAU Team
MEDL, EUGENE, Fernald (Retired)
PRESLEY, LOUISE
RAFKY, MICHAEL, HHS
ROLFES, BETH, NIOSH
ROLFES, MARK, NIOSH
RUTHERFORD, LaVON, NIOSH
ZIEMER, MARILYN

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

2 9:16 a.m.

3 CHAIRMAN ZIEMER: Well, good
4 morning, everyone. We will be ready to begin
5 our deliberations on this third day of the
6 Advisory Board meeting here in the Cincinnati
7 area, more specifically West Chester, Ohio.

8 I will begin with my usual reminder
9 to register your attendance with us this
10 morning in the foyer if you have not already
11 done so. Again, copies of the agenda and
12 related documents are on the table in the rear
13 of the room.

14 We are going to begin this morning
15 with kind of what I think of as our heads-up
16 report. It's SEC status and SEC petitions
17 that are coming down the line or are in
18 process. And LaVon Rutherford will give us
19 that update.

20 Good morning, LaVon.

21 MR. RUTHERFORD: Good morning, Dr.
22 Ziemer. Thank you.

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1 As Dr. Ziemer said, Lavon
2 Rutherford, Special Exposure Cohort Health
3 Physics Team Leader for NIOSH, and I will give
4 the update on SEC petitions.

5 We do these at each Board meeting
6 to give the Advisory Board information on the
7 current number of SEC petitions we have, their
8 status. It allows them to prepare for future
9 work group sessions and also prepare for
10 future Board meetings.

11 As of July 7th -- and I think this
12 number has already increased -- we are at 148
13 petitions. We have seven petitions that are
14 in the qualification process. We have
15 qualified 83 of those 148. We have four
16 evaluations in progress at this time. And we
17 completed 79 Evaluation Reports. There are 58
18 petitions that did not qualify. And we have
19 20 petitions that the Board is acting on.

20 SEC petitions currently in the
21 evaluation process: Brookhaven National Lab,
22 as you have heard at a previous meeting, we

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1 have had difficulties through data capture,
2 some PII information issues, a little funding
3 issues at times, but we do believe that that
4 is coming to closure and that we should issue
5 that report sometime in August and be ready to
6 present that at the October Board meeting.

7 United Nuclear Corp., we had
8 completed that evaluation. However, during
9 the evaluation process, we had made a
10 recommendation to the Department of Labor that
11 we believe the current covered period should
12 be extended to 1973. We decided to pull that
13 evaluation back to add the additional years in
14 once the Department of Labor concurred and
15 added those years. We decided to pull that
16 evaluation back and do that.

17 So we are in that process at this
18 time. We anticipate completing that
19 Evaluation Report in August and presenting it
20 at the October Board meeting as well.

21 Piqua Organic Moderated Reactor,
22 very similar situation. During our

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1 evaluation, we looked at the covered period.
2 And the petitioner had actually petitioned for
3 an extended period.

4 And in our review of that extended
5 period, we recognized that D&D was not
6 included in the current covered period. We
7 provided the information to the Department of
8 Labor. And that covered period was extended.

9 So we pulled that Evaluation Report
10 back. We are currently in the process of
11 adding that portion of the evaluation to the
12 report. We anticipate completing that in
13 August and presenting that at the October
14 Board meeting as well.

15 University of Rochester. We
16 received that petition on March 6th. And we
17 are on schedule to complete that report in
18 September.

19 I do believe that report will be
20 completed in time. That will give the Board
21 and the petitioners adequate time for review
22 to present that at the October Board meeting.

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1 So we have University of Rochester,
2 Piqua, United Nuclear, and -- what was it? --
3 Brookhaven National Lab are four that we
4 anticipate presenting in October as well as
5 which are not on the -- my slides, at least
6 two 83.14s. And one of those will be for
7 metals and controls, and the other one -- and
8 I will discuss briefly -- will be Hanford.

9 SEC petitions that are with the
10 Board for recommendation, Chapman Valve, we
11 believe all of our NIOSH actions are complete
12 with this one. Blockson Chemical. Blockson
13 Chemical was discussed at yesterday's meeting.

14 I think there is going to be further
15 discussion this morning during the work group
16 updates.

17 Fernald Feed Materials Production
18 Center, there is research and discussion
19 ongoing with this one. There are few
20 remaining issues.

21 Bethlehem Steel. NIOSH's actions
22 we feel are complete with Bethlehem Steel.

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1 And the petition and report are with the Work
2 Group.

3 Hanford. Hanford has been on our
4 plate for a while. There were a number of
5 issues identified by SC&A. We have worked
6 through a lot of these issues. However, we
7 have come to a position that we believe that
8 the resolution of those issues will be
9 resolved by doing an 83.14 to extend the
10 existing class. And then in parallel what we
11 will do, we will be doing a TBD revision that
12 will include what work we believe we can do
13 out of that period from the 83.14.

14 So we anticipate the 83.14 being
15 complete and ready for the October Board
16 meeting and the TBD revised and claims
17 completed shortly thereafter.

18 Nevada Test Site. The Work Group
19 is down to a few remaining issues. That work
20 is still ongoing.

21 Mound plant. I believe Ms. Beach
22 gave an update earlier in the meeting.

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1 Research and discussion continue.

2 Texas City Chemical. We are
3 currently revising the existing Evaluation
4 Report to include some documentation that we
5 received right at the time we had issued
6 Revision 0. We anticipate completing that and
7 issuing that Evaluation Report very soon.

8 Santa Susana. There is still
9 research and discussion ongoing with the Work
10 Group.

11 Dow Chemical, we had a Work Group
12 meeting on this past Friday. SC&A is going to
13 take a look at the Appendix C, which
14 incorporated NIOSH's addendum to evaluation of
15 Dow Chemical to see how we incorporated that
16 into Appendix C. And so there is still a
17 little work left there.

18 Pantex. Research and discussion
19 continues with Pantex as well as Savannah
20 River site.

21 General Steel Industries, there is
22 a little bit of work going on still with

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1 General Steel Industries with Work Group.

2 Los Alamos National Lab, again,
3 research and discussion continues.

4 Linde Ceramics, SC&A just recently
5 completed their review of the NIOSH
6 evaluation. There is a work group tentatively
7 scheduled for the end of this month or the
8 first of next month. Dr. Roessler is working
9 on that. And I think at that time we will
10 also present the actual evaluation to the Work
11 Group.

12 Bliss and Laughlin. We had
13 anticipated that we would be presenting this
14 at this Board meeting. We had completed our
15 report and sent the report out. However, and,
16 you know, we did not get that report out as
17 quickly as we wanted.

18 The petitioner did ask if we would
19 postpone presenting that petition. They
20 talked to the Designated Federal Official.
21 And we will present that petition at the
22 October Board meeting. This will give the

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1 petitioners a little more time to review it
2 and also give the Board a little more time as
3 well.

4 Baker-Perkins. We presented that
5 report at the Board meeting yesterday. And
6 the Board concurred with our recommendation.

7 Lake Ontario Ordnance Works. We
8 presented this report at the Board meeting
9 yesterday. And the Board concurred with our
10 recommendation.

11 Oak Ridge Hospital. We presented
12 the report at the Board meeting yesterday.
13 However, the Board has recommended a little
14 more review. And they wanted to get back and
15 verify that we had actually pulled all of the
16 strings to look for information at Oak Ridge
17 Hospital. And I believe that there will be
18 further discussion on that today and a work
19 group established.

20 Norton Company. We presented our
21 Evaluation Report at the Board meeting
22 yesterday. And the Board concurred with our

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1 recommendation.

2 And that's it. Questions?

3 CHAIRMAN ZIEMER: Very good, LaVon.

4 Let's ask if anyone has comments or
5 questions for LaVon.

6 (No response.)

7 CHAIRMAN ZIEMER: We appreciate the
8 regular summaries to help us stay on track.
9 The number of SECs is expanding, and it is
10 helpful to track them in this way. So we
11 appreciate that.

12 While we are looking at the SECs
13 and we are just slightly ahead of schedule, I
14 think it would be a good time just to take the
15 wording from the actions that LaVon just
16 referred to.

17 And we have distributed to the
18 Board members and also to the NIOSH staff, to
19 counsel, and to Labor the proposed wording of
20 the letters that would go to the Secretary
21 concerning Baker-Perkins, Lake Ontario
22 Ordnance, and the Norton Company.

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1 And if you would take those right
2 now, I think it would just be a good time just
3 to make sure that we have the wording. The
4 motions have already passed. And we simply
5 need to confirm that the wording is as it
6 should be.

7 Most of this, Dr. Lockey, who was
8 an apprentice to Dr. Melius on the wording
9 yesterday, and took that burden to actually do
10 the wording.

11 And, Dr. Lockey, did you have any
12 final changes after your mentor had a chance
13 to look at these and correct you?

14 MEMBER LOCKEY: I hadn't had a
15 chance to talk to Jim, but we have a female
16 Secretary now. And I changed the wording in
17 the first paragraph. And I looked at it again
18 last night, and the wording had to be for our
19 distinguished Chair, Paul. So it has to be
20 changed back from she to he. That is the only
21 correction I have. That is in the first --

22 CHAIRMAN ZIEMER: Which one is

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1 this?

2 MEMBER LOCKEY: First paragraph.

3 CHAIRMAN ZIEMER: Of which letter?

4 MEMBER LOCKEY: Both letters.

5 CHAIRMAN ZIEMER: Oh, both letters?

6 MEMBER LOCKEY: Yes.

7 CHAIRMAN ZIEMER: Well, both
8 meaning the Norton letter --

9 MEMBER LOCKEY: And the Lake
10 Ontario.

11 CHAIRMAN ZIEMER: -- and the Lake
12 Ontario letter.

13 MEMBER LOCKEY: Third sentence,
14 last word. And I will change that on the
15 draft. This should be the --

16 CHAIRMAN ZIEMER: Yes. It's the
17 third line. The Board requests that he,
18 referring to me.

19 MEMBER LOCKEY: Yes, that's
20 correct.

21 CHAIRMAN ZIEMER: He. So that
22 would be a change on the copy of the Ontario

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1 letter that you have.

2 MEMBER LOCKEY: And the Norton
3 letter.

4 CHAIRMAN ZIEMER: Same change on
5 the Norton letter.

6 MEMBER LOCKEY: Correct.

7 CHAIRMAN ZIEMER: Thank you.

8 So let's look first at the Lake
9 Ontario. The first sentence is actually or
10 the first paragraph is not part of what goes
11 to the Secretary, of course. This is the
12 formal recommendation charging the Chair to
13 move this document out.

14 The letter to the Secretary would
15 begin with the second paragraph, which
16 indicates that the Advisory Board has
17 evaluated this SEC -- this is sort of
18 boilerplate language -- and that we recommend
19 something, in this case that they become a
20 Class of the Special Exposure Cohort.

21 We identified the facility and the
22 time. That is, this is the description of the

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1 Class. And it is particularly that
2 description that we want to make sure the
3 words are okay with NIOSH and Labor and
4 counsel.

5 And then we have several bullet
6 points, in each case indicating the basis for
7 the recommendation, and then the final
8 paragraph, which refers to the deliberations
9 at this meeting and various materials that
10 will be provided to the Secretary as backup
11 information.

12 So this is the usual form of the
13 letters. Board members, are there any
14 comments on wording or any editorials that you
15 believe need to be made? Let me ask first
16 about Lake Ontario. We are not going to take
17 any formal action because we have approved the
18 motion and simply want to make sure the
19 wording is okay.

20 I will also ask both Labor and OCAS
21 and counsel, are we okay on the wording or any
22 questions? Okay. I am pausing here for a

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1 moment. Mr. Hinnefeld is speaking with
2 counsel. And that makes me a little nervous.

3 Larry Elliott?

4 MR. HINNEFELD: Norton is an Atomic
5 Weapons Employer. And the wording here is the
6 stock wording for a DOE facility in the Norton
7 letter. So it should say things like AWE
8 employees, instead of DOE employees. And
9 subcontractors would not be included.

10 CHAIRMAN ZIEMER: Yes.

11 MEMBER LOCKEY: Yes, we talked
12 about that yesterday. And it says, let's see
13 -- its predecessor agencies. Does that cover
14 --?

15 MR. HINNEFELD: No, predecessor
16 agency would be the Atomic Energy Commission
17 or the Manhattan Engineering District.

18 MEMBER LOCKEY: Okay.

19 MS. HOWELL: If I could just
20 suggest that you use the wording from the
21 actual NIOSH SEC Evaluation Report from the
22 Class. I'll show you my notebook if you don't

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1 have it in front of you because the wording
2 for DOE that is used for Lake Ontario is a
3 little different than Norton.

4 CHAIRMAN ZIEMER: Right.

5 MS. HOWELL: So, rather than just
6 switching out the words, actually.

7 CHAIRMAN ZIEMER: I think you can
8 go to the slide presentation that was made or
9 go to the Evaluation Report. That will be
10 better. That's just for Norton, I believe.

11 MS. HOWELL: I mean for both of
12 them but specifically Norton.

13 CHAIRMAN ZIEMER: So in the second
14 sentence of the second paragraph, it would
15 read, the Board respectfully recommends
16 Special Exposure Cohort status be accorded to
17 all AWE employees who worked at the Norton
18 Company in Worcester, Massachusetts from
19 January 1st, '45 through December 31st, '57
20 and then the rest of the material. So we will
21 accept that as the correct wording.

22 MR. ELLIOTT: And Lake Ontario

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1 Ordnance Works, I don't see any corrections to
2 be made to that definition. But I will await
3 counsel's --

4 CHAIRMAN ZIEMER: Yes. That's just
5 the Norton. Is that correct? Yes.

6 MR. ELLIOTT: Just Norton.

7 CHAIRMAN ZIEMER: We will make that
8 change. Are there any others on either Norton
9 or Lake Ontario?

10 (No response.)

11 CHAIRMAN ZIEMER: If not, those
12 will be the documents that will go forward.
13 The third one is the document where NIOSH has
14 determined that it could do dose
15 reconstructions with sufficient accuracy.
16 This is for the Baker-Perkins Company in
17 Saginaw. And that letter is still a draft,
18 although since we were using a previous
19 template, it also shows up on our normal
20 letterhead.

21 It does not have the usual leading
22 paragraph that instructs the Chairman to send

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1 this forward within 30 days, but I understand
2 that that is part of the intent.

3 So this is actually what the letter
4 would look like. And it is a little different
5 than the others in that it simply says NIOSH
6 has recommended that these workers not be
7 added to the Special Exposure Cohort, but
8 NIOSH has determined that it has access to
9 adequate exposure monitoring, other
10 information to do dose reconstructions with
11 sufficient accuracy. And then it simply says
12 the Board concurs.

13 We do supply supporting
14 information, which basically are the
15 transcripts of the meeting that become
16 available for backup material. We have not
17 had many letters like this that have gone to
18 the Secretary, but this is the format that has
19 been used where a Special Exposure Cohort is
20 not recommended.

21 Again, there is no class
22 description here since no SEC is being

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1 recommended. It simply refers to the petition
2 and the fact that NIOSH and the Board concur
3 that dose reconstruction can be done with
4 sufficient accuracy.

5 Any editorial changes or comments
6 on the final product here?

7 (No response.)

8 CHAIRMAN ZIEMER: If not, we will
9 consider those approved. Good. That was
10 actually part of the Board working time that
11 we used since LaVon gave us some additional
12 minutes there. So now we will return to the
13 regular schedule.

14 The next item is the subcommittee
15 and work group reports. And we will go
16 through these. If your subcommittee or work
17 group has particular actions or issues that
18 you wish to report to the Board or actions
19 that need to be taken, we ask that you do
20 that, chairs of the Subcommittees and work
21 groups.

22 If you have nothing to report, you

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1 can just so indicate. And those that have
2 already reported, for example, Mound, we had
3 an extensive report. So it's not necessary
4 that we do anything further unless the chairs
5 themselves want to add additional information.

6 So we do know that in a couple of
7 cases, there are some specific things, such as
8 for the Procedures Work Group. And I would
9 suggest that we start with that, Ted. And
10 then we can pick up. This is the Procedures
11 Subcommittee now.

12 And then we will do the Dose
13 Reconstruction Subcommittee separately because
14 we have a time set forth for that later. So
15 we will do the Procedures Subcommittee and
16 then the other work groups.

17 Wanda Munn, if you are prepared to
18 proceed, why, we will go from there.

19 MEMBER MUNN: I am sorry. I was
20 carrying on a sidebar conversation. I hope
21 you are talking about Procedures?

22 CHAIRMAN ZIEMER: Well, we hope we

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1 were.

2 MEMBER MUNN: That's very good.

3 CHAIRMAN ZIEMER: And I think you
4 were going to present something on the CATI
5 today --

6 MEMBER MUNN: Yes, as a matter of
7 fact.

8 CHAIRMAN ZIEMER: -- and anything
9 else that your subcommittee wishes to report.

10 MEMBER MUNN: Before I begin that
11 report, I would like to make sure that all of
12 the members of the Board do indeed have the
13 material, the CATI material, that was
14 forwarded to you by email on the 20th, I
15 believe. So that you would have had adequate
16 opportunity by now to look through that so
17 that you would see what changes our Procedures
18 group had suggested in collaboration with our
19 interactions with NIOSH and with our
20 contractor over an extended period of time.

21 We have worked on that correction,
22 those corrections, in order to try to make the

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1 interactions with our claimants more easy and
2 more comforting for the claimants, rather than
3 create a stress issue for them.

4 If it's all right with you because
5 that will require, I suspect, some discussion
6 among the Board, I would like to address that
7 issue at the very end of our other comments.
8 That way we can go through a quick review of
9 what the Procedures Review organization has
10 been doing since you last heard from us and
11 postpone our discussion to the end of the
12 comments.

13 The Subcommittee met on June 9th
14 and spent a significant portion of our time
15 working on that CATI issue. Our second issue
16 that we have pending before us right now is a
17 discussion relative to a status report to the
18 Secretary.

19 Procedures has only given the
20 Secretary one report during the history of our
21 organization here, and it was the general
22 feeling of the Subcommittee that it was time

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1 to make another report to the Secretary.

2 What that will contain is an
3 overview of what has transpired since the
4 previous letter, which was more than a year
5 ago. During the period of time that we have
6 been doing this -- we are right now dealing
7 with the change in the operating system of the
8 database that we work with. And it is closely
9 tied in with the computer activities that we
10 have been having so much grief with the last
11 day or two but now appears to be resolved.

12 So the end of this week, we expect
13 the entire database that we use to be of the
14 same format but completely different operating
15 system, which will be commensurate with an
16 electronic system that we are using
17 individually.

18 That status letter we hope to have
19 drafted and be ready for our next subcommittee
20 meeting, which is coming up next month. It is
21 our intention to have that draft in your hands
22 at our next face-to-face Board meeting so that

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1 if you have any concerns with respect to that
2 report, you will be able to tell us about it.

3 One of the things that our
4 contractor has done for us during the last two
5 meetings that we have had is provide the
6 progress report of where we are in not only
7 numerical spreadsheet format but also a
8 graphic format.

9 And I have loaded that graph on the
10 computer up here. I would like to show it to
11 you for just a minute. I think most of you
12 will agree that graphs serve an enormously
13 effective purpose in conveying information to
14 individuals who are not always enthusiastic
15 about spreadsheet presentations and numbers.

16 These will give the information to
17 all observers in two ways. One, a
18 straightforward numerical review of what the
19 numbers are as we go along from over the last
20 period the changes that have been made.

21 I may need to get up to read that
22 myself since I don't have it on my screen.

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1 CHAIRMAN ZIEMER: Maybe we could
2 also expand that in terms of the zooming in a
3 little further and then put the single page up
4 if that is possible.

5 MEMBER MUNN: Yes. It should zoom.
6 There we go. Now you can read what the
7 colors represent. Thank you. The first one,
8 as I indicated, will be the status of the
9 procedure reviews in numerical form only, the
10 red being the open items that we have, the
11 magenta in progress, the orange being
12 addressed in some other format in other
13 procedures than the one where the binding was
14 originally indicated.

15 The aqua is our transferred
16 material, which will go from one work group,
17 our Procedures Subcommittee, to another for
18 reasons having to do primarily with the focus
19 of that particular procedure.

20 The purple is indicating what we
21 have in abeyance, which essentially means we
22 are holding that awaiting further action or

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1 additional information from some other
2 resource. And the blue shows the number that
3 are closed.

4 As I indicated, that is pure
5 numerical information. The other that we
6 intend to provide is the status in terms of
7 percentage of issues, which is another way to
8 look at what we are doing.

9 Regardless of which of these you
10 see, I believe you will see that we are making
11 progress. We have over 500 individual
12 findings with which we are dealing.

13 Some of them are relatively simple
14 and simply have not been addressed thoroughly
15 yet. The others are extremely complex and
16 take a great deal of effort on the part of
17 both the Subcommittee, the agency, and the
18 contractor.

19 So we are getting there. But it
20 will change from month to month as we
21 occasionally have the Board recommend
22 additional material that they would like us to

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1 review and as we clear things from this
2 particular --

3 CHAIRMAN ZIEMER: Wanda, I am not
4 seeing it very well from here, but is what you
5 call blue the bottom part of the bar?

6 MEMBER MUNN: The bottom part of
7 the -- yes. That is our closed items.

8 CHAIRMAN ZIEMER: Okay. Yes. So
9 the number is close to 50 percent now. Is
10 that correct?

11 MEMBER MUNN: It is pretty close to
12 50 percent if you use the closed and in
13 abeyance figures. In abeyance is something
14 that we as a subcommittee can't do anything
15 about together. Then it comes to about 50
16 percent. That is correct.

17 I can read you the numbers of the
18 most recent spreadsheet that we had, but I
19 doubt that that will --

20 CHAIRMAN ZIEMER: And I have those
21 numbers. I simply wanted to clarify what the
22 closure value was on these issues. And the

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1 colors often look a little different from this
2 angle at least. I may be colorblind as well.

3 MEMBER MUNN: Well, it always
4 depends on the screen and the presentation
5 itself. I am going to leave that up. It is
6 not unusual for us to have a situation where
7 it is necessary for us to have technical calls
8 in between our meetings.

9 Quite often we find that the
10 individual findings with which we are dealing
11 boil down to such technical specifics that it
12 is impossible for anyone other than the health
13 physicists themselves to work out an agreement
14 and come to a resolution.

15 We had such a situation this last
16 month where we had two outstanding issues with
17 OTIB-0029. We had dosimetry and coworker data
18 issues there, two different findings that
19 needed to be resolved. We did have that
20 telephone call. The issues were, I believe,
21 resolved satisfactorily and will be
22 recommended for different status at our next

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1 meeting.

2 We are also in the process of
3 asking our contractor to prepare for us a list
4 of commonality of findings. As you probably
5 are aware from the years of our having gone
6 through these things, from one site to
7 another, there are many findings that recur
8 again and again.

9 We have tried to identify those in
10 the past and put them into a pool that we call
11 various names. We started out with
12 over-arching issues. And I think we now have
13 a different terminology that we use. But our
14 contractor has been tasked with the work of
15 identifying those outstanding issues that we
16 have from our multiple procedures, all of
17 which essentially are the same finding, just
18 in a different set of procedures.

19 And so we are going to try to
20 identify those so that we can remove those
21 from the list we have, which would be very
22 helpful for all concerned since they will be

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1 probably not always complex-wide but certainly
2 repetitive kinds of issues that can be
3 addressed with a single finding.

4 We are preparing a very simplistic
5 template for the transfer of findings or the
6 transfer of I should say full responsibility
7 for full procedures that are outstanding from
8 one group to another.

9 You can understand how that would
10 occur from time to time. And we have come to
11 the conclusion our best option and the most
12 simplistic way for doing that is to transfer
13 them by email with copies to all of the
14 members of the Board so they know when
15 responsibility has gone from the Subcommittee
16 to a work group or vice versa.

17 We will be in the process of
18 transferring OTIB-0058, which is external
19 coworker dosimetry data for the Rocky Flats
20 plant, to Mark Griffon's work area.

21 And I will have that transfer
22 template, as it were, ready to make that

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1 change before our next work group meeting. We
2 will then decide if that is acceptable as a
3 method for transferring from one
4 responsibility level to another.

5 If anyone on the Board has any
6 grief with that method, if they feel that it
7 needs to be much more formalized than that or
8 if they feel it is inadequate in any way,
9 please let me know.

10 This brings us, I believe, to the
11 issue of the CATI. The Computer-Assisted
12 Telephone Interview has been of concern to a
13 great many people for quite a number of
14 months, if not years, and we have been working
15 on it for several months.

16 We believe that the material that
17 we sent to you earlier now constitutes our
18 best effort. We believe we have removed from
19 that process if not all, then certainly the
20 vast majority of the types of questions or
21 wording of questions that was creating concern
22 for the claimants, many of whom mistakenly

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1 believed that they were going through some
2 kind of test when we were asking them to
3 complete these forms.

4 If any member of the Board has any
5 comment with respect to the material that we
6 have placed before you, we would certainly
7 like to have that discussion now because it is
8 our intent to direct NIOSH to take the
9 document that we now have in hand for them, to
10 take whatever steps are necessary to make it
11 our official CATI document.

12 CHAIRMAN ZIEMER: Let me insert
13 here that these are, in essence, NIOSH
14 documents. I always want to be a little
15 careful in terms of what our prerogative is
16 relative to sort of NIOSH's business.

17 As I look at the CATI interviews
18 and the letters, I think -- and NIOSH has
19 asked for the Board's input. I don't think we
20 are directing them to do something, but we are
21 suggesting changes that we think would be
22 helpful.

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1 I want to put it in that framework
2 because I don't believe it is our prerogative
3 to direct NIOSH's work. And the CATI
4 interviews and the letters are in a sense, I
5 guess, work products that NIOSH uses.

6 But, nonetheless, in our role as
7 sort of an interface with the public and with
8 NIOSH, NIOSH has certainly asked for our
9 input. And so we want to frame it in that
10 way. And so we are not approving something
11 for NIOSH's use so much as suggesting what we
12 think might be improvements.

13 And so when we in a sense ask for
14 the Board's concurrence on some revisions,
15 these are revisions, first of all, that, based
16 on discussions in the Procedures Subcommittee,
17 that NIOSH has developed. They have developed
18 this wording. And basically we are working
19 together on it.

20 I just want to frame it out in
21 terms of our roles and make sure that you
22 understand that we are not directing so much

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1 as recommending.

2 Dr. Melius?

3 MEMBER MELIUS: Mark was actually

4 --

5 CHAIRMAN ZIEMER: Oh, Mark, did you
6 have a comment?

7 MEMBER GRIFFON: I wasn't sure if
8 you wanted to do these in a certain order, but
9 I have the EE questionnaire up, as opposed to
10 the survivor one.

11 CHAIRMAN ZIEMER: Yes. And let's
12 make sure everybody knows there are two sets
13 here. There are two different cover letters
14 depending on whether it is the worker or the
15 survivor that is the claimant. And then there
16 are two sets of interview --

17 MEMBER GRIFFON: Questionnaires,
18 yes.

19 CHAIRMAN ZIEMER: --
20 questionnaires. So there are actually four
21 separate documents. And these are identified.
22 One is called the EE cover letter. And the

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1 other is the EE questions. And the other one
2 is the SB.

3 MEMBER MUNN: Standing for
4 survivor.

5 MEMBER GRIFFON: That is the
6 survivors.

7 CHAIRMAN ZIEMER: Or SB, the
8 survivor letter and the survivor questions, so
9 those four documents.

10 MEMBER GRIFFON: And I was in the
11 Subcommittee process. So I did have some
12 input into this. There is one little one that
13 I wanted to note on 19.11, question 19.11, of
14 the questionnaire, the energy employee, the
15 EE. It says, did you receive chelation
16 therapy or other medical treatment as a result
17 of radiation exposure from this incident?

18 And then it says, yes, chelation
19 therapy. I think it says, chelation therapy
20 or other medical treatment. And then the only
21 yes option is, yes, chelation therapy.

22 So I am not sure why that was added

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1 in. It seems like it maybe should be, yes,
2 chelation therapy or, yes, other, or
3 something. I don't know. That is a minor
4 thing, though. I just wanted to note it
5 because it is a new edit, it looks like.

6 And my bigger concern is -- and
7 this one was discussed at length on the
8 Procedures Subcommittee -- the last question
9 at the bottom. This is getting back to the
10 coworker thing. I asked that we still include
11 this question. And I think I am okay with
12 NIOSH putting sort of a qualifying line in the
13 front that -- which is there already.

14 It says, NIOSH is confident it will
15 obtain enough information to complete your
16 dose reconstruction without receiving
17 information from other individuals. However.

18 But it's the however part that I think there
19 should be a however and then have a yes/no
20 option and then still have the, if yes, list
21 the names and contact information because it
22 is almost like, you know, don't list the names

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1 here. We will call you if we need some
2 coworker information.

3 And I think it might be useful for
4 other reasons because I can see a situation
5 where a lot of the workers list the same
6 radiation contact person. They really trusted
7 this guy. He knew his stuff. He was in the
8 field all the time. And you start to query,
9 although there is another whole level of
10 questioning here with Larry and me.

11 But if you look through all of the
12 questionnaires from, say, K-25 and you start
13 to see this one guy pop up like 20 times
14 listed as a contact person for exposure issues
15 for people, I think, you know, SC&A, NIOSH
16 might say, you know what? We haven't talked
17 to -- you know, this guy might be somebody to
18 interview about the overall rad operations
19 and, you know, might help us shed some light
20 on a certain topic.

21 So I think there is value in
22 collecting those. I think qualifying it up

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1 front so there is not that expectation that,
2 you know, when people -- I understand your
3 concern that if people come back and say, I
4 gave you four names, and you never contacted
5 any of them, you know.

6 I think qualifying it is fine, but
7 I think you should still include the section
8 to allow them to list the names if they have
9 the main contact information if they have it.

10 So that is just my opinion on how to word
11 that section.

12 CHAIRMAN ZIEMER: Thank you. And,
13 actually, the original concern was what you
14 described, that people typically have fed back
15 to us the idea that they have provided these
16 contact names and they have not been
17 contacted.

18 With regard to your first comment,
19 Mark, on 19, on the chelation therapy, I note
20 that below that, they do give the option that
21 you describe.

22 So it would appear that there would

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1 be no reason to put the chelation therapy
2 there under 19.11 because 19.12 says, if your
3 answer was no, skip ahead. If it was yes,
4 then you tell us whether it's chelation or
5 other.

6 So you're right.

7 MEMBER GRIFFON: It's a little odd.

8 CHAIRMAN ZIEMER: It looks a little
9 odd under 19.11 since 19.12 actually resolves
10 that issue so you don't need it in 19.11.

11 Dr. Melius?

12 MEMBER MELIUS: I have a few
13 comments. Actually, the main thing is a
14 question. First of all, in response to Mark's
15 comments, I would also remind us that many of
16 these people are elderly. And dose
17 reconstruction does take some time.

18 And so often they are either more
19 ill, you know, they have cancer and are unable
20 to answer, provide information at a later
21 point in time in the dose reconstruction
22 process. So it seems to me collecting it

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1 earlier may be better.

2 Now, it may need to be supplemented
3 or there may be more specific information
4 needed, but it seems to me it would be useful
5 to collect that information at the earliest
6 possible time in the process while people have
7 gathered as much information as possible and
8 are still capable of responding.

9 I guess my second issue -- I don't
10 want to elaborate. I don't think we need to
11 elaborate on it, but I do think we're charged
12 with reviewing dose reconstruction. It is
13 being done.

14 And certainly individual dose
15 reconstruction, certainly commenting on the
16 interview, you are right. We don't write the
17 interview. We don't direct NIOSH to change
18 it, but we are certainly well within our
19 authority. And I think we have a
20 responsibility for providing comments in this
21 situation and are asked to.

22 The question I have -- this is like

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1 -- this has taken some time, understandably.
2 But I am trying to get sort of caught up with
3 the process where NIOSH is with doing these
4 revisions.

5 I think when we first started, it
6 was about to go to OMB. And NIOSH has, I
7 think appropriately, delayed that and move it
8 through our process first.

9 But I am just trying to understand
10 what happens now. We give comments, these
11 comments, to NIOSH. What happens from here
12 forward?

13 MR. ELLIOTT: We have an extension
14 from OMB to use the current questionnaire for
15 both claimant and survivors.

16 MEMBER MELIUS: Right.

17 MR. ELLIOTT: And this allows us
18 time to hear your comments, hear your input,
19 and consider it. And then we go back to OMB.

20 And as soon as this concludes, this process
21 concludes, and we understand what your input
22 is, then we can go back to OMB with our

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1 proposed revision to the instruments and get
2 their clearance on those. That is what we are
3 waiting on.

4 MEMBER MELIUS: So the immediate
5 process will be that we will provide these
6 comments to you. You will respond to the
7 Subcommittee or how is that? What happens
8 specifically next?

9 MR. ELLIOTT: Well, I think we can
10 respond to the Subcommittee or we can respond
11 to the full Board, however the Board wants to
12 see this conducted. I think the full Board
13 has an interest in this, but certainly the
14 Subcommittee has spent a lot of time and
15 discussion about it.

16 But yes, we would react to the body
17 and explain how we handled, how we addressed
18 or why we didn't incorporate a change.

19 MEMBER MELIUS: Yes.

20 CHAIRMAN ZIEMER: In my mind, this
21 has moved from the Subcommittee as of today to
22 the full Board because the Subcommittee is

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1 bringing this as a recommendation and getting
2 the additional input.

3 So it would seem to the Chair that
4 the final document unless the Board so
5 charges, would come back to the Board because
6 it would be our action at this point.

7 And Larry would basically bring a
8 document and say, here is what we are sending
9 forward. And I don't think we want to keep
10 extending this process.

11 MEMBER MELIUS: Oh, no. That was
12 my --

13 CHAIRMAN ZIEMER: They have been
14 very gracious in awaiting these comments. And
15 so we want to bring it to closure.

16 MR. ELLIOTT: I would offer this,
17 that we go back to OMB with revised
18 instruments. These are the questionnaires.
19 At that point, there is opportunity for public
20 comment on them again.

21 So you as individual members of the
22 public and/or as a Board can come back again

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1 and say, we made a comment. They didn't take
2 it or, now we have had another chance to look
3 at it again, and we think this. So you still
4 have another opportunity at the OMB approval
5 process.

6 CHAIRMAN ZIEMER: Go ahead.

7 MEMBER MELIUS: Yes. Then my
8 suggestion would be that we get this to NIOSH
9 as quickly as possible. I would be willing to
10 approve it today. And then see what the NIOSH
11 comes back to us with.

12 There are points that need further
13 discussion at the next Board meeting or even
14 the next Board conference call, try to do it
15 then and then expedite it to the extent that
16 we can. I mean, if there are just sort of
17 minor things, I don't think we need to delay.

18 CHAIRMAN ZIEMER: Right. And,
19 actually, the intent here was to get Board
20 action today to do just that. And the other
21 items, such as Mark raised, in my mind are not
22 items that we need to take formal action on.

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1 Rather, I would consider them to be sort of
2 friendly amendments that NIOSH has heard. And
3 I don't think we need a formal vote on every
4 item.

5 Stu?

6 MR. HINNEFELD: I just wanted a
7 little assistance in resolving Mark's comment.
8 Mark, the comment relating to 19.1 we can
9 resolve. I think we --

10 CHAIRMAN ZIEMER: That is very
11 easy. You just strike that, take the thing
12 back out.

13 MR. HINNEFELD: The comment with
14 regard to number 22 you said -- I'm not
15 exactly sure where your comment ended. What
16 change to 22 would satisfy your comment?

17 MEMBER GRIFFON: I would just add
18 onto the bottom. Maybe it's just because it's
19 kind of at the bottom of the page, but I would
20 add on the bottom, after the question mark,
21 put a yes or no option, just like you had
22 before. And then, if yes, please list the

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1 names.

2 MR. HINNEFELD: So, in other words,
3 okay. So it says, can you readily provide
4 names, which I kind of took like we would put
5 some blank lines down here and they --

6 MEMBER GRIFFON: Yes. The way it
7 read here was like, you know, we just want to
8 know if you can.

9 MR. HINNEFELD: If you can, we
10 might call you back.

11 MEMBER GRIFFON: We might call you
12 back.

13 MR. HINNEFELD: Okay. Got it.

14 MEMBER GRIFFON: But I would rather
15 have a listing.

16 MR. HINNEFELD: So we could put
17 yes/no and then, if yes, just have some blank
18 lines.

19 MEMBER GRIFFON: Right, right.

20 MR. HINNEFELD: Okay.

21 MEMBER GRIFFON: The only other
22 thing I would say in there is -- and this is

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1 definitely a friendly amendment, but it says,
2 provide names and contact information for
3 coworkers and industrial hygienists. I would
4 say radiation safety specialists and
5 supervisors, you know, --

6 MR. HINNEFELD: Got you.

7 MEMBER GRIFFON: -- just to be
8 complete there, I guess.

9 CHAIRMAN ZIEMER: One other thing I
10 want to remind the Board members who were not
11 on the Subcommittee and may not have been as
12 close to this is that this questionnaire is
13 not filled out by the claimants. It is sent
14 to them in advance to give them a head's up on
15 what will be asked on the phone interview. So
16 the interviewee has a great flexibility.

17 For example, it makes no difference
18 if there are four lines there to fill out or
19 five or ten, but the interviewee can extract
20 as many names as the person wants to and, in
21 fact, has the capability of even asking, you
22 know, are there other people who don't have to

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1 even be listed.

2 I believe they have a fair amount
3 of flexibility once this is approved. You
4 know, it doesn't have to be the category of a
5 radiation safety specialist or industrial
6 hygienist. It is anyone the person wants to
7 name. So there is additional flexibility on
8 the part of the interviewer.

9 So this document goes to OMB to get
10 the kind of information before OMB that will
11 be asked of the public, but the interviewee
12 does not fill out a form and send it back.

13 Did you have additional comment on
14 that or --?

15 MEMBER GRIFFON: No.

16 CHAIRMAN ZIEMER: Okay. Wanda, did
17 you have a comment on it?

18 MEMBER MUNN: Just one.

19 CHAIRMAN ZIEMER: Oh, the other
20 thing is I don't believe the letter goes to
21 OMB, only the questionnaire. Is that correct?

22 So the letter is completely within NIOSH's

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1 prerogative in terms of the final product.

2 But what we would want -- is there
3 something similar on the other interview?
4 Okay.

5 MEMBER GRIFFON: Yes, the same
6 comment would apply for the survivor. That
7 question is still listed as 22, but I think
8 the numbering is going to change because there
9 are other questions that are missing, yes.
10 But it is on the bottom.

11 CHAIRMAN ZIEMER: So, let me ask if
12 there are other comments or recommendations on
13 either of the questionnaires or at the letters
14 that would accompany them as far as what the
15 claimants get.

16 If there isn't, we can ask for a
17 motion to recommend that NIOSH consider these
18 recommendations as they prepare the OMB
19 documents. And we could do this as four
20 motions or as a group motion.

21 I will ask for it as a group motion
22 unless the assembly wishes to divide the

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1 motion.

2 MEMBER PRESLEY: So moved.

3 CHAIRMAN ZIEMER: The motion is to
4 recommend to NIOSH that these proposed changes
5 be included, including those that were
6 discussed here this morning. Is there a
7 second?

8 MEMBER GIBSON: Second.

9 CHAIRMAN ZIEMER: Is there a
10 discussion? And, Madam Chair, do you have
11 additional comments on the documents that you
12 wish to make before we vote?

13 MEMBER MUNN: Not really, only to
14 thank you for clarifying that the claimants
15 are not expected to fill these forms out and
16 to add that the people who conduct the
17 interview have been trained to make every
18 effort to be as flexible as possible in
19 achieving the end, which is desired to be as
20 much complete information as the claimant can
21 provide without undue stress.

22 With respect to the discussion that

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1 we just had about the wording of item 22 and
2 others, there was a great deal of time spent
3 negotiating words and discussing the fact that
4 the terminology that we currently use today is
5 not always the terminology that was familiar,
6 especially to older workers.

7 That being the case, we have tried
8 to use language that could be generally
9 interpreted, not only in today's world but as
10 having some context in 1945 as well.

11 It was I think the intent of the
12 entire subcommittee to bring this as a
13 recommendation from the Subcommittee. So
14 thank you.

15 CHAIRMAN ZIEMER: Other comments?
16 Yes, Josie?

17 MEMBER BEACH: I just want to be
18 clear. Are we going to vote on all four?

19 CHAIRMAN ZIEMER: Yes, unless you
20 wish to divide them. I think if a Board
21 member has an issue with a particular one,
22 that we would divide the motion. Otherwise we

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1 would do it as a single motion.

2 MEMBER BEACH: I guess then I would
3 look at the copy of the -- if the claimant is
4 a family member and going back to what Mark
5 had addressed in the other on the --

6 CHAIRMAN ZIEMER: Yes. This would
7 be the survivor.

8 MEMBER BEACH: I just wonder if we
9 want to incorporate putting in the names on
10 that one as well.

11 CHAIRMAN ZIEMER: Yes. I think
12 Mark had --

13 MEMBER BEACH: Did you cover both?
14 I'm sorry. I missed that, then.

15 CHAIRMAN ZIEMER: Yes. He
16 suggested that. And I think Stu made a note
17 of that as well. So it would be a parallel
18 change in both documents.

19 Then are we ready to vote, then?
20 This is a recommendation to NIOSH. All in
21 favor, say aye.

22 (Chorus of ayes.)

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1 CHAIRMAN ZIEMER: Proposed, no.

2 (No response.)

3 CHAIRMAN ZIEMER: Abstentions?

4 (No response.)

5 CHAIRMAN ZIEMER: Ayes above the
6 nos. Okay.

7 Now we are ready to do the Work
8 Group activities. There are two items in
9 there that perhaps we want to highlight first.

10 And that deals with security issues and
11 updates on Mound and Pinellas. Perhaps we
12 should do those two first. Okay?

13 Well, we had the general Mound
14 review, but what about security update on
15 Mound? Do you have comments on that?

16 MR. KATZ: Let me just give some
17 context for this. Dr. Melius at the last
18 Board meeting asked that we have regular
19 updates for these sites where there are sort
20 of very special security concerns just to know
21 that things are proceeding well or if they are
22 not, what the issues are and whether we have

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1 come to a point in any of these sites where we
2 have very substantial difficulties in moving
3 forward because of security matters,
4 classified information, and so on.

5 So I have asked the two work group
6 chairs who are dealing with these issues right
7 now just to give an update as to how things
8 are proceeding. Brad is indicating three.
9 And that is fine. Any other work group that
10 has these issues, certainly this is something
11 that I think is in the interest of the Board
12 to keep abreast of any issues that are arising
13 here.

14 Thank you.

15 MEMBER BEACH: So, as far as Mound
16 is concerned, we have not experienced any
17 significant delays in reports, White Papers.
18 I would say there is about a three to
19 four-week lag time in our White Papers once we
20 give them to DOE. So, in reality, we haven't
21 had any problems.

22 I also did a report on the secure

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1 meeting that was set up for us. That was
2 handled very well. So at this time Mound has
3 not experienced any real issues with this
4 security issues.

5 CHAIRMAN ZIEMER: And then, Phil,
6 let's talk about Pinellas. And you can also
7 talk about any other related matters for that
8 site. We will consider that the Work Group
9 report.

10 MEMBER SCHOFIELD: Okay. As far as
11 the security issues, many of those issues were
12 taken off the table when we met with DOE in
13 Germantown, things that were of concern that
14 they have basically opened the book to just
15 about everything except for a few minor issues
16 that we will have to work with. Otherwise
17 they gave us the go-ahead to proceed.

18 Right now the Technical Basis
19 Document is with DOE for a review of the
20 revisions. As soon as that comes back, we
21 will schedule a work group meeting. I might
22 as well go ahead and hit INL and Idaho

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1 National Lab on the -- there is a matrix on
2 that being worked on right now.

3 We are also going to combine
4 Argonne National Labs West with INL into one
5 review because they share common buildings,
6 common sites. They just were so entwined you
7 can't separate one from the other with the
8 blessings of the Board.

9 CHAIRMAN ZIEMER: Jim?

10 MEMBER MELIUS: Can I ask? Yes.
11 We at our Work Group meeting on Idaho -- I
12 mean, frankly, the NIOSH staff seemed quite
13 unprepared to deal with the SC&A comments.
14 Has there been progress on that that you are
15 aware of, Phil?

16 MEMBER SCHOFIELD: They are
17 supposed to have a matrix ready for us on just
18 the INL section of it, just in relation to INL
19 without any of the Argonne National Lab West
20 -- they haven't started on that is my
21 understanding.

22 MEMBER MELIUS: When are they going

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1 to have it ready, I guess? Do you know? Have
2 you heard?

3 MEMBER SCHOFIELD: I have heard no
4 time frame yet.

5 MEMBER MELIUS: Okay.

6 CHAIRMAN ZIEMER: You are asking
7 about Argonne West or INEL?

8 MEMBER MELIUS: INL.

9 CHAIRMAN ZIEMER: Okay. Or it's
10 now INL. I am used to INEL. Okay.

11 Brad, did you have additional
12 comments also on the security matters?

13 MEMBER CLAWSON: Mine is a little
14 bit different because Mound and Pinellas are
15 actually gone, but I am dealing with an active
16 facility right now that has many security
17 issues.

18 Since the implementation of the
19 Board's procedure for retrieving documents and
20 so forth like that, we got off to a little bit
21 of a rough start. But it looks like it is
22 starting to work forward and going through

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1 there.

2 It did please me to hear that Glenn
3 had spoken the other day and his support to be
4 able to help us get in there because in our
5 case, there are some real national security
6 issues and so forth, which we have been
7 working on and we are preparing to go down and
8 interview some claimants.

9 And we are also working on a tour
10 down there in late August, early September,
11 some time frame. But we are seeing some
12 delays in kind of a miscommunication of some
13 sorts, but overall it is working fairly good.

14 We are more having a hard time with
15 the site itself, retrieving information.

16 CHAIRMAN ZIEMER: The tour that you
17 refer to is for the Work Group itself? Is
18 that?

19 MEMBER CLAWSON: Yes, it is. It is
20 for the Work Group. And so it is closed to
21 them because of a Q clearance that we have to
22 be able to have and so forth.

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1 CHAIRMAN ZIEMER: Okay. We can
2 proceed.

3 MR. KATZ: Just to clarify, this is
4 Pantex that Brad is speaking for. I know all
5 of us here recognize that.

6 MEMBER CLAWSON: I appreciate that.

7 CHAIRMAN ZIEMER: Okay. Phil, do
8 you have an additional comment?

9 MEMBER SCHOFIELD: Actually, this
10 is more of a question. I was wondering if
11 Larry Elliott could give us any idea when
12 OTIB-0066 -- how they are going to use it and
13 how it would be applied, if they have any idea
14 when this is going to be ready.

15 CHAIRMAN ZIEMER: OTIB-0066, which
16 is? Remind us.

17 MEMBER SCHOFIELD: Is on the
18 tritium issues.

19 CHAIRMAN ZIEMER: On the tritium.

20 MR. ELLIOTT: OTIB-0066 is in
21 place. The issue, the question I think, Phil,
22 goes to how OTIB-0066 is referenced and

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1 applied for a certain site, like Pinellas,
2 Pantex, or Mound. And we see that being
3 different in those different facility
4 situations.

5 So the Site Profile is going to
6 have to speak to how OTIB-0066 is employed at
7 that site. I don't know where that is at. I
8 don't have that right now for Mound or
9 Pinellas or Pantex. I think we are close.

10 There are discussions going on in
11 each of those work groups. I think you have
12 heard for Mound what the plan is, but I don't
13 believe the Site Profile has been fully
14 changed to reflect that yet.

15 MEMBER SCHOFIELD: Okay. Thank
16 you.

17 CHAIRMAN ZIEMER: Thank you. Okay.
18 Let's proceed through the other work groups
19 or at least get underway here for a few
20 minutes.

21 MR. KATZ: Okay. So Blockson we
22 are going to address later, right? Correct?

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1 Then we have Chapman Valve. Dr. Poston?

2 MEMBER POSTON: We attempted to
3 schedule a telephone conference to try to wrap
4 up Chapman Valve and were unsuccessful. So we
5 will try again after this meeting. The summer
6 turns out to be very busy for a lot of folks.
7 And we were unable to schedule it.

8 MR. KATZ: And DOE Security; that's
9 Brad, but, really, we have gone forward on
10 that. That's really maybe --

11 CHAIRMAN ZIEMER: I believe that
12 Work Group has finished the task, which was
13 the task of developing and recommending the
14 document. And that is basically completed.

15 MEMBER CLAWSON: Yes, it is
16 completed. But if you remember, in Amarillo,
17 you kept us together if security issues arose.

18 CHAIRMAN ZIEMER: Right. And,
19 actually, at some point if this becomes sort
20 of a standing group with a broader mission, we
21 may have to make that a subcommittee.

22 MEMBER CLAWSON: Right.

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1 CHAIRMAN ZIEMER: But at least the
2 actual work that was originally charged to it
3 was completed.

4 MEMBER CLAWSON: Yes. It was
5 completed, and they are implemented.

6 MR. KATZ: Right, yes. For the
7 record, the documents were finalized. I do
8 have some comments from Dr. Melius about the
9 final documents, which I will circulate to the
10 Board after this meeting. I mean, they're
11 minor. It would be minor changes. And they
12 relate to an issue that was raised on the
13 first day of this Board meeting.

14 So those are in place. And I also
15 have from all of the Board members
16 certification that they're ready to comply
17 with it, educated, and ready. And I have the
18 same from the SC&A organization. So we are
19 really all set.

20 I will be sending a letter to the
21 Department of Energy just to document that for
22 their sake, for their security plan. And we

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1 are in good shape there.

2 Then we have Fernald. And that is
3 Mr. Clawson?

4 MEMBER CLAWSON: Yes, Fernald,
5 we've had three work group meetings so far.
6 We have got six outstanding issues being
7 discussed at this time.

8 Three of the issues were being
9 addressed by SC&A, which has issued a White
10 Paper. They are in process right now of going
11 to DOE and being cleared and then will be
12 submitted to NIOSH. NIOSH had three other
13 issues that they were looking into. And we
14 are waiting for a report to come back from
15 that.

16 After we have had, both sides have
17 had, time to review and digest what each side
18 is going to do, what they are discussing
19 about, then we are going to schedule a work
20 group at that time.

21 MR. KATZ: Hanford, Dr. Melius?

22 MEMBER MELIUS: Hanford, there has

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1 been no activity. I believe I shared with the
2 Work Group, I'm not sure with the Board NIOSH
3 has reevaluated their approach on Hanford.

4 And at our October meeting, I think
5 -- that is still on schedule -- they will be
6 presenting essentially an expansion of the
7 current SEC to cover more groups and more
8 people. They will have a full explanation
9 from the time right now to do that and a new
10 Evaluation Report to justify that. I think it
11 is coming in as 83.14.

12 MR. ELLIOTT: Yes, sir.

13 MEMBER MELIUS: Yes, and do that,
14 which will cover a much longer time period.
15 And so they are busy doing that. Arjun and I
16 have some sort of technical calls and sort of
17 administrative calls to get caught up on that,
18 but we will all, the whole Board will, be able
19 to see that in October, be presented to us.
20 And hopefully we will have it a little bit
21 before then. So there may be some need for
22 the Work Group to meet and discuss it before

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1 the October meeting, but that somewhat depends
2 on the timing of this, of NIOSH.

3 Meanwhile, we have worked with
4 Arjun to sort of adjust the matrix and our
5 plan for follow-up to take into account this
6 change by NIOSH.

7 MR. KATZ: Thank you. And then
8 next we have -- we have covered INL, Phil has
9 covered that -- Linde, Dr. Roessler?

10 MEMBER ROESSLER: The Linde Work
11 Group has been reconstituted. And the Chair,
12 Josie Beach, Mike Gibson, and Jim Lockey are
13 on it. We have scheduled a meeting for
14 September 2nd at the airport, Cincinnati
15 Airport, Marriott starting at 9:30. And I had
16 hoped that the Work Group will expect to be
17 there pretty much for a full day.

18 The focus of the meeting will be
19 the Linde SEC petition 107 covering the
20 residual period, which is January 1st, 1954 to
21 July 31st, 2006.

22 The meeting will include the OCAS

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1 presenting their petition evaluation and the
2 petitioner presenting her petition since this
3 petition has not been presented to the full
4 Board.

5 [Identifying information redacted]
6 is the petitioner. And I understand she will
7 be at the meeting. Also, SC&A will present
8 its review of the petition, which was
9 completed in June of 2009. And OCAS will have
10 the opportunity to respond to the SC&A review.

11 MR. KATZ: Thank you. And let me
12 just add a little bit to that, which is
13 [Identifying information redacted], the
14 petitioner, had sent a letter to the Board
15 concerning Linde. She had submitted a
16 petition for an interim period just prior to
17 the period that is being covered by this
18 petition that qualified.

19 And that relates to the review that
20 was done by SC&A of the original Site Profile
21 and the discussions that then underwent
22 regarding that Site Profile.

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1 As part of reviewing the SEC
2 petition that qualified, SC&A also looks over
3 -- I mean, it's just part and parcel of that
4 -- looked over the changes that were discussed
5 for the Site Profile and then the new Site
6 Profile that has been issued since to see what
7 transpired in terms of implementing the sort
8 of changes that were discussed for the Site
9 Profile.

10 So I have asked SC&A prior to this
11 Board meeting. She had wanted the Board to
12 consider having the new Site Profile reviewed.

13 And I understood that SC&A had sort of done a
14 considerable amount of work in looking at the
15 new Site Profile in relation to this SEC
16 petition.

17 So I asked them to just sort of
18 fill in the holes in terms of addressing the
19 changes that were made and how they were
20 followed up on, which I think they have, they
21 have undertaken and is underway.

22 As I understood from SC&A, it is a

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1 very small amount of additional work to
2 provide a memorandum to cover whatever wasn't
3 quite covered in the petition review document
4 itself. So they will be providing that.

5 And I would just ask that, although
6 this Board, I mean, the Working Group, is
7 taking up the petition, that they could follow
8 up on whatever issues might arise related to
9 the Site Profile, the new version of the Site
10 Profile in implementing those changes. So I
11 would just ask that for the Board to consider.

12 CHAIRMAN ZIEMER: Well, the tasking
13 has been done already. And I don't think any
14 formal action is needed at this time.

15 MR. KATZ: No. Just that the
16 Working Group could consider those --

17 CHAIRMAN ZIEMER: Oh, the working
18 group.

19 MR. KATZ: -- elements as well, not
20 --

21 CHAIRMAN ZIEMER: Yes, yes.

22 MR. KATZ: -- strictly the SEC

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1 petition.

2 CHAIRMAN ZIEMER: The working group
3 I guess is -- have we named that an SEC?

4 MEMBER ROESSLER: I think you did,
5 yes, once the petition qualified.

6 CHAIRMAN ZIEMER: Yes, right. So
7 the issue is that of expanding the scope of
8 the Work Group to include this. Well, I am
9 not going to say it is necessarily minor, but
10 the Site Profile revisions.

11 Is there any objection on the part
12 of the Board members to expanding their charge
13 to over this?

14 (No response.)

15 CHAIRMAN ZIEMER: I see no
16 objections. And we will consider that their
17 charge is amended suitably to extend as
18 needed.

19 MR. KATZ: Thank you. So Los
20 Alamos National Lab, Mr. Griffon?

21 MEMBER GRIFFON: Yes. We haven't
22 had a meeting since the last Board meeting,

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1 but I think we are getting close. There is
2 activity. I know SC&A was recently out to
3 LANL doing more document review and
4 interviews, I believe.

5 So I would hope before the next
6 full Board meeting we will have a work group
7 meeting but no update other than that.

8 MR. KATZ: Okay. We have Mound
9 already. Nevada Test Site, Mr. Presley?

10 MEMBER PRESLEY: NTS Working Group
11 has not had a meeting since the last meeting.

12 However, we have two outstanding issues.
13 Those issues are being worked between HHS and
14 SC&A.

15 Hopefully the outcome will become
16 worked out before our next meeting and we can
17 have a Working Group meeting to discuss the
18 final outcome of the deliberation and move
19 forward with the NTS Site Profile and the
20 other document -- I am having a senior moment
21 -- Technical Basis Document and the SEC.

22 MR. KATZ: Thank you.

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1 Rocky Flats, Mr. Griffon?

2 MEMBER GRIFFON: Rocky Flats. Yes,
3 we did, as you sort of got briefed on this on
4 the last two days, actually, but we did have a
5 Work Group meeting on the 20th, I believe,
6 just before this meeting, to discuss the -- it
7 is still the one issue: implementation of the
8 Class and the question of the University of
9 Colorado/Ruttenber database and whether that
10 has any implications on how the Department of
11 Labor will implement the Class as the
12 Secretary proposed it.

13 I know there are requests for SC&A
14 to sort of review this report that NIOSH put
15 out, but Labor has just received this report.

16 So what I think is the best path forward here
17 would be to allow the Department of Labor some
18 time to consider this report.

19 I spoke with Jeff yesterday, Jeff
20 Kotsch from Labor. And, you know, he says
21 they do have the report, but, really, they
22 need a little more time to consider it and

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1 whether it would impact their implementation
2 of the Class.

3 And then after that, I think we
4 would consider tasking SC&A if needed. So I
5 think we want to get a read on DOL before we
6 move on this any further.

7 And I don't know, Jeff, if you have
8 anything to add to that.

9 MR. KOTSCH: No, Mark. I mean, we
10 will. We just got it when you got it,
11 received. In fact, I haven't even been in the
12 office in the last few weeks, but we will take
13 a look at it.

14 Also we talked to Larry about
15 getting a copy of the Ruttenger database
16 because we haven't seen that yet either. So
17 we will review those things and I guess
18 respond.

19 MEMBER GRIFFON: I mean, I will
20 stay in close touch with all of the parties.
21 I think certainly we would hope that the
22 Department of Labor can get us a fairly quick

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1 answer on this, on where it would stand.

2 And then, you know, we will deal
3 with that afterwards and whether we need to
4 ask SC&A to review the report. But first we
5 want to hear back from Labor.

6 Larry wants to add.

7 MR. ELLIOTT: Yes. The database
8 from the Ruttenbers is going to be placed on
9 our secure data network and shared with DOL
10 before the week is out.

11 And I have offered our technical
12 team to Jeff to give them an interpretation
13 and a navigational overview of the dataset
14 because it is not straightforward and not
15 self-explanatory. So we will help them with
16 that.

17 If I could, I would like to make a
18 couple of comments here because I certainly
19 appreciate those folks during public comment
20 who have pointed out that where we at NIOSH --
21 as we are scientists, we are not effective
22 communicators in all respects.

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1 And so I want to point out that we
2 haven't done as good a job as I wanted to on
3 communicating about this Rутtenber study. And
4 I would like to expand on what I said Monday
5 just for the record and to be clear.

6 The analysis that is outlined in
7 the report has confirmed that our original
8 understanding that Dr. Rутtenber and then his
9 wife Margaret Rутtenber gave us was that the
10 data used by the Rутtenbers came from the
11 Rocky Flats radiation protection group, same
12 data that was being incorporated and developed
13 into the NDRP. So it is the same data source.

14 Both the Rутtenber and the NDRP studies start
15 with the same dosimetry data source.

16 While the Rутtenber team clearly
17 expressed to Rocky Flats personnel and the
18 NDRP that they would like to use the NDRP, it
19 wasn't ready at the time that they conducted
20 their study.

21 And so the data that they had been
22 given required them to make some assessments

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1 of whether or not neutron exposure occurred
2 for certain types of job categories that
3 weren't reported to them in the NDRP data that
4 they had received.

5 They, therefore, felt that any
6 member of a job classification or category
7 that might have had opportunity to enter one
8 of the identified buildings where plutonium
9 occurred and neutron exposures could have
10 existed should be given an imputed dose, an
11 assigned dose, a dose that is estimated to
12 have been a potential for that kind of
13 activity for that kind of job category. And
14 all people in that job category would have
15 been assigned that dose.

16 So when the Ruttenbers assigned
17 these doses, the NDRP relied primarily on
18 dosimetry records constructed in detail as
19 individual work histories and time lines. And
20 he assigned those doses to workers if there
21 was evidence of a neutron exposure in a
22 building they went into.

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1 There is no difference in the
2 neutron identified buildings in the NDRP from
3 the neutron buildings in the Ruttenber
4 dataset. They are the same. The buildings
5 that have been identified as neutron exposure
6 buildings are the same.

7 It is important to remember, I
8 think, that NIOSH's responsibility here is to
9 the claimants. And so when we developed this
10 evaluation, we talked with the team about how
11 they were going to evaluate the two datasets.

12 You know, our responsibility is to
13 the claimants. So we focused on the 100
14 current claims that we had in our system. And
15 for Rocky Flats workers who were not included
16 in the NDRP prior to 1967 but for whom the
17 Ruttenber data imputed a neutron dose, there
18 were of these 100 claims, 50 individuals that
19 were already included in the SEC Class. There
20 were 22 that had non-SEC cancers and nine had
21 less than 250 days of employment in the SEC
22 period.

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1 Four had dose reconstructions that
2 had a PoC of greater than 50 percent. And
3 three individual claims were closed because
4 either the employee died or the survivors
5 died, which is just terrible in my opinion.
6 That is where we fail these folks
7 dramatically.

8 And one had a non-SEC cancer but
9 was compensated for beryllium exposure. So
10 for the total of 89 of the 100 claimants with
11 imputed neutron doses in the Rутtenber
12 database, this data can have no impact on the
13 compensation decision.

14 In addition, the imputed annual
15 neutron doses in the Rутtenber database are
16 less than 100 millirem for each year in the
17 SEC period for 10 of the remaining 11
18 individuals.

19 A detailed review of these
20 claimants' dosimetry files was conducted. And
21 there was nothing that suggests that neutron
22 exposure occurred for them prior to 1967.

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1 That is, there were no neutron dosimetry
2 results, no incident reports from a plutonium
3 building, no plutonium bioassay results, or
4 any other evidence indicative of neutron
5 exposure potential.

6 There is one claimant with an
7 annual neutron dose of greater than 100
8 millirem in the Rutenber database but not in
9 the NDRP. And there is no evidence of neutron
10 exposure potential for this individual in his
11 dosimetry files.

12 So I guess, in summary, NIOSH in
13 our evaluation has determined that the impact
14 of using the Rutenber database, in addition
15 to the NDRP for determining eligibility in
16 this Special Exposure Cohort Class, is a
17 decision that DOL needs to make. We have
18 tried to give them an understanding based upon
19 claims that we have how this Rutenber
20 database would affect that population.

21 So if we have missed the mark, I
22 apologize for the poor communication of this,

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1 but I sensed enough irritation about it,
2 enough frustration about it from public
3 comment I felt I wanted to clarify the record.

4 MEMBER GRIFFON: Let me just add, I
5 think you got pretty far down into the weeds
6 there. And I am not going to redo our work
7 group conversation because we got quite into
8 these details and how the 100 cases were
9 considered.

10 This is all part of this report,
11 which is available for everybody. It is on
12 the website, on the O: drive, also. You know,
13 I think now let's let DOL look at it and
14 consider it.

15 The one thing that I would ask --
16 and it came out of the Work Group -- is that
17 the analysis of those 100 cases would be added
18 to the O: drive.

19 And I haven't seen. I looked right
20 before the meeting to see if that was posted,
21 and I don't think it has been put up there
22 yet.

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1 So if NIOSH could do that for us
2 and for DOL, I think that might be helpful,
3 too, to understand all of those details you
4 just went through and see that but anyway.

5 CHAIRMAN ZIEMER: Dr. Melius?

6 MEMBER MELIUS: Again, without
7 trying to belabor the situation but I'll agree
8 with one thing, Larry, that this was a poorly
9 communicated report. I found it to be very
10 confusing, very poorly written.

11 And I would object. I think the
12 duty of NIOSH and certainly the duty of the
13 Board is to more than just the 100 claimants.

14 It is to a whole class of potential claimants
15 and whether in reviewing and defining a Class
16 definition we made the proper designation and
17 that the Rutenber data offered a new source
18 of data.

19 So I think we have an obligation to
20 look into this more than just to do with the
21 100, what happened to 100, claimants, whether
22 they are a convenient sample that can be used.

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1 And I can understand why they were looked
2 into.

3 I am also comfortable with DOL, I
4 think needs to take a look at this given where
5 we are in implementing this Class. And I
6 think we need to be appropriately careful and
7 prudent in how we approach this now given what
8 has gone on. So I think feedback from DOL
9 would be welcome. And then let's see where we
10 need to go with this.

11 CHAIRMAN ZIEMER: Well, indeed, the
12 issue has really focused on the implementation
13 of a Class which has already been approved.
14 And if, in fact, DOL after looking at this
15 determines that there should be some
16 modification, that will impact on what we do
17 next.

18 So it is very appropriate to let
19 DOL take a look at this first. And then we
20 can determine a course after we see what comes
21 out of that.

22 So thank you very much. Let's go

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1 ahead.

2 MR. KATZ: Santa Susana, Mr.
3 Gibson?

4 MEMBER GIBSON: We met April 17th
5 in Cincinnati. We went over the matrix and
6 the concerns that SC&A had. Those concerns
7 are in NIOSH's hands right now. They made no
8 response to them. We're awaiting that.

9 Also since last meeting, I have
10 become aware of some information that is out
11 there that I don't think SC&A has reviewed yet
12 that -- I haven't been able to share this with
13 the rest of the Work Group.

14 So I am not comfortable with asking
15 SC&A to do that now, until I talk to the rest
16 of the Work Group. But, just for your
17 information, I think there may be some
18 additional tasking we want to do for SC&A to
19 do some additional review.

20 MR. KATZ: Thank you, Mike.

21 Savannah River site, Mr. Griffon?

22 MEMBER GRIFFON: Yes, pretty much

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1 the same update as for Los Alamos. We are
2 close, but we haven't had a meeting yet. And
3 SC&A has also been down there. Joe's group
4 gets around.

5 Again, I think early fall we are
6 expecting to have a work group start up down
7 in Savannah and maybe in the area, actually.
8 I am not sure about that because we might
9 coincide it with data collection activities.
10 So it will either be in our normal spot,
11 Cincinnati, or Savannah. And that is it.

12 MR. KATZ: SEC issues, Dr. Melius?

13 MEMBER MELIUS: The SEC Issues Work
14 Group met by conference call, I believe,
15 stealing or beating John Poston to the one
16 open time we had. Sorry, John. We all had
17 scheduling problems between health physics and
18 other vacation schedules and so forth.

19 Anyway, we met, reviewed two
20 things. One was the Dow SEC petition, which
21 was mainly trying to update and make sure
22 where we stood with a variety of issues

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1 related to that.

2 We do need to task SC&A with one
3 more review related to that. It is not a
4 large task, but the Appendix, I think it's
5 Appendix C, but I may be wrong, to the
6 TBD-6000, which covers Dow and needs to be
7 reviewed by SC&A, they haven't reviewed it in
8 relationship to the SEC because I wasn't
9 available at the time they did their last
10 technical review. And there are a few other
11 informational things.

12 I think if SC&A proceeds correctly,
13 I think we will try to do another Work Group
14 meeting before the October meeting and
15 hopefully can bring some closure to that SEC
16 evaluation review.

17 The other potential problem there
18 is that the residual covered period is being
19 under evaluation also. And there may be some
20 changes to that and being forwarded from
21 NIOSH. The timing on that is sort of out of
22 our hands, but we may want to proceed anyway,

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1 but that could complicate the timing a little
2 bit.

3 The second issue we looked at was
4 we had the discussion on the 250-day issue
5 involving the Metallurgical Laboratory,
6 Chicago and I think, again, more of a
7 technical discussion about how to approach
8 that problem. And I think it was a good
9 discussion. We will need to do follow-up.

10 So I think probably at the same
11 time we do Dow, we will probably have a
12 meeting of the Work Group to also discuss the
13 250-day issue.

14 MR. KATZ: Any questions?

15 (No response.)

16 MR. KATZ: Thanks, Dr. Melius.

17 And, just for clarity here, SC&A was tasked at
18 the Work Group meeting to take on Appendix C.

19 Okay. So then we have TBD-6000,
20 6001.

21 CHAIRMAN ZIEMER: This Work Group
22 has been focusing mainly on the Appendix B,

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1 which is the General Steel Industries issue.
2 And at the last Board meeting, we tasked SC&A
3 to look at the SEC Petition Evaluation Report.

4 SC&A has completed that. And that
5 report has been sent to DOE for clearance. It
6 has not yet come to the Work Group. I think
7 it went to DOE last week, late last week.

8 And we expect that to be out to the
9 Work Group perhaps in a week or two. And once
10 we have that report from SC&A, we will be
11 ready to schedule our next Work Group meeting.

12 In relation to General Steel in the
13 meantime, there have been some other
14 activities. SC&A staff people have also done
15 some phone interviews with some of the General
16 Steel workers to clarify some of the issues
17 that have arisen.

18 We have had a fair amount of input
19 from both the petitioner and the site expert.

20 So that there is a fair amount of additional
21 information for the Work Group to look at as
22 well.

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1 So as soon as we get the SC&A
2 report, we will be ready to schedule a meeting
3 within the next four to six weeks.

4 MR. KATZ: Thank you, Dr. Ziemer.
5 Surrogate Data, Dr. Melius?

6 MEMBER MELIUS: Nothing new to
7 report. We will be planning to try to hold a
8 Work Group meeting between now and the October
9 meeting on that.

10 We took our own time. The time
11 available for that was also like that 3:00
12 o'clock last Friday.

13 MR. KATZ: I see a very busy fall
14 ahead of us for work groups, which is great,
15 actually.

16 And, Mr. Gibson, Worker Outreach?

17 MEMBER GIBSON: Yes. We met in
18 Cincinnati on June the 16th. And we have
19 another meeting scheduled August the 12th in
20 Cincinnati.

21 We tried to find how we are going
22 to assess the worker outreach efforts. We put

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1 together some draft language, and we are still
2 working with that. But today there are a
3 couple of issues.

4 Number one, we would like to
5 present to the Board a draft mission statement
6 to see if the Board would concur for us to
7 adopt that. The mission statement is, the
8 mission of the Advisory Board on Radiation and
9 Worker Health's Worker Outreach Work Group is
10 to monitor and assess the effectiveness of
11 NIOSH and other sources of assistance for
12 potential EEOICPA claimants and assure this
13 information is available to as many current
14 and former workers of the U.S. weapons complex
15 as possible.

16 CHAIRMAN ZIEMER: I interpret that
17 as a motion for approval of the Board for sort
18 of the charge to the Work Group.

19 MEMBER GIBSON: Yes.

20 CHAIRMAN ZIEMER: And if there's a
21 second, we will discuss that.

22 MEMBER BEACH: I will second that.

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1 CHAIRMAN ZIEMER: And there is a
2 second. Before we actually discuss the
3 motion, let me point out that when the Worker
4 Outreach Work Group was proposed -- and I
5 believe, Mike, you actually proposed it
6 originally -- both Mike and the chair and
7 maybe the full Board, we weren't completely
8 clear as to what exactly the Work Group should
9 do except sort of an intuitive feeling that
10 they needed to take a look at how outreach is
11 being done.

12 A lot of that is done by Labor, but
13 NIOSH certainly has activities and works with
14 Labor in these outreach activities. And so
15 basically the Work Group had the opportunity
16 to define their task.

17 They have deliberated on this over
18 the past number of months and determined that
19 this would be the kind of framework in which
20 they could move forward.

21 So I think it is in that context
22 that Mike and the Work Group have proposed

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1 this as sort of their official charge. And I
2 would like to ask if any of the Board members
3 -- do you need to hear the words again?
4 Because we haven't seen this in writing.

5 So why don't you read it once again
6 for us just so we have it clear in our minds
7 what the charge would be?

8 MEMBER GIBSON: The mission of the
9 Advisory Board on Radiation and Worker
10 Health's Worker Outreach Work Group is to
11 monitor and assess the effectiveness of NIOSH
12 and other sources of assistance for potential
13 EEOICPA claimants and assure this information
14 is available to as many current and former
15 workers of the U.S. weapons complex as
16 possible.

17 CHAIRMAN ZIEMER: Okay. Thank you.
18 The key points here I think are monitor and
19 assess. And as the Work Group moves forward
20 if we approve this, they would have to
21 determine, actually, how to do the assessing.
22 And that would be their next step and then

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1 the issue of sort of making sure that the word
2 gets out there. And that has some
3 implications itself in terms of how that would
4 be done.

5 MEMBER GIBSON: And we do have some
6 draft language that we are still commenting on
7 that we think is leading us down the road on
8 what we are going to assess and how to assess
9 it.

10 CHAIRMAN ZIEMER: So this is just
11 an overall sort of charge with the
12 understanding that details on how to actually
13 do this, the group would work out. We would
14 assume that, Mike, you would report back to us
15 as you make progress and get input from the
16 Board.

17 I think this is a very important
18 Work Group in terms of overall impact on the
19 program. And so it would be important to get
20 feedback from the Board itself.

21 When counsel whispers in someone's
22 ear, I always pause.

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1 MR. KATZ: No. It's okay. Counsel
2 has just advised me about a concern because
3 it's vague language. I think in the language
4 that it was NIOSH and other sources of
5 assistance. And the concern was that if DOL
6 is considered another source, that DOL is
7 really outside of the scope of the charter for
8 the Board to be evaluating DOL actively.

9 CHAIRMAN ZIEMER: Well, let me just
10 comment that we are certainly not going to be
11 formally evaluating DOL. I think Mike would
12 understand this. And we want to make clear
13 that if there are things that we, NIOSH, can
14 do -- and some of these might be in
15 conjunction, I guess, with DOL activities
16 because we are often there.

17 So I think we want to make it clear
18 that we are not making recommendations to DOL.

19 It would be surprising to me if in the
20 process of the activities, that one might note
21 something in terms of how things -- I mean, it
22 happens in our regular meetings. We hear from

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1 claimants. We hear from public comments
2 issues that are often DOL-related issues. But
3 they get sort of merged together.

4 So we are not going to try to
5 control or recommend to DOL. It would be
6 surprising to me, though, that if the
7 activities were completely divorced in terms
8 of the fact that we do try to work together
9 with DOL on this.

10 So I think, for Ms. Howell, we will
11 certainly try to steer clear and stay in our
12 own boundaries. And I don't think we want to
13 say that the other entities as code words for
14 DOL or anything like that.

15 Well, enough said on that. Maybe
16 others have comments. I see a number. Brad
17 has a comment, Dr. Lockey.

18 MEMBER GIBSON: Mr. Chairman, could
19 I respond? We totally understand that our
20 duties are to advise NIOSH and that you are
21 exactly right, Paul. The reason the other
22 sources were put in there is because many of

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1 the meetings are initiated by DOL. And NIOSH
2 attends those meetings. And so, as a work
3 group, we would like to be there, too.

4 We have been there in the past.
5 And there are going to be potential comments
6 on how NIOSH was or was not effective in those
7 meetings. And if there is something that we
8 see concerning DOL, if we bring it to the
9 Board, we have made comments to other agencies
10 in the past about other issues. And that may
11 happen in the future.

12 But we understand that we are just
13 to assess the NIOSH program and its outreach.

14 CHAIRMAN ZIEMER: Brad?

15 MEMBER CLAWSON: And I understand
16 what Emily has put forth, but the one thing I
17 didn't want us to meet. Being able to have
18 been asked to go to a couple of DOL meetings
19 at one of the sites that I am in the Work
20 Group for, there was some very interesting and
21 some very important information that came out
22 in there.

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1 This is what I kind of see as the
2 worker outreach process is doing to us to make
3 sure that this information that is talked
4 about in a public setting or so forth like
5 that isn't lost, that we're taking
6 acknowledgment.

7 And also, too, from the people that
8 were there, they appreciated knowing that the
9 Advisory Board did have an interest in what
10 was being said. And I don't want to ever be
11 able to lose that.

12 I understand we can't tell DOL or
13 anything else like that, but there is some
14 very, very good information that comes out.

15 CHAIRMAN ZIEMER: Wanda?

16 MEMBER MUNN: If there is going to
17 be heat about the other sources comment, you
18 need to direct it at me because I was highly
19 instrumental in suggesting that we include
20 that language.

21 The Department of Labor was
22 actually the last of the sources that I was

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1 considering. We know we have no
2 responsibility at all toward what Labor, the
3 Department of Labor, does or does not do.

4 On the other hand, professional
5 organizations, organized labor organizations,
6 and by this point even attorneys are involved
7 throughout the entire country in attempting to
8 provide information to claimants, both
9 positive and negative information.

10 If we do not take into
11 consideration the fact that -- if we are going
12 to assess how claimants are getting their
13 information and we do not even pay any
14 attention to other sources, then it appears to
15 me that we're failing what I believe most of
16 this work group interpreted was our charge.

17 CHAIRMAN ZIEMER: Jim?

18 MEMBER LOCKEY: When I listen to
19 the language, when I hear the word assess,
20 that means it is an active process that means
21 resources being committed to a working group.

22 Are you saying that the working group itself

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1 is going to go out and assess or have
2 resources to do the assessment or are you
3 going to be making recommendations as to how
4 NIOSH should assess it?

5 MEMBER GIBSON: We have in the past
6 and we continue to physically go to meetings
7 and assess the process as it goes forward.

8 NIOSH, they have changed the
9 database on how they used to track worker
10 comments into a different type of database.
11 And that is close to going online and being
12 shared with us.

13 So there will be some review of
14 stuff like that, too, you know, just directly
15 with NIOSH. So it is going to be a
16 combination of both.

17 MEMBER LOCKEY: So active working
18 group assessment, attending meetings, as well
19 as making recommendations as to how NIOSH
20 should assess the program?

21 MEMBER GIBSON: Yes.

22 MEMBER LOCKEY: Okay.

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1 CHAIRMAN ZIEMER: Ted?

2 MR. KATZ: I don't want to be a
3 stickler about language. It is just for the
4 charge of the Work Group. So I am not
5 suggesting it has to change, but monitor
6 normally implies an ongoing activity.

7 And just we need to keep in mind
8 that this is a working group. And as long as
9 it is going to be a working group, it has a
10 sort of finite charge, a beginning and an end
11 to it. If it were to become a more monitoring
12 type of function, it would need to be a
13 subcommittee.

14 CHAIRMAN ZIEMER: I fully agree.
15 And this is one of those areas. And it is not
16 focused on a specific site and might very well
17 morph or merge or move into that mode.

18 I think once we have their charge
19 and a better delineation of what they are
20 going to do, we will be in a position to
21 answer that. I still consider it somewhat ad
22 hoc until we reach that point. I very well

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1 would expect it might become a subcommittee.

2 MEMBER GIBSON: And the second
3 issue I told you that we were going to discuss
4 today is we have not formally voted as a work
5 group to make a motion to the Board.

6 But the thing I think we have
7 consensus on and I wanted to throw out for the
8 Board's consideration is changing us. We have
9 presented a draft basic task to you that we
10 want to go after, but we think that task is
11 going to be an ongoing thing. So we wanted to
12 throw out for short discussion or whatever
13 here today about modifying this work group or
14 changing the status to a subcommittee.

15 CHAIRMAN ZIEMER: Well, that is the
16 point, then. And I would suggest that for
17 today, we simply vote on this new -- what do
18 we call it? -- charter, as it were.

19 And once you come back with the
20 details on monitoring and assessing, we get a
21 kind of a full feel for the scope, it might be
22 an appropriate time to take the next step,

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1 then, if that is agreeable.

2 Jim?

3 MEMBER LOCKEY: I would feel
4 comfortable if we could see the statement and
5 the objectives, what you are proposing, going
6 forward really outlines -- so that gives us an
7 idea of what you all are committing to.

8 It sounds like it needs to go to a
9 subcommittee, but perhaps having the
10 objectives in the outline under the statement
11 also would be very helpful so we can get our
12 arms around this.

13 MEMBER GIBSON: And that is. We do
14 have that in draft form. We are still
15 commenting on it as a work group. And NIOSH
16 has got some comments in on it. We just
17 didn't have it ready for today.

18 CHAIRMAN ZIEMER: I think we are
19 still discussing the original motion. And
20 then those other details would come perhaps at
21 the next meeting, at which point we could take
22 the follow-up action.

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1 Let me ask you if the Board is
2 ready to vote on this motion. This is I will
3 call it the monitor and assess motion. How is
4 that? All in favor, aye?

5 (Chorus of ayes.)

6 CHAIRMAN ZIEMER: Opposed, no?

7 (No response.)

8 CHAIRMAN ZIEMER: Abstentions?

9 (No response.)

10 CHAIRMAN ZIEMER: The motion
11 carries. Thank you very much. Thank you,
12 Mike.

13 MR. KATZ: I think that is it.

14 CHAIRMAN ZIEMER: That is it.

15 MEMBER CLAWSON: I just covered
16 Pantex.

17 CHAIRMAN ZIEMER: Okay. We have a
18 little add-on. And then we are going to take
19 our break. It is too bad we are not able to
20 do dose reconstruction selection, but we will
21 do that after the break.

22 Go ahead.

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1 MEMBER CLAWSON: I just wanted to
2 report on Pantex. We have had two site visits
3 there. Like I said earlier, Pantex is
4 different than what we have dealt with a lot
5 because there are a lot of security issues.
6 The Work Group is made up of a few cleared
7 people so that we are getting access to this
8 information and we will be able to see it.

9 SC&A submitted its report to NIOSH
10 last December. They had to take and tweak it
11 a little bit. And it was reissued in the
12 April time frame. And we are waiting at this
13 time for a response from NIOSH on the SC&A
14 report.

15 After that happens, we are going to
16 be able to schedule a work group meeting.
17 But, like I said earlier, the first of August,
18 early September time frame, the Work Group is
19 going to go down or not work group but SC&A is
20 going to go down and the members from the Work
21 Group have the opportunity to go down. They
22 are going to have some worker interviews and

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1 so forth like that.

2 And then once we get the report
3 back from NIOSH, which if we could get a time
4 frame, it would kind of help us towards a work
5 group scheduling. And we'll go from there.

6 CHAIRMAN ZIEMER: Thank you very
7 much.

8 Then let's take a break until
9 11:30. Then we are going to come back. We
10 need to do dose reconstruction case selection.

11 We need to take care of the Oak Ridge
12 Hospital Work Group. We need to complete some
13 work on Blockson. So we will have about an
14 hour to finish that up.

15 (Whereupon, the above-entitled
16 matter went off the record at
17 11:11 a.m. and resumed at 11:35
18 a.m.)

19 CHAIRMAN ZIEMER: We will now
20 reconvene our session. The next item on the
21 agenda, part of our Board working time, is the
22 dose reconstruction case selection.

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1 Mark is prepared to lead us through
2 there. Mark and I have conferred on this.
3 The suggestion is Mark will indicate the
4 cases. And we will do this page by page. He
5 has preselected some and will ask for
6 additional suggestions on each page. And we
7 will try to move through this more rapidly.

8 I told Mark if we take more than
9 one minute per selection, we are going to use
10 up our whole hour with this. So we want to be
11 fairly efficient.

12 So, Mark, you are working off the
13 copy that has them numbered in order starting
14 with -- we will just use the last three
15 digits, 201, --

16 MEMBER GRIFFON: Yes, 201.

17 CHAIRMAN ZIEMER: -- so the
18 sequential copy, and move through that page by
19 page. Okay. Mark, it's yours.

20 MEMBER GRIFFON: Yes. And I'll
21 just say quickly I came up with like around 68
22 or 70 cases. These are kind of preselected.

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1 We always know that we lose some on the next
2 step. So we are ultimately trying for 38.

3 So I will go through my choices.
4 And then if you have any additions or
5 subtractions or whatever, we will do it page
6 by page.

7 MEMBER MUNN: Mark?

8 MEMBER GRIFFON: Yes.

9 MEMBER MUNN: What criteria did you
10 use? Because I ended up just randomizing my
11 selections and --

12 MEMBER GRIFFON: I mean, basically
13 similar criteria that we have used in the
14 past. I mean, I generally looked for cases
15 under 50 but near 50, 45 to 50. This is
16 sorted on 30 to 60. So it is a little
17 broader.

18 So the choices, I always look for
19 the site choices. If there was a unique site
20 that I -- and I did this by memory. I didn't
21 really go back to our -- SC&A has a tracking
22 matrix for us of all of the sites we have

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1 looked at and the numbers and all of that.

2 But I tried to look at if there
3 looked like a unique site that we haven't seen
4 before, that would be worth -- because that
5 ends up being like the mini Site Profile
6 Review situation. So I might have selected
7 that.

8 MEMBER MUNN: So you pretty much
9 used the same variance of criteria that was
10 used before yours were, --

11 MEMBER GRIFFON: Pretty much, yes.

12 MEMBER MUNN: -- where they were --

13 MEMBER GRIFFON: And I figure we
14 can fine-tune this on the Subcommittee. Once
15 we get down to the final selection, we can
16 look and say, you know, if we end up with a
17 dozen Savannah Rivers and we look at our total
18 numbers from before and we're getting too many
19 Savannahs, we may want to drop some of those
20 off or something like that. So this is like a
21 first triage. So I went broader than we will
22 end up.

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1 Okay. So on the first page, I have
2 205, 207, 208, 211, 212, 218, 220, 221, and
3 222. Any additions or ones that I mentioned
4 that you want to remove? We can look at those
5 now.

6 MEMBER CLAWSON: I had 207 or did
7 you say that one?

8 MEMBER GRIFFON: I said 207, yes.

9 MEMBER CLAWSON: Okay. How about
10 213?

11 MEMBER GRIFFON: I didn't have 213
12 because it is a -- yes, that is a possibility.
13 It is Iowa, but it is a non-SEC cancer,
14 correct? So I can add that, 213.

15 Any others to add or subtract?

16 (No response.)

17 MEMBER GRIFFON: Okay. Let me know
18 if I need to slow down on this, but we will
19 try to keep them moving.

20 MEMBER MUNN: I had marked 202,
21 Mark, just because liver is one of those that
22 doesn't come off a lot.

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1 MEMBER GRIFFON: We looked at
2 Bethlehem Steel, and it is a site-wide model.
3 That is why I didn't --

4 MEMBER MUNN: No problem.

5 MEMBER GRIFFON: Okay. Page 2, I
6 have 224 and 227. And that was it on that
7 page from me. Any additions or --

8 MEMBER CLAWSON: I just had 247 was
9 all.

10 MEMBER GRIFFON: Two forty-seven?

11 MEMBER CLAWSON: Yes, very bottom
12 of the page.

13 MEMBER GRIFFON: Well, we can
14 consider that. I think we looked at Superior
15 Steel. And it is a site-wide model again.

16 MEMBER CLAWSON: Okay.

17 MEMBER GRIFFON: So I would, yes.

18 MEMBER CLAWSON: No problem.

19 MEMBER GRIFFON: So we will leave
20 that off.

21 MEMBER MUNN: And I marked 246
22 primarily because of Albuquerque.

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1 MEMBER GRIFFON: 246, Albuquerque
2 Operations Office. That is true. I don't
3 think we have looked at that. So that is
4 fine. Is that it?

5 Page 3, I don't have any. Most of
6 these are over 50 percent. That is part of
7 the reason I think I don't have any on this
8 page.

9 MEMBER MUNN: I marked 249.

10 MEMBER GRIFFON: I am sorry, Wanda.
11 I didn't hear.

12 MEMBER MUNN: I said I marked 249.
13 I thought that was one of those very near the
14 tipping point.

15 MEMBER GRIFFON: A lot of work
16 experience and very near. Okay. Yes.

17 MEMBER MUNN: Yes.

18 MEMBER GRIFFON: Two forty-nine.
19 We will add that on.

20 MEMBER CLAWSON: Two sixty-six is
21 one that I marked.

22 MEMBER GRIFFON: Okay.

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1 MEMBER MUNN: Two sixty-six?

2 MEMBER GRIFFON: Two sixty-six.

3 MEMBER MUNN: Okay.

4 MEMBER GRIFFON: We will add that.

5 All right.

6 Next page is I have 275, 283, 284.

7 And 283-284 I picked for the very unique time
8 period that they worked and the fact that one
9 of them, actually, Paducah, 284, is a less
10 than one year and 51 percent on lung cancer,
11 which is kind of interesting to me.

12 So 275, 283, and 284 is all I have
13 on that page. Any others?

14 MEMBER CLAWSON: I had 285. I know
15 that it is compensated, but I was just
16 interested in all of the different sites. And
17 it was only 7.9 years.

18 MEMBER GRIFFON: Yes. We did have
19 several that had a bunch of Oak Ridge sites,
20 but I am willing to add it if other people
21 agree.

22 MEMBER CLAWSON: Just a suggestion.

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1 MEMBER GRIFFON: All right. I
2 don't want to make Stu's work too big. The
3 idea is to narrow the list, but we can add
4 that one, 285.

5 Page 5, I have -- are we on page 5?
6 Yes. Page 5, I have nothing. A lot of these
7 are over 50, I think most of them.

8 MEMBER MUNN: I marked --

9 MEMBER GRIFFON: Yes?

10 MEMBER MUNN: -- 297.

11 MEMBER GRIFFON: Two ninety-seven?

12 MEMBER MUNN: Two ninety-seven. As
13 I said, I was doing these fairly randomly, but
14 we haven't had many non-melanoma skin that we
15 have marked so far, have we?

16 MEMBER GRIFFON: No. I am willing
17 to add that one.

18 MEMBER CLAWSON: Mark, I had one
19 that was 292 that Iowa Ammunitions, but it was
20 non-compensated. But it was close. That's
21 why I marked it.

22 MEMBER GRIFFON: Yes. And we just

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1 added another Iowa one on. So I would say
2 they are going to be similar models there. I
3 would think one of those would be enough if
4 that is okay. I don't want to get too high
5 with the numbers here.

6 MEMBER CLAWSON: That's fine.

7 MEMBER GRIFFON: Page 6 I don't
8 have any on. Again, a lot of these were 50
9 percent. And I realized as I went through the
10 whole document that there were plenty in the
11 range that we wanted. So I tried to stay away
12 from a lot of the ones that were compensable.

13 MEMBER MUNN: Well, but some of
14 them --

15 MEMBER GRIFFON: Does anybody have
16 any on page 6?

17 MEMBER GIBSON: Do we have any for
18 Santa Susana?

19 MEMBER GRIFFON: I'm sorry? Three
20 fourteen did I hear? Oh, yes. He worked a
21 long time. Yes.

22 MEMBER MUNN: It is those.

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1 MEMBER GRIFFON: Yes, yes.

2 MEMBER MUNN: It is those extra
3 hours you get for extra shifts.

4 MEMBER GRIFFON: Ask him what diet
5 he's on, right, he or she?

6 MEMBER GIBSON: Mark?

7 MEMBER GRIFFON: Yes?

8 MEMBER GIBSON: Three nineteen.
9 Have we done many from Santa Susana?

10 MEMBER GRIFFON: I don't think so.
11 We can mark it down. It is a compensable
12 one, but I'm not sure we have done Santa
13 Susana.

14 MR. HINNEFELD: Excuse me, Mark.
15 Did you select 314?

16 MEMBER GRIFFON: No.

17 MEMBER ROESSLER: No.

18 MEMBER GRIFFON: We just pointed
19 out --

20 MEMBER ROESSLER: I think that has
21 got to be a --

22 MEMBER GRIFFON: Yes. So 319 is

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1 the only one I added on that page.

2 Page 7, I have 342.

3 MEMBER MUNN: So did I.

4 MEMBER GRIFFON: And that is it.

5 MEMBER MUNN: I had 344.

6 MEMBER GRIFFON: Yes. I started to
7 have that. But then I saw .3 years worked,
8 and it wasn't so interesting to me anymore.

9 MEMBER MUNN: It's another one of
10 those how do you get even that high with .3
11 years worked.

12 MEMBER GRIFFON: Yes. Okay. I can
13 put that down, 344. Yes.

14 MEMBER MUNN: I assume that's all
15 assumed.

16 MEMBER GRIFFON: Page 8. I had 347
17 for the same reason as I stated before, that
18 .2 years worked and the compensable lung
19 cancer, 356 and 358.

20 MEMBER PRESLEY: Mark, I've got two
21 on there, 361 and 362. These are both
22 Bethlehem Steel.

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1 MEMBER GRIFFON: But they are very
2 close, right? Is that right?

3 MEMBER PRESLEY: Yes.

4 MEMBER GRIFFON: Yes.

5 MEMBER PRESLEY: One of them is
6 49.44, and the other is 46.58. And they are
7 both almost 35. One is 37 years. One is 35
8 years.

9 MEMBER GRIFFON: Yes. I have those
10 as question marks. What if we pick 361
11 because they are the same model?

12 MEMBER PRESLEY: Yes, they are the
13 same model.

14 MEMBER GRIFFON: And one is very
15 close. You are right.

16 MEMBER PRESLEY: Okay.

17 MEMBER GRIFFON: Yes. Three
18 sixty-one we'll do. Okay.

19 Page 9, I have 369 and 377.

20 MEMBER PRESLEY: I have got 374.
21 It is a lot of years, and it's close, up at
22 Portsmouth.

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1 MEMBER GRIFFON: Okay.

2 MEMBER PRESLEY: And it is in the
3 early years. And I have got one from Rocky
4 Flats that is 377.

5 MEMBER GRIFFON: I had that one,
6 yes.

7 MEMBER PRESLEY: Okay. I'm sorry.

8 MEMBER CLAWSON: I have 364. It's
9 compensated, but I just found it interesting,
10 all the different sites, 41 years worth of
11 work.

12 MEMBER MUNN: Yes. I marked that
13 one, too.

14 MEMBER GRIFFON: Okay. Three
15 sixty-four.

16 Page 10 is, I have, 380, 381, 390,
17 and 391.

18 MEMBER MUNN: Would you say those
19 again please, Mark?

20 MEMBER GRIFFON: Three eighty, 381,
21 390, and 391.

22 MEMBER CLAWSON: Mark, this is

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1 probably the same model, but what I found
2 interesting was nine years work at Bethlehem
3 Steel. That's at 392.

4 MEMBER GRIFFON: Yes.

5 MEMBER CLAWSON: And it's at 49.57.

6 MEMBER GRIFFON: Yes. I mean, I
7 feel like it's the same. We just picked one
8 that was real close.

9 MEMBER CLAWSON: Okay. I didn't
10 remember if that was Bethlehem Steel or not.

11 MEMBER GRIFFON: Yes, it was
12 Bethlehem Steel. There's your round-off, too,
13 Paul.

14 Any more on page 10?

15 (No response.)

16 MEMBER GRIFFON: Page 11?

17 MEMBER PRESLEY: I've got 403.

18 MEMBER GRIFFON: Hold on. We are
19 going back to 392. We can look at this on the
20 next phase, but we might want to swap that out
21 with the other one, you know. Yes. Yes, 392
22 I will add on.

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1 Next page I have 397, 398, 399, and
2 402.

3 MEMBER PRESLEY: How about 403?
4 It's a high number, 20 years. And I don't
5 think we have done a whole lot of General
6 Steel.

7 MEMBER GRIFFON: Well, I would say
8 let's not do 402 and then just do 403,
9 probably the same model.

10 MEMBER PRESLEY: Yes.

11 MEMBER CLAWSON: What about 404?

12 MEMBER GRIFFON: I think anyway.

13 MEMBER PRESLEY: All three of those
14 are --

15 MEMBER MUNN: Could be the same
16 model.

17 MEMBER PRESLEY: The other one is
18 real close.

19 MEMBER GRIFFON: So, how about 403
20 and then 397, 398, 399? Is that right?

21 MEMBER CLAWSON: Mark, I liked 404.
22 It's low, but it's General Steel. But these

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1 are almost ten years more than any of these
2 other guys, 33 years.

3 MEMBER GRIFFON: Again, I am
4 expecting it is the same model for all three.

5 MEMBER CLAWSON: Okay.

6 MEMBER GRIFFON: So I am not really
7 wedded to which one we pick, but I think we
8 should just stick with 403 if that is all
9 right.

10 MEMBER CLAWSON: That's fine. I
11 was just seeing the different cancer.

12 MEMBER GRIFFON: Page 12.

13 CHAIRMAN ZIEMER: Which did we
14 decide on?

15 MEMBER GRIFFON: Four-o-three.

16 Page 12 is 416, 421, 422, and 430.

17 And 421 I am not so wedded. I think I would
18 drop off 421, actually, because I picked that
19 for the reason you added the other one, Brad,
20 was the multiple sites.

21 MEMBER CLAWSON: Okay.

22 MEMBER GRIFFON: But I would drop

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1 it off now. So 416, 422, 430. That's what
2 I've got. And I believe U.S. Steel Company
3 National Tube Division is a site we haven't
4 done. So that is why I added that on. Yes.
5 It's one of those. It would be a mini Site
6 Profile review kind of thing. So 416, 422,
7 and 430.

8 Page 13 I have 439 because I
9 haven't seen that site before, 442. Four-
10 forty-three because I don't think we have done
11 DuPont either, DuPont Deepwater Works; 445;
12 446; 450; '51 and '52.

13 Four fifty I picked because this
14 person -- and this might be not a typo. He
15 worked 57 and a half years, he or she, so
16 could still be employed, started in '50.

17 MEMBER CLAWSON: The only one that
18 I had is 434 at the very top of the page. I
19 know it's a General Steel, but all other
20 ill-defined sites.

21 MEMBER MUNN: Yes. We just had
22 another one of --

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1 MEMBER GRIFFON: Yes. I just
2 picked one of those other ill-defined sites
3 because we hadn't seen that before. So I
4 think I've got that covered.

5 MEMBER CLAWSON: Okay.

6 MEMBER MUNN: And I guess I had
7 chosen 444 instead of -- I actually chose 444
8 and 445, thinking it would be interesting to
9 see the difference in the 2 sites, both bone
10 cancer.

11 MEMBER GRIFFON: Well, actually,
12 444 might be better than 443. I assumed that
13 it was going to be the same model.

14 MEMBER MUNN: Yes.

15 MEMBER GRIFFON: But yours is much
16 more years worked. So I would be willing to
17 not do 443, pick 444 instead.

18 MEMBER MUNN: Okay. Great.

19 MEMBER GRIFFON: Okay. Page 14 I
20 have 453 -- I don't think we've done that site
21 -- 457; 460 because it's very close -- well,
22 it's actually 45 percent -- 464; and 466.

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1 MEMBER PRESLEY: Mark?

2 MEMBER GRIFFON: Yes?

3 MEMBER PRESLEY: Four seventy-one
4 is a 49.3, Paducah, with non-melanoma skin
5 basal cell, didn't work but 3 years --

6 MEMBER GRIFFON: Three years.

7 MEMBER PRESLEY: -- but worked in
8 the early days.

9 MEMBER GRIFFON: Okay. I'm willing
10 to add it on to look. And sometimes we also
11 find that even though they say full
12 internal/external, they end up being
13 overestimating a purchase. So we might triage
14 some of these out, but okay.

15 Page 15, 480, 482, 485, 487, 488,
16 489. There are a couple of sites I wasn't
17 sure we have done: United Nuclear Corp and
18 Uranium Mill in Durango. That is why I picked
19 those.

20 MEMBER PRESLEY: I've got 447
21 simply for the fact that it's --

22 MEMBER GRIFFON: Four seventy-four

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1 you mean?

2 MEMBER PRESLEY: Four

3 seventy-seven.

4 MEMBER GRIFFON: Four

5 seventy-seven?

6 MEMBER PRESLEY: It's very high.

7 We've got a lot of Rocky. This guy has got a

8 lot of years, person. Again, it's a --

9 MEMBER GRIFFON: Okay. Four

10 seventy-seven.

11 MEMBER CLAWSON: The only one that

12 I had that you didn't was the 488. It was a

13 thyroid.

14 MEMBER GRIFFON: I had 488.

15 MEMBER CLAWSON: Oh, do you?

16 MEMBER GRIFFON: Yes.

17 MEMBER CLAWSON: I guess I was

18 wrong. Sorry.

19 MEMBER MUNN: So would you read the

20 numbers on that page again, please?

21 MEMBER GRIFFON: Four

22 seventy-seven, 477, 480, 482, 485, 487, 488,

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1 and 489.

2 MEMBER MUNN: Thank you.

3 MEMBER GRIFFON: All right. Page

4 16. I have 491, 500, 501, and 504.

5 MEMBER PRESLEY: What about 502?

6 It's close. It's only got six years, but it's

7 at Blockson.

8 MEMBER GRIFFON: Six years.

9 MEMBER PRESLEY: Building 55.

10 MEMBER GRIFFON: Okay. Five-o-two.

11 MEMBER GIBSON: What about 507?

12 MEMBER GRIFFON: Yes.

13 Five-o-seven, I think that's a new place we

14 haven't looked at, International Minerals.

15 MEMBER BEACH: Mark, have we done

16 much at Sandia?

17 MEMBER GRIFFON: Yes, we have done

18 several.

19 MEMBER MUNN: Yes. We've done some

20 cases. Which one was that?

21 MEMBER BEACH: I was looking at

22 506.

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1 MEMBER GRIFFON: Five-o-six.

2 MEMBER MUNN: Well, we've got one
3 up in 491.

4 MEMBER BEACH: Okay.

5 MEMBER GRIFFON: Yes, yes. So we
6 won't include that if that's okay.

7 MEMBER BEACH: That's fine.

8 MEMBER GRIFFON: Page 17, I have
9 509, 512, 513, and 522. I had a question on
10 this Carborundum Company, but I thought we
11 might want to wait on that one because this is
12 .6 years worked. We might see some other
13 cases from that. But I don't think we have
14 done that site before.

15 MEMBER MUNN: That was very short
16 years worked.

17 MEMBER GRIFFON: Yes.

18 MEMBER PRESLEY: That was an early
19 Union Carbide site.

20 MEMBER GRIFFON: That's right. Do
21 we want to add that one? I'm open. We can
22 always get it at another.

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1 MEMBER PRESLEY: Yes.

2 MEMBER GRIFFON: So right now it
3 stands at 509, 512, 513, and 522.

4 MEMBER MUNN: Good.

5 MEMBER GRIFFON: On page 18, I have
6 524, 525, and 535.

7 MEMBER CLAWSON: I had 540 just
8 because it was so close and only 2.2 years.

9 MEMBER PRESLEY: That's why I've
10 got 540 and 542 marked.

11 MEMBER GRIFFON: Okay. Five forty
12 and '42.

13 MEMBER PRESLEY: Yes.

14 MEMBER GRIFFON: Okay. They're
15 both close, and they're both a lot of years
16 yet.

17 MEMBER MUNN: I marked 537 because
18 I thought, hmm, that was a squeaker.

19 MEMBER GRIFFON: Yes. Yes. Okay.
20 That's okay. Five thirty-seven.

21 And last page, I have 545 and 547.
22 I would almost say we don't really need to go

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1 to the random list because I think we have
2 more than enough here, but if anybody has any
3 on the random list that they're really wedded
4 to, you know, I guess we can add them on. But
5 otherwise I think we have plenty here to get
6 our 38.

7 So we will leave it at that unless
8 -- is everybody okay with that? All right. I
9 will get this list to Stu, then.

10 CHAIRMAN ZIEMER: We'll take it by
11 consent that that is the list. And we need to
12 formally authorize the Subcommittee to task
13 SC&A with their final selections from this
14 group that we have just authorized. Is there
15 a motion to that effect?

16 MEMBER PRESLEY: So moved.

17 CHAIRMAN ZIEMER: Seconded?

18 MEMBER GIBSON: Second.

19 CHAIRMAN ZIEMER: Any discussion?

20 (No response.)

21 CHAIRMAN ZIEMER: All in favor,
22 aye?

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1 (Chorus of ayes.)

2 CHAIRMAN ZIEMER: Any opposed, no?

3 (No response.)

4 CHAIRMAN ZIEMER: Motion carries.

5 Thank you.

6 Let's next pick up the Blockson
7 discussion that we agreed yesterday would
8 carry over to today. Yesterday Mark Griffon
9 presented his concerns about the radon model.

10 Jim Neton talked with us further about the
11 radon model.

12 It was my understanding that Dr.
13 Melius may have had some other questions or
14 concerns to raise about Blockson. And I think
15 it would be appropriate, Jim, if you shared
16 those at this time as well.

17 MEMBER MELIUS: Yes. Two things.
18 One, specifically, I had made the suggestion
19 to Jim Neton that they look into whether NIOSH
20 would have some industrial hygiene data from
21 the many industrial hygiene surveys they had
22 done that might be used to help validate part

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1 of the Blockson model since there might be an
2 industrial process that would be similar where
3 area personal monitoring samples have been
4 collected might help us look at the
5 parameters. That particularly goes to this
6 issue of whether individuals in that kind of
7 facility, how well they will be reflected by
8 sort of a general area model, which is what is
9 used there.

10 I think Jim replied back to me that
11 he didn't think that was feasible, partly on
12 the chemical and physical, more physical
13 properties and whether they could locate one.

14 I don't know how hard they tried that
15 exactly.

16 I think my more general concern
17 about it is still we have a model that has
18 been developed in the absence of actual data
19 and something that is going to be applied or
20 actual very limited data to base it on. It's
21 essentially some estimates based on source
22 term.

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1 And I have concerns about that as
2 an appropriate method for estimating or
3 reconstructing, doing dose reconstructions,
4 and even more so given that they are planning
5 to use this model for other sites. And I
6 still think that some validation of the model
7 is necessary before we can go forward with
8 that.

9 My understanding, I wasn't here
10 yesterday, but Mark raised a number of other
11 technical questions about the model itself and
12 the parameters used in that. I think those
13 continue to concern me.

14 And, again, if this is something
15 that has been going to be used widely
16 throughout the dose reconstruction process at
17 this and other sites, then I think some
18 further work is needed before it can be
19 accepted.

20 CHAIRMAN ZIEMER: Thank you for
21 those additional comments. Also, for my
22 clarity here, in the Work Group, I believe

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1 SC&A also reviewed the model at some point or
2 did they not? John, can you report? And if
3 they did, what was SC&A's evaluation of that
4 final model or did they?

5 DR. MAURO: As you recall, the
6 model that has been adopted was originally a
7 model that SC&A developed to review a number
8 that was developed quite some time ago.

9 And we developed the model, just
10 checked the number. And it sort of matured to
11 the point where now -

12 CHAIRMAN ZIEMER: Right. And so it
13 morphed into --

14 DR. MAURO: Yes. So now NIOSH has
15 adopted it. So we are in an unusual position.

16 CHAIRMAN ZIEMER: Right.

17 DR. MAURO: Nevertheless, I was
18 just going to say that, of course, Mark copied
19 us on his questions. Jim copied us on the
20 answers. We were not tasked to look at any of
21 that.

22 Of course, we read it. Of course,

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1 I did discuss this with Bob Anigstein, who was
2 our lead analyst. So no, we have looked at
3 it.

4 And we discussed it. We have
5 talked about it. But no. We were never
6 tasked to look specifically at the questions.

7 CHAIRMAN ZIEMER: No. I wasn't
8 asking that.

9 DR. MAURO: Yes.

10 CHAIRMAN ZIEMER: But the original

11 --

12 DR. MAURO: Oh, the original --

13 CHAIRMAN ZIEMER: -- model, --

14 DR. MAURO: Yes.

15 CHAIRMAN ZIEMER: -- at least at
16 that point --

17 DR. MAURO: Yes.

18 CHAIRMAN ZIEMER: -- there was some
19 level of agreement.

20 DR. MAURO: That model is the
21 equation, not the input parameters now, but
22 the equation is the model we developed. And

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1 we think it is a robust model for
2 characterizing this Class of problem.

3 CHAIRMAN ZIEMER: Thank you. And
4 those who do modeling, if there are any such
5 in the room who actually are the true
6 modelers, what would be required to validate
7 such a model? Jim Lockey, do you have a
8 comment or a question on it?

9 MEMBER LOCKEY: I just have a
10 question. Jim, when you look at 95 percent,
11 is it geometric standard deviation that you're
12 looking at?

13 DR. NETON: Actually, we selected
14 the 95th percentile of the output of the
15 dataset itself. It would be very close to
16 using the geometric standard deviation, which
17 I believe is like about 2.7.

18 If you took the GSD to the 1.645
19 power, you would end up with the 95th
20 percentile of the distribution. And it would
21 be fairly close to the 17, not exact, within a
22 picocurie or two per liter.

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1 MEMBER LOCKEY: So close to the
2 geometric standard deviation?

3 DR. NETON: Well, no. It would be
4 close to the 95th percentile if we used the
5 geometric standard deviation to calculate the
6 95th percentile.

7 MEMBER LOCKEY: Okay.

8 DR. NETON: Because the GSD would
9 be like 64.5 or something like that or the
10 84th. I'm sorry. One GSD would be 84th
11 percentile on a normal --

12 MEMBER LOCKEY: The exact
13 percentile --

14 DR. NETON: What we did is we got
15 the output of the, I think it was 10,000 runs.
16 And we said --

17 MEMBER GRIFFON: Sixty-five
18 thousand, I think.

19 DR. NETON: Sixty-five or whatever
20 or 100,000. I forget how many runs we had, a
21 large number of runs. We went to the 95th
22 percentile of all of the outputs that were

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1 generated, running that calculation n times.

2 MEMBER GRIFFON: But you are right.

3 It is almost equivalent to --

4 DR. NETON: It is very close, yes.

5 You could do it either way, but we felt --

6 MEMBER GRIFFON: Right.

7 DR. NETON: -- we didn't want to
8 get into the dispute whether it was log-normal
9 or not. And we said just pick the 95th
10 percentile right off of the output dataset.

11 MEMBER LOCKEY: Correct me if I am
12 wrong, but when I have done modeling for
13 looking at exposure reassessments, if you use
14 close to standard, geometric standard
15 deviation, usually that value is anywhere from
16 10 to 100 times greater than if you used the
17 standard arithmetic mean standard deviation.
18 Is that correct or am I wrong on that?

19 DR. NETON: No. I don't think it's
20 100 times. It would depend on the individual
21 dataset. But the GSD --

22 MEMBER LOCKEY: It depends on what

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1 the means are and how much data you have.

2 DR. NETON: Yes.

3 MEMBER LOCKEY: But I am trying to
4 get a handle on --

5 DR. NETON: Well, I mean, I can
6 tell you that the geometric mean of the
7 distribution is about four. Four picocuries
8 per liter would be our best guess, our best
9 estimate of the concentration in the room
10 given the distributions that we put into the
11 model.

12 Using a GSD of about, I think it
13 is, 2.7, the 95th percentile comes out about
14 17. So it is a factor of almost four higher
15 than what the geometric mean would be.

16 And that, as I have stated several
17 times, is to account for the difference in the
18 variables that make up the model and
19 particularly where the main driver is the
20 building ventilation rate. We have modeled it
21 anywhere from one to five air changes per
22 hour.

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1 And one small point of
2 clarification. This is, in essence, the SC&A
3 mathematical equation model. We do differ in
4 several of the input parameters that we have
5 used. Most notably the lower bound of the air
6 turnover rate is one in our model versus .1 in
7 SC&A's model.

8 As long as I am up here, one more
9 point. We did have this model independently
10 reviewed by Dr. Naomi Harley, who was an
11 internationally and nationally recognized
12 radon expert. And she agrees in substance
13 with the concept of using this model, although
14 she would have some issues with some of the
15 input parameters that SC&A had proposed.

16 MEMBER LOCKEY: Thank you.

17 CHAIRMAN ZIEMER: Now, let me try
18 to evaluate where we are in this. The
19 Blockson issue is kind of, now the Blockson
20 petition action is on the table. But we have
21 this radon issue.

22 And the closure of the radon issue

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1 seems to be the critical point in terms of the
2 next step. And it appears to me that the
3 Board needs to determine whether it believes
4 that it has enough information at this point
5 to close the radon issue.

6 You have heard the questions that
7 have been raised. You have heard the various
8 responses. And if so, a motion, for example,
9 to accept the NIOSH radon model as being
10 adequate or if the Board believes that there
11 is additional work that needs to be done if
12 these questions that have been raised reach a
13 level in the Board's mind that requires
14 further pursuit of these issues, then a motion
15 to do something in response to that would be
16 in order, which might also include a tasking
17 issue.

18 So it is really in the Board's
19 hands at this point. The main motion is on
20 the table. And we have this radon discussion.

21 But, as I talked about yesterday, we have got
22 to come to closure one way or the other on

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1 Blockson.

2 And so I want to push you to that
3 point. And so you can push back now, but
4 let's see if we can move one way or the other
5 on this.

6 Wanda, do you have a comment or a
7 question or an action? No. Mark?

8 MEMBER GRIFFON: I mean, I don't
9 know that there is anything more that I would
10 ask of NIOSH right now other than -- I mean, I
11 know Jim Melius put a question on the table
12 about other industrial, you know, but from my
13 standpoint, at least as I was putting together
14 my questions and looking at NIOSH's answers,
15 it dawned on me that some of these -- I would
16 actually like some time to go back to some of
17 the original assumptions that are made in the
18 model that I was kind of taking as absolutes.

19 And now I am not so sure they are absolutes,
20 such as the 6,000 tons per week throughput,
21 which is obviously an important point on this
22 if you have the source term wrong.

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1 And I may be wrong. And I am not
2 asking NIOSH to provide anything else. I am
3 just asking for an opportunity to review that
4 information again because my sense just
5 looking at it the last couple of nights is
6 that that number is based on one memo from
7 1951. And if that is the case, I have more
8 concerns about going forward with a source
9 term-based model.

10 There are a number of things like
11 that that I just want to double check. I am
12 not saying the information is not there and
13 hasn't been provided. You know, I just have
14 to refresh myself on it and find it and look
15 at it a little closer.

16 CHAIRMAN ZIEMER: Okay. You have
17 heard Mark's comment that, again, I simply
18 want the Board members to make a determination
19 as to whether that concern rises to the level,
20 in terms of the radon issue that you would
21 believe we should take more time to do that.

22 I am pushing both ways. Make sure

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1 we cover concerns, but at some point concerns
2 -- one can always find issues that may be a
3 concern but may take years to resolve. So we
4 don't want to do that. I mean, we have a
5 responsibility also to make decisions.

6 So I want to push that and, yet,
7 respect the concern. And it is not my
8 decision. It is the Board's. So what would
9 you like to do? Okay. People are pointing.
10 Oh, Wanda has got her -- I was blocked off by
11 the Lockey computer. Wanda, do you have a
12 comment or an action?

13 MEMBER MUNN: I have a comment. We
14 have worked on this site and on this model and
15 on these questions, although the questions
16 have evolved over time for well over two
17 years.

18 It is difficult to be enthusiastic
19 about newly discovered information in this
20 model, which has not changed a lot. The radon
21 issue was discussed thoroughly, I believe, in
22 our previous discussion.

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1 Regardless of the number of
2 documents we have to support whatever the
3 input is, we have documentation to support it.

4 The model which was of concern has been duly
5 reviewed by appropriately qualified
6 individuals.

7 Our own contractor has indicated
8 very clearly that they feel this issue is
9 ready to move forward, that we have the right
10 model and the right method for proceeding with
11 Blockson. I would like to see us continue
12 along that same path today and bring this to
13 closure if we possibly can.

14 The Chair has asked that we
15 separate the issues. One issue is whether you
16 are ready to vote yet. And the other is, can
17 we vote? I will leave that in his hands to
18 pursue.

19 It appears almost futile to
20 continue reviewing material which in recent
21 months has not changed and has been available
22 to us for a considerable period of time in

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1 almost any form we wish to observe it.

2 CHAIRMAN ZIEMER: Other comments or
3 questions or suggestions or actions?

4 (No response.)

5 CHAIRMAN ZIEMER: Actually, I am
6 wanting someone to make a motion. The motion
7 can be either way. We need to do something
8 here. Okay. Otherwise the Chair will suggest
9 a motion. Okay. Dr. Lockey?

10 MEMBER GRIFFON: It is on the table
11 right now.

12 CHAIRMAN ZIEMER: No, no. The
13 petition motion is on the table. We're not
14 talking about it. We're talking about what to
15 do about radon. If we could close the radon
16 issue, we would still need a motion for the
17 main petition to come off the table. Yes,
18 right.

19 MEMBER LOCKEY: In relationship to
20 this issue, I think, you know, that the
21 scientists at NIOSH and SC&A cannot reach a
22 threshold with certainty regarding this dose

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1 reconstruction that is felt to be adequate
2 from a scientific perspective by the majority
3 of Board members.

4 Then this aspect of the SE
5 evaluation by the Board is really an academic
6 exercise with no achievable endpoint. There
7 are consequences of this long delay in this SE
8 final decision process, both for NIOSH as well
9 as SC&A, in relationship to determining dose
10 reconstruction in regard to frustration to
11 claimants and really unproductive use of
12 professional time and resources by NIOSH, by
13 SC&A, as well as the Board, as well as costs
14 incurred by the Treasury.

15 I think we have to come to closure.

16 And if we are not going to be able to reach a
17 level of scientific adequacy using our
18 consultants and NIOSH, then we are at an
19 impasse. And we are not serving anybody. So
20 I think we have to bring this to closure.

21 CHAIRMAN ZIEMER: Larry?

22 MR. ELLIOTT: I would just like to

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1 comment that NIOSH and OCAS have been involved
2 in these deliberations. And we have accepted
3 the model that was developed by SC&A.

4 We have moved from what our
5 thinking was on how to bound this particular
6 dose at this site and really have in place, we
7 feel, an ability to bound this particular dose
8 for Blockson workers in a claimant-favorable
9 way.

10 The target organ we are primarily
11 concerned with here is lung cancer. This is
12 actually going to compensate all of those lung
13 cancers at Blockson as it stands.

14 It is a model that can be applied
15 and source term inputs changed for like Texas
16 City. Yes. But it will have to address the
17 Texas City circumstances. Texas City is
18 different than Blockson.

19 So we are thinking Blockson
20 Chemical. We are proceeding with dose
21 reconstructions on Blockson Chemical. And we
22 think that we have come forward with a

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1 claimant-favorable bounding approach.

2 CHAIRMAN ZIEMER: Thank you.

3 And Dr. Lockey?

4 MEMBER LOCKEY: And I concur. This
5 is a lung cancer issue primarily. It may be a
6 lymphoma issue in certain cases, but it is a
7 lung cancer issue primarily.

8 In looking at the 95 percent
9 deviation, I think it is a very
10 claimant-friendly model for that particular
11 cancer.

12 CHAIRMAN ZIEMER: Okay. There are
13 a couple of possible motions. I have already
14 indicated what they are. One is to move to
15 accept the radon model that has been provided.

16 And then we would move to the main motion,
17 which is on the table, or to direct some
18 further action with respect to the questions
19 that have been raised about radon.

20 Wanda Munn?

21 MEMBER MUNN: I am willing to move
22 that we accept the radon information that has

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1 been provided to us as adequate and move on.

2 MEMBER ROESSLER: I second.

3 CHAIRMAN ZIEMER: You have heard
4 the motion. It is open for discussion. Dr.
5 Melius?

6 MEMBER MELIUS: I think we have
7 said everything. I don't want to lengthen
8 this, but I will state for the record that I
9 continue to think that this model has not been
10 adequately validated and has not been
11 demonstrated.

12 I think it could be and there could
13 be steps that NIOSH has taken and they
14 haven't. And until I see adequate
15 information, I am not willing to accept this
16 model.

17 CHAIRMAN ZIEMER: So you are
18 speaking against the motion?

19 MEMBER MELIUS: Correct.

20 CHAIRMAN ZIEMER: Any others who
21 wish to speak for or against the motion?

22 (No response.)

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1 CHAIRMAN ZIEMER: Then I assume we
2 may be ready to vote on the motion. Okay. If
3 you vote aye, you are voting to essentially
4 end the debate on the radon issue. And then
5 we would not necessarily need to move to the
6 next step today, but the next step would be to
7 move to bring the petition from the table.

8 Okay. So all who favor the motion
9 regarding the radon issue -- well, let's roll
10 call vote it.

11 MEMBER CLAWSON: Yes is accepting
12 and no --

13 CHAIRMAN ZIEMER: Yes is accepting.

14 MR. KATZ: Ms. Beach?

15 MEMBER BEACH: No.

16 MR. KATZ: Mr. Clawson?

17 MEMBER CLAWSON: No.

18 MR. KATZ: Mr. Gibson?

19 MEMBER GIBSON: No.

20 MR. KATZ: Mr. Griffon?

21 MEMBER GRIFFON: No.

22 MR. KATZ: Dr. Lockey?

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1 MEMBER LOCKEY: Yes.

2 MR. KATZ: Dr. Melius?

3 MEMBER MELIUS: No.

4 MR. KATZ: Ms. Munn?

5 MEMBER MUNN: Yes.

6 MR. KATZ: Dr. Poston?

7 MEMBER POSTON: Yes.

8 MR. KATZ: Mr. Presley?

9 MEMBER PRESLEY: Yes.

10 MR. KATZ: Dr. Roessler?

11 MEMBER ROESSLER: Yes.

12 MR. KATZ: Mr. Schofield?

13 MEMBER SCHOFIELD: No.

14 MR. KATZ: Dr. Ziemer?

15 CHAIRMAN ZIEMER: Yes. Then I will
16 declare that the motion fails since there is
17 not a majority. The motion having failed
18 means that we are obligated in the Chair's
19 mind to address the issues that have been
20 raised. So let me suggest a path here.

21 Mark, you have indicated a
22 willingness to review the issues that you have

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1 raised. I think that part is pretty much in
2 your hands.

3 We have removed this from the Work
4 Group in any event. It is at the Board level.

5 So if you will agree to address those issues
6 and report back to the Board?

7 MEMBER GRIFFON: I am willing to do
8 it in the same process I did before.

9 CHAIRMAN ZIEMER: And, Jim, in
10 terms of the issues you raised, I am not sure
11 how to proceed there. I think in terms of
12 finding industrial hygiene data that you
13 suggested to Jim, I think Jim has indicated
14 that NIOSH does not believe that that would be
15 fruitful.

16 The other part is the validation
17 issue. Actually, I am always for validating
18 models. So in principle, I am fine with that
19 concept. It is not clear to me how we do that
20 in this case, unless you had a suggestion.

21 MEMBER MELIUS: One thing to be
22 considered that may require work on the part

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1 of NIOSH is to look at other situations where
2 there may be radon data available that might
3 be useful.

4 Secondly, a more indirect way of
5 validating this and us better understanding
6 how the model would be applied would be to
7 apply it to the Texas City situation and given
8 what information is there since that appears
9 to be their intent.

10 And I think that would also --
11 could be helpful in us understanding the model
12 if there is not adequate sampling data
13 available in appropriate facilities to be able
14 to validate the model.

15 CHAIRMAN ZIEMER: Jim Neton?

16 DR. NETON: I would just like to
17 comment on Dr. Melius' first suggestion. I
18 think in our responses to Mark Griffon's
19 questions, one of the analyses that we did was
20 to compare the 17 picocuries per liter we
21 proposed against all of the existing radon
22 data we could find that was as close in time

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1 to the Blockson situation as possible. And
2 that was provided as attachment 1 to our
3 responses.

4 In fact, all of those values were
5 close to an order of magnitude or more below
6 the values we were proposing, acknowledging
7 the fact that there were different time frames
8 and such and sort of talking about how the
9 ventilation rates would have been
10 substantially different in order to get those
11 low values.

12 CHAIRMAN ZIEMER: Well, you have
13 made some suggestions relating to validation.

14 And we are not in a position I don't think to
15 task NIOSH to do some of this, but perhaps Jim
16 and Larry, you can give some thought to what
17 might be done.

18 Do we have a copy of the Naomi
19 Harley report? I am trying to remember if
20 that was distributed to us.

21 DR. NETON: Yes, I am pretty sure
22 you have a copy of it. That was an analysis

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1 of actually the input parameters. But tacit
2 in that analysis was an endorsement of the
3 approach itself, which was to the
4 probabilistic model.

5 CHAIRMAN ZIEMER: I don't know if
6 any other Board members have suggestions on
7 this. It may be that where we will have to
8 leave it today is proceed with Mark's issues
9 and maybe in our phone call meeting, which
10 comes before our next meeting, we can have
11 something more definitive.

12 I would ask that without tasking,
13 both to ask NIOSH and to ask our contractor
14 for suggestions on how we might proceed on
15 what we might call validation. And different
16 people have different ideas on actually what
17 validation is. So we would have to sort of
18 agree to what it means to validate a model,
19 but -

20 MEMBER MELIUS: And I agree. I
21 will try also to make some more specific
22 recommendations to NIOSH about what I mean and

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1 am looking for and expecting in validation.

2 CHAIRMAN ZIEMER: Yes. Because I
3 think to some extent -- and I am sort of --
4 this is intuitive, too. If you feel uneasy
5 about a model, you feel like something needs
6 to be done to relieve that uncertainty. But
7 it is not always clear how you do it.

8 I mean, there are formal ways of
9 validating models that engineers and others
10 have. And whether this applies, I don't know.

11 MEMBER MELIUS: But there's also
12 issues related to -- there may be parts of the
13 model that can be validated or certain aspects
14 of the model where there is available data.
15 That is what I have been trying to look for.

16 I think we have recognized that
17 there are limited data available to do this.
18 It's not like there's a whole universe of
19 thousands of similar buildings where there's
20 tons of data collected and so forth that can
21 be done, but there may be situations where at
22 least parts of this probabilistic model can be

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1 validated or at least we can have more
2 confidence in the results from that model.

3 CHAIRMAN ZIEMER: Larry?

4 MR. ELLIOTT: Well, we certainly
5 would welcome any suggestions that any of the
6 Board members have about how to examine this
7 model for a sense of sanity and reality and
8 realism.

9 We have talked about Dr. Melius'
10 suggestion, but I would offer that the data
11 that is collected and is NIOSH holdings and as
12 an industrial hygienist for 30 years at NIOSH,
13 I am pretty familiar with the different types
14 of data that have been collected, different
15 purposes for collecting that data as well.

16 Under those purposes, the data may
17 not lend itself to this kind of an
18 examination. So you have to understand that
19 going into it. And I'm sure that he
20 understands that. He has worked at NIOSH
21 before. He knows the datasets that we're
22 talking about.

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1 So we're not resistant to attempts
2 to validate, but we want to be very clear
3 about what validation means, as you have
4 pointed out. And we want to be very clear
5 about how we would go about that. So if you
6 have suggestions, we certainly would welcome
7 them.

8 I am going to offer this, though.
9 I really would like to see a consensus of the
10 Board to that end because this next year is
11 very difficult for us trying to achieve our
12 management objective and balance all of the
13 resources that we have got.

14 And, quite frankly, you know, when
15 we look again at the target organ that is
16 primarily affected here and understand that
17 this model is -- in my mind, it approaches the
18 implausible aspect of bounding almost, 17
19 picocuries. You know, that is a lot in a
20 building, extremely high level of radon inside
21 a building that is generally an open air
22 building, to be quite frank about it.

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1 So, you know, I am hard-pressed to
2 say that, on one hand, I find that we come
3 forward with a claimant-favorable and
4 reasonable estimate when it approaches the
5 implausibility bound. And we are going to try
6 to validate something about that.

7 So I sense that we need Board
8 consensus to direct or to ask NIOSH to pursue
9 this to great ends because I have to balance
10 the resources that are given to me.

11 Quite frankly, we're moving forward
12 with Blockson claims. We are seeing Blockson
13 claimants with lung cancer get compensated
14 through not only this model, but when this
15 model is added, they definitely are going to
16 be compensated.

17 So I guess I would leave you with
18 the question, to what benefit?

19 CHAIRMAN ZIEMER: Yes. Thank you
20 for that comment.

21 Dr. Lockey?

22 MEMBER LOCKEY: And I would state

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1 the same thing, that the model is very
2 claimant-friendly for lung cancer. And radon
3 is a cause of lung cancer. And it is not
4 clear as to why we would want to go ahead and
5 invalidate this because it is a very
6 claimant-friendly approach. So I concur.

7 MR. ELLIOTT: I think one of the
8 risks that I see in an attempt to validate is
9 it will drive perhaps the model the other way.
10 That is a possibility.

11 MEMBER MUNN: Highly likely.

12 CHAIRMAN ZIEMER: And Jim Neton?

13 DR. NETON: I can't resist. A
14 couple of things. One is a point of
15 clarification. I think almost all of the lung
16 cancer cases at Blockson Chemical have been
17 paid already based on not the radon model but
18 the claimant-favorable nature of the uranium
19 inhalation model.

20 I don't know that this model when
21 added would change one case. I don't know
22 that. I don't think it would. But that is

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1 probably not relevant.

2 Oh, gee. I lost my train of
3 thought here. That was a major point, too.
4 Oh, we have sort of come full circle here
5 because if you remember -- and John Mauro
6 pointed this out -- the original point of this
7 model was to validate the original NIOSH
8 number that was being used, which was around
9 two picocuries per liter.

10 And the issue was raised, well,
11 that number seems low. And we concurred that
12 Florida phosphate plants, which is what it was
13 based on, was probably not a good surrogate.

14 But, nonetheless, the original
15 model came out and said, well, the medium
16 value is not too bad. The model sort of
17 validated that two to four picocuries per
18 liter seemed to be a reasonable number in a
19 plant with reasonable ventilation parameters.

20 So we have kind of validated the
21 original numbers we were using. And now we
22 are going back and saying, well, we need to

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1 validate the model that was used to validate
2 the original numbers. I guess at this point
3 we have come full circle here.

4 And, again, I have provided the
5 data from all of the relevant radon studies
6 that I could find from the 1970s and '80s
7 that, in my opinion, clearly validate that the
8 model parameters are claimant-favorable; that
9 is, 17 picocuries per liter versus almost the
10 highest you can get in an operating floor is
11 about .4 picocuries per liter in a phosphate
12 plant, even in Idaho.

13 CHAIRMAN ZIEMER: Okay. Thank you
14 for those additional comments. So where this
15 is, then, is that the petition remains on the
16 table. Mark will be looking at the items that
17 he discussed. The validation issue is still a
18 fuzzy item.

19 We don't have any specific actions
20 on that other than for Dr. Melius, who raised
21 the validation issue to consider what the
22 validation means as far as he is concerned for

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1 ideas if either NIOSH or SC&A without detailed
2 tasking comes up with some ideas of what they
3 might suggest as a direction or Board members.

4 And I will ask the designated
5 federal official to put this item on the next
6 agenda, not the next full-face meeting but the
7 phone agenda, and see if we can't try to close
8 this issue.

9 Even after this issue is closed, we
10 still have the thorny matter of the petition
11 itself, which, as you recall, was also a split
12 vote. And that is of concern as well. But we
13 need to close this matter one way or the
14 other.

15 So thank you very much for that.
16 Let's move ahead here. We passed our
17 adjournment deadline. So we have got to
18 really move quickly on this one.

19 Oak Ridge Hospital. We agreed to
20 establish a work group. I have had already a
21 number of individuals volunteer for that.
22 They include Robert Presley, John Poston, Jim

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1 Lockey, Phil Schofield. And was there one
2 other one?

3 MEMBER ROESSLER: I volunteered.

4 CHAIRMAN ZIEMER: Gen Roessler,
5 right. Those were the five that I had
6 already. Is that six? That's five. I had
7 some interest, but I think I will set aside to
8 this group of experts.

9 I think I would like to ask Dr.
10 Lockey to chair that if he would be willing to
11 do that.

12 MEMBER LOCKEY: That would be fine.

13 CHAIRMAN ZIEMER: Okay. The charge
14 for that group would be to examine the
15 Evaluation Report. I can't remember if we
16 felt we needed SC&A assistance on that. Where
17 did we stand on that? I think the Work Group
18 will determine whether they need assistance on
19 that after they meet and delineate what the
20 issues are.

21 So we will charge the Work Group
22 with examining the petition, evaluation review

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1 of the petitions. And then if tasking is
2 needed, they can let us know.

3 Is that agreeable?

4 (No response.)

5 CHAIRMAN ZIEMER: Any objection on
6 the part of the Board? And, Larry, a comment
7 or question.

8 MR. ELLIOTT: I would just like to
9 hear what the expressed issues are because
10 there were two that I understood --

11 CHAIRMAN ZIEMER: Exactly.

12 MR. ELLIOTT: -- that were on the
13 table.

14 CHAIRMAN ZIEMER: That was the
15 other half of this one. We said that we would
16 delineate what the issues were. And somewhere
17 I thought I had a list of those.

18 MEMBER PRESLEY: One issue was the
19 completeness of the data of the --

20 CHAIRMAN ZIEMER: Let's jot these
21 down.

22 MEMBER LOCKEY: The other issue was

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1 class definition.

2 CHAIRMAN ZIEMER: Well, it was the
3 Class definition from two aspects. One was,
4 was it inclusive enough to include? Could
5 there have been outside individuals who were
6 not specifically under contract or that period
7 but who were working there, such as,
8 particularly doctors, and also whether there
9 were individuals who were hospital employees
10 that could not have, although I think there is
11 some evidence that it would be pretty hard to
12 determine that. But the Work Group can look
13 at that.

14 So it is the definition of the
15 Class. What were the other issues?

16 MEMBER GRIFFON: I think there was
17 some question. John. I think John raised the
18 question of whether the record search was
19 exhausted and whether there are dosimetry
20 records. I think that was your point.

21 CHAIRMAN ZIEMER: Well, certainly I
22 am assuming that the NIOSH OCAS staff person

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1 will be a resource to this group. And that
2 would be -- is that Dr. Hughes?

3 MEMBER BEACH: Lara Hughes.

4 CHAIRMAN ZIEMER: Yes, yes. So,
5 Larry, am I correct in assuming that Dr.
6 Hughes would be the resource person from
7 NIOSH?

8 MR. ELLIOTT: Yes, that is correct.

9 CHAIRMAN ZIEMER: Right.

10 MR. ELLIOTT: I wonder. Can I ask
11 again to get a little sharper edge on this
12 issue of the Class definition? If the issue
13 goes to what I heard you talk about, Dr.
14 Ziemer, about are there physicians that worked
15 there at that hospital during that time that
16 were not AEC-employed, I'm not sure how that
17 goes directly to the Class definition that we
18 have established. It goes to the eligibility
19 of filing a claim, which is DOL's authority.

20 CHAIRMAN ZIEMER: Right, right,
21 right.

22 MR. ELLIOTT: So if that is not it,

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1 what is the Class definition issue? I mean,
2 if we take that aside, I mean, I think you can
3 examine that.

4 CHAIRMAN ZIEMER: Yes.

5 MR. ELLIOTT: I am not advocating
6 you shouldn't examine that.

7 CHAIRMAN ZIEMER: Yes.

8 MR. ELLIOTT: But I am saying that
9 if that is part and parcel of the issue of who
10 is in the Class and who is not, that is a DOL
11 eligibility issue. And it would help them to
12 understand that there might have been
13 physicians or people who worked in the
14 hospital but were not AEC-employed. Do you
15 see my distinction I am trying to draw?

16 CHAIRMAN ZIEMER: Yes. Right,
17 right, right.

18 MR. ELLIOTT: So that is not Class
19 definition. That is class eligibility. And
20 that is DOL's purview. The Class definition
21 if you are trying to understand is it too
22 broad or is it too narrow, I think that is

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1 your charge.

2 CHAIRMAN ZIEMER: Right.

3 MR. ELLIOTT: Okay.

4 CHAIRMAN ZIEMER: And I think that
5 is the framework we are talking about: too
6 broad or too narrow.

7 So that was one issue. What was
8 the second one?

9 MR. KATZ: The second issue was
10 whether the record search has been sufficient.

11 And sort of related to that, I think Dr.
12 Poston was questioning whether there are
13 substantial exposures to be credited, in
14 effect, I guess.

15 MEMBER PRESLEY: Where all the
16 strings have been pulled, simple fact.

17 CHAIRMAN ZIEMER: Were there any
18 other issues that -- Gen?

19 MEMBER ROESSLER: I had to take a
20 brief break, but I think I had a question
21 about interviewing people, whether the
22 interview list of the people who might have

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1 been familiar, that it was complete -- and I
2 don't know if you brought that up -- as
3 complete as can be.

4 CHAIRMAN ZIEMER: Okay. Basically
5 this work group may simply need to go into
6 more depth with Dr. Hughes. You may find that
7 all of the issues have been covered and you
8 can report back or if not, what are the open
9 strings?

10 Dr. Lockey, are you sufficiently
11 clear on that, too, as chair?

12 MEMBER LOCKEY: I am clear.

13 CHAIRMAN ZIEMER: He's clear.

14 MEMBER LOCKEY: That is about the
15 only thing I am clear about, but I am clear.

16 CHAIRMAN ZIEMER: I am going to
17 postpone formalizing our transcript policy
18 until next time because I don't want to have a
19 discussion because there is one thing that we
20 have to do, I think. I could postpone it to
21 the telephone thing, but you have on your
22 table a draft response to the Higgins letter.

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1 I call it the Higgins because it
2 was Representative Higgins' office that read
3 the original record or original letter into
4 the record earlier this week. The letter was
5 signed by Senators Schumer and Gillibrand, by
6 Representative Higgins, Representative
7 Slaughter, Representative Massa, and
8 Representative Lee.

9 Do you all have a copy of the
10 proposed response letter? The response letter
11 basically acknowledges receipt of their
12 letter, indicates it was distributed to all
13 members of the Board and read into the record.

14 It acknowledges their request to consider
15 Buffalo as a future meeting and indicates we
16 are considering that. No promises were made,
17 but we are considering that. That was
18 discussed already.

19 I have added a paragraph here
20 acknowledging that we realize that the
21 claimants have had frustrations. And I have
22 framed that in sort of general terms.

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1 Claimants, both at that site as well as
2 others, are concerned about both the process
3 and the times. And we acknowledge that.

4 I point out -- and often this gets
5 overlooked. And I hope it is okay to say
6 this. And I need the exact number, but I
7 pointed out here that a large number of the
8 claims have been successful, Bethlehem Steel,
9 and indicate that dose reconstructions have
10 been carried out because the implication often
11 in these letters is that nothing has happened.

12 And I have indicated here that some
13 -- and I have put in as a holder 40 percent,
14 but I don't -- we will get the exact number of
15 the claimants have actually been compensated.

16 And I think it is important to
17 particularly some of the representatives here
18 we have not had interactions with before and
19 to make sure that they are aware of that, that
20 there has been action already at Bethlehem and
21 then simply thank them for their interest in
22 the program.

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1 So I would like to ask if this
2 letter is acceptable. I will send it. If you
3 want changes, so indicate.

4 Wanda?

5 MEMBER MUNN: It is incumbent upon
6 this Board to make every effort to make sure
7 that all of the parties who have any interest
8 in it are correctly informed. We have not
9 correctly informed Congress in my view since
10 we initiated this program with respect to what
11 realities are, including a figure which is --
12 not only is including the figure an excellent
13 idea, but it is also an excellent idea to,
14 probably not a political idea, but it would
15 more than likely be a very truthful idea to
16 include at some juncture, not in this letter.

17 But we might consider in later letters
18 indicating what the rate of such occurrences
19 are in the general population. That is not
20 generally known.

21 CHAIRMAN ZIEMER: Okay. Thank you.

22 Yes, Jason?

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1 MR. BROEHM: I just wanted to see.
2 The Board has not yet decided on the May 2010
3 meeting location?

4 CHAIRMAN ZIEMER: No. We have not
5 decided on that. I think we agreed to
6 postpone that until, was it, the next, the
7 full meeting. Which meeting are we talking
8 about?

9 MR. KATZ: We did target Buffalo
10 for May. I would say that we have done some
11 preliminary looking at hotels and are having a
12 little bit of difficulty with the dates
13 because it is a Wednesday, Thursday, Friday
14 schedule.

15 And we can't really revisit that
16 date given we have already lost members here.

17 But that apparently is a problem with some of
18 the hotels that could accommodate the meeting.

19 So tentatively at least we have
20 penned in Buffalo for May.

21 MR. BROEHM: Okay.

22 CHAIRMAN ZIEMER: I thought we had

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1 both Buffalo and Washington as possibilities.

2 But, in any event, I think this is still a
3 correct statement. We are not locked. We
4 don't have a final.

5 MR. BROEHM: Right. I guess I just
6 wanted to get at whether you could say
7 something more positive than we are taking
8 this under consideration. I don't know if you
9 want to commit yourself at this point given
10 that we don't know about hotel availability,
11 but you could say something stronger, like,
12 we're looking into Buffalo possibly for the
13 May meeting, something along those lines that
14 might more fully address their question and
15 request. I leave that to the Board to --

16 CHAIRMAN ZIEMER: Yes, we are
17 certainly willing to do that. We could say
18 something like, we are considering it for our
19 -- what meeting was it?

20 MR. KATZ: May.

21 CHAIRMAN ZIEMER: -- our May
22 meeting if we are able to arrange a hotel or,

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1 if not, a subsequent meeting.

2 MR. KATZ: Yes. I mean, I hate to
3 sort of raise their expectations at this point
4 until we can pin that down. So I would rather
5 under-promise and over-deliver than the other
6 way.

7 MEMBER LOCKEY: I concur with that.
8 I am happy the way the language is.

9 CHAIRMAN ZIEMER: Okay. Well, let
10 me ask you, are there any concerns about
11 anything in the letter? Brad?

12 MEMBER CLAWSON: Just for Mound,
13 were we going to get the exact number and put
14 in there?

15 CHAIRMAN ZIEMER: Yes. Larry is
16 going to give me that. That is kind of a
17 placeholder. I know it is very close to 40.
18 When I drafted this, I didn't have it. There
19 is probably a more recent number than I would
20 have anyway. But it is very close to 40.

21 MEMBER CLAWSON: And I understood
22 that.

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1 CHAIRMAN ZIEMER: And I will put in
2 the exact value, yes. Can I take it by
3 consent that this is all okay? We still have
4 a quorum here.

5 MEMBER CLAWSON: Yes.

6 CHAIRMAN ZIEMER: If there are no
7 objections, I will draft a final copy of this
8 letter.

9 MEMBER MUNN: Please.

10 CHAIRMAN ZIEMER: Okay. Ted, help
11 me out here. We are going to defer
12 formalizing our transcript policy until later.
13 You had something else, though.

14 MR. KATZ: I have a couple of other
15 things, but having lost some members and all,
16 I am not sure what you want to do with them.

17 One, with respect to tasking SC&A,
18 there are a number of SECs going forward that
19 will be delivered for October for which you
20 don't have a Site Profile review.

21 So I am just raising the question
22 as to whether you want to consider tasking

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1 SC&A to do a Site Profile review knowing that
2 those will come before the Board in October.

3 And some of them I gather from
4 conversations with John Mauro are relatively
5 simple sites. So they probably don't warrant
6 that sort of work but really would be fine to
7 have a response of SC&A action if you need it
8 after you have the SEC evaluation delivered.

9 The two that he raised with
10 question marks because they are perhaps more
11 complex sites -- and Jim Neton can speak to
12 that if that is characterizing that -- are
13 United Nuclear and Piqua. John thought those
14 might be more complex and you might want a
15 head start on those. But again, Jim, can you
16 help us with this?

17 DR. NETON: Piqua, I don't think is
18 very complex. It was a fairly short operation
19 of a nuclear reactor in Ohio. But United
20 Nuclear I am not sure. I am drawing a blank
21 on that one. It could be Piqua.

22 MEMBER MUNN: They do a lot of

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1 stuff.

2 MR. KATZ: So then the question is
3 whether for United Nuclear you want to task
4 SC&A to do a Site Profile review. You haven't
5 tasked that many Site Profile reviews under
6 the new contract at this point as a way of
7 sort of getting the Board ready for hearing
8 SEC petition evaluation in October.

9 CHAIRMAN ZIEMER: I certainly think
10 it is in order. Any comments, Board members?
11 Any objection to proceeding with that
12 tasking, realizing that that is on the horizon
13 in any event?

14 (No response.)

15 CHAIRMAN ZIEMER: I take it by
16 consent that we are free to go ahead and task
17 SC&A on that one.

18 MEMBER MUNN: Yes.

19 CHAIRMAN ZIEMER: Are there other
20 tasking things we need to address, Ted?

21 MR. KATZ: Not at this -- I mean,
22 the other ones that he raised I will just

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1 raise to your attention, but we can revisit.
2 The TBD-6000, the first few appendices SC&A
3 has looked at, but there are a number of other
4 appendices they haven't. There has been no
5 tasking so far for those other appendices.

6 And then the other sites of
7 interest are PNNL - there has been no SC&A
8 look at that -- Kansas City and Simonds Saw.
9 So I just wanted that. SC&A provided
10 information on this, but I want to bring that
11 to your attention.

12 CHAIRMAN ZIEMER: Did we task SC&A
13 on Appendix C, which is Madison? We did that
14 already, didn't we?

15 MEMBER BEACH: Yes.

16 CHAIRMAN ZIEMER: Yes. So he is
17 talking about the rest of them. And they are
18 involved in Appendix B as well already. So it
19 is the remaining. But we don't actually need
20 to do that today apparently.

21 MR. KATZ: We don't need to. You
22 could task them to look at the other

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1 appendices.

2 CHAIRMAN ZIEMER: Most of those are
3 actually fairly brief. Remind me, how many
4 are there: A, B, C?

5 DR. NETON: A lot. It goes through
6 double letters.

7 MEMBER GRIFFON: I think we should
8 consider those in the 6000 Work Group.

9 CHAIRMAN ZIEMER: Yes. Let the
10 6000 Work Group take a look and see which
11 ones, yes, because there are a lot of small
12 ones there.

13 MEMBER CLAWSON: Explain to me.
14 PNL? Pacific National Labs?

15 MEMBER MUNN: Pacific Northwest
16 National Laboratories.

17 MEMBER CLAWSON: Now, was that part
18 of Hanford or is this different?

19 MEMBER MUNN: Yes. No, it is not a
20 part of Hanford. They are a separate
21 laboratory. They are a national laboratory
22 outside of the Hanford site.

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1 MEMBER CLAWSON: Okay.

2 MEMBER MUNN: They work with the
3 Hanford site, but they are a separate
4 laboratory.

5 MEMBER CLAWSON: Okay. That's what
6 I wanted to clarify because I was under the
7 impression that they were the same.

8 MEMBER MUNN: No.

9 CHAIRMAN ZIEMER: We're rapidly
10 losing people. I think if there is further
11 tasking, we will need to do it in our phone
12 meeting.

13 MR. KATZ: So that takes care of
14 tasking.

15 The other thing I just would raise,
16 but I think at this point we can't really deal
17 with it, is as far as whether we need other
18 work groups. Did we establish any work group
19 for the Oak Ridge Hospital? And that I guess
20 will be a brief exercise.

21 The other sites where we have SC&A
22 Site Profiles but we don't have any resolution

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1 process with the Board, just to note them for
2 the record at this point, -- and I'll remind
3 you at the next Board meeting -- K-25, X-10,
4 Portsmouth, Sandia, Albuquerque, ANL-East, and
5 Weldon Springs. None of those are currently
6 under any kind of resolution process in
7 looking at the Site Profiles.

8 And I would just note, then, of
9 that list, K-25, I think Jim or somebody
10 noted, maybe it was Larry, on Monday that that
11 is one of the sort of highest fliers in terms
12 of number of claims these days, I think K-25.

13 So we might want to think at least
14 in the future Board meeting about whether we
15 need a new work group or two to start taking
16 on any of these. I know the Board has a lot
17 of work.

18 CHAIRMAN ZIEMER: Yes. And, of
19 course, we have a number of big sites that
20 already are a little behind the eight ball as
21 far as our ability to conduct work group
22 meetings. But certainly we want to prioritize

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1 these.

2 Probably K-25 will be the next one
3 that we will have to form. And even if we
4 formed it now, I can't imagine any of our
5 folks are going to be able to do anything
6 about it before our next meeting in terms of -
7 - we have some big site groups that need to
8 meet. We have Los Alamos. We have Savannah
9 River. We have Hanford. So those are all
10 kind of in the queue as well.

11 One final comment?

12 MR. KATZ: All right. So one last
13 notice is that there was a person, a former
14 Fernald worker, who couldn't make it the first
15 two days for public comment who provided to
16 the Board, provided to all the Board members a
17 letter, in effect, from the former worker.

18 It relates to breast cancer and the
19 site and studies of breast cancer around the
20 site and sort of a difference, at least she
21 sees, between compensation for breast cancer
22 versus elevated rates in the area. There has

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1 been no study of the workers themselves with
2 respect to breast cancer, I am told.

3 Anyway, so this is just to let the
4 public know as well as note that the Board
5 members have received this letter.

6 MEMBER LOCKEY: Just for the
7 record, there have been studies of Fernald.
8 And breast cancer rates were not increased.

9 CHAIRMAN ZIEMER: There has been a
10 study around Fernald.

11 MEMBER LOCKEY: Breast cancer rates
12 were not increased in Fernald.

13 CHAIRMAN ZIEMER: And Dr. Lockey is
14 reporting that -- what study was that?

15 MEMBER LOCKEY: I can bring it next
16 time. There were two articles that we used
17 when we looked at the Fernald compensation
18 program. No. Let me take that back. I'll
19 retract that statement. They did not look at
20 breast cancer because there were not enough
21 numbers there.

22 CHAIRMAN ZIEMER: Yes. Okay. This

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1 may be the concern that is being raised here.

2 MEMBER LOCKEY: I take that back.
3 There were not enough numbers. That is
4 correct.

5 CHAIRMAN ZIEMER: Okay. Thank you.
6 And let the record show that all of
7 the Board members have received a copy of this
8 letter, which comes from a former Fernald
9 worker.

10 MEMBER GRIFFON: Are you going to
11 put the letter into the transcript? No? It
12 won't become part of the transcript?

13 MR. KATZ: They can request it. I
14 am not going to read it into the transcript,
15 but it is available. I have made note of it
16 here. So anybody who would want it from the
17 public I would provide it to them.

18 CHAIRMAN ZIEMER: Thank you very
19 much.

20 I believe that that completes our
21 business for this Board meeting. I thank
22 everyone for their attendance and

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1 participation. And we stand adjourned.

2 (Whereupon, the above-entitled
3 matter went off the record at
4 12:59 p.m.)

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