

Dragon, Karen E. (CDC/NIOSH/EID)

From: DanMcKeel2@aol.com
Sent: Monday, May 21, 2012 2:53 PM
To: NIOSH Docket Office (CDC); NIOSH Docket Office (CDC); Katz, Ted (CDC/NIOSH/OD)
Cc: danmckeel2@aol.com
Subject: GSI SEC petitioner documents: Docket 140 (GSI)

NIOSH Docket Office
Ted Katz, ABRWH DFO

May 21, 2012

Dear NIOSH Docket Office and Mr. Katz,

I request that the following list of eight (8) technical documents and comments I made between 2/28/12 and 3/28/12 be posted to Docket 140 for General Steel Industries ("GSI") on the DCAS website.

I further ask that Mr. Katz distribute this e-mail to all current members of the Advisory Board on Radiation and Worker Health (ABRWH).

The message that follows was directed to Dr. Melius and Mr. Katz earlier today. I will send the listed PETITIONER DOCUMENTS #1-8 as separate e-mails with the messages grouped in manageable sized files as PDF attachments. I will appreciate having the Board read as much of this material as possible prior to making a final recommendation on SEC-00105 to the HHS Secretary.

--Dan McKeel

Daniel W. McKeel, Jr., MD
Phone: 573-323-8897
Fax: 573-323-0043
E-mail: danmckeel2@aol.com
US Mail: P.O. Box 15, Van Buren, MO 63965-0015

On May 21, 2012, at 9:00 AM Dan McKeel wrote: Petitioner concerns: TBD-6000 work group and GSI:

To: Dr. James Melius, Chair
To: Ted Katz, Designated Federal Official
cc: Dr. Lewis Wade (CDC)
Advisory Board on Radiation and Worker Health (ABRWH)

May 21, 2012

Dear Dr. Melius and Mr. Katz,

I am writing to express my deep level of concern about the way Dr. Paul Ziemer's TBD-6000 work group is proceeding with its handling of Appendix BB and SEC-00105 for General Steel Industries ("GSI"). My concerns are as follows:

1. Appendix BB Rev 0 to Battelle TBD-6000 was released in June 2007. On March 28, 2012, at the latest TBD-6000 work group meeting, a number of SEC items were redesignated as Appendix BB items to be resolved in the future, date or timeline not indicated. These issues need to be resolved to facilitate NIOSH making long overdue revisions to Appendix BB. The Appendix BB issues should all have been resolved during the 9 TBD6K work group meetings held to date.

2. I attended with [redacted] the 3/15/12 TBD-6000 work group meeting in person and made a one hour plus presentation to the participants. A PDF of that Powerpoint presentation is posted at my request as a Discussion paper for the 3/15/12 TBD-6000 work group meeting. A duplicate file is also posted on the DCAS website listing for the 3/28/12 meeting.

However, the primary Critique and ADDENDA 1 and 2 that I submitted to the TBD-6000 work group prior to the 3/15/12 meeting and provided handouts for at the 3/15/12 meeting were not posted on the DCAS website under GSI Docket 140

as were other Discussion papers from SC&A and NIOSH. In all, I submitted eight (8) papers to the TBD-6000 work group between 2/29/12 and 3/28/12. When Dr. Ziemer reviewed my submissions on 3/28/12 (not an agenda item, time subtracted from the time I had to present), he did not acknowledge most of those papers and they were not reviewed by him and the TBD-6000 work group or NIOSH or SC&A on the record.

The omitted posting to the DCAS website of my 8 work group submissions, which were in addition to the 3/15/12 Powerpoint PDF file that was posted, needs to be corrected. All of my petitioner submissions about GSI should be available to all current Board members who will have to vote on a making a recommendation for SEC-00105 to the HHS Secretary. That vote may happen at the June Board meeting according to the information I have at present.

3. At the follow up 3/28/12 TBD-6000 work group meeting, which I could not attend in person for financial reasons, the three members present and participating--Paul Ziemer, Wanda Munn (Alternate), and Josie Beach--voted 2 yes (Ziemer and Munn) to 1 no (Beach) to uphold NIOSH's recommendation to deny SEC-00105 for 1953-June 1966. A discussion and vote about SEC-00105 and the residual contamination period was not on the agenda for the 3/28/12 meeting, so the final and complete work group recommendation to the full Board for SEC-00105 is still hanging less than a month before the Santa Fe meeting.

4. I am concerned that TBD-6000 work group member Dr. John Poston has not participated in the last 4 meetings and was absent, I believe, for the 4/26/12 Board conference call meeting as well.

5. Also at the 3/28/12 TBD-6000 work group meeting, Dr. Ziemer did note that he would be preparing a report for the full Board concerning the work group's actions related to SEC-00105. I have requested a copy of this report from both Dr. Ziemer and Mr. Katz several times under FACA to no avail. My comments made in rebuttal to the NIOSH and SC&A positions at the 3/28/12 TBD-6000 work group meeting are referenced below as Petitioner Document #7.

6. I listened to the 4/26/12 ABRWH teleconference in entirety. This was the first meeting where two newly appointed Board members, Ms. Valerio and Dr. Kotelchuck, were present by phone. About midway through the work group reports, Dr. Melius asked Dr. Ziemer if he had any report as chair of the TBD-6000 work group and got no answer. Then, at the end of the work group reports, Dr. Ziemer volunteered a very brief report on the activities of the TBD-6000 work group. Dr. Ziemer did not mention GSI by name nor did he mention the 3/28/12 work group vote and recommendation to deny GSI SEC-00105. He did state the TBD-6000 work group still had to consider the GSI SEC for the residual period. Dr. Ziemer mentioned that maybe (or perhaps) "we will need to have another work group meeting before the June full Board meeting." Dr. Ziemer also indicated that he hoped to have a recommendation ready for the full Board's June meeting. No specific information was given about the time frame for another work group session.

Notably, at the same meeting, Lavon Rutherford reviewed the SECs that were scheduled to be presented to the full Board at the June 2012 Santa Fe meeting. GSI was not among them.

7. I believed the explanation Dr. Ziemer gave to the full Board on 4/26/12 about the results of the two TBD-6000 work group March 2012 meetings was incomplete and therefore needed to be expanded, especially to inform the new Board members about GSI activities. Accordingly, on the same day (4/26/12), I sent Ted Katz a request to distribute additional comments of mine about the 3/28/12 TBD-6000 work group meeting vote. My email was distributed by 4/30/12. This reference is listed below as petitioner document 8.

8. I am extremely concerned that, as far as I am aware, (a) no further meeting of the TBD-6000 work group has been scheduled to resolve the outstanding Appendix BB issues, (b) no discussion has taken place about SEC-00105 and the residual contamination period, (c) Dr. Ziemer inexplicably omitted mentioning the TBD-6000 work group had voted to deny SEC-00105 at the 3/28/12 meeting, and (d) that my full set of comments, represented by 8 documents that are cited below and my 3/15 Powerpoint presentation, all of which relate to the March 15 and 28, 2012, TBD-6000 meetings, have not been posted on GSI Docket 140 (DCAS website) as at least two of them (DOCS 1 and 2) were told to me had been done.

9. The transcripts from the 3/15/12 and 3/28/12 TBD-6000 work group back-to-back meetings contain the various information and technical discussions that can best be described as "frank" scientific exchanges at these two pivotal meetings in the history of Appendix BB and SEC-00105 at the GSI AWE site. The reasons the co-petitioner challenges the positions of both NIOSH and SC&A that all SEC issues have been resolved, and are now (erroneously) relegated to the status of Appendix BB issues, are presented in detail in the transcripts. Some of the reasons why Dr. McKeel and Mr.

and at least one work group member believe that an SEC for GSI must be approved for at least the first ten years of the covered period, that is 1953-62, is made evident. McKeel strongly endorses the minority work group Board member's opinion that the evidence offered to deny the SEC 1953-66 is "too flimsy." In addition, McKeel explains certain procedural irregularities he perceives in the development of initial MCNPx exposure models by SC&A, and why he opposes the DFO's expressed view that SC&A can and should develop models as part of their "evaluation role" of NIOSH scientific activities. Finally, McKeel attempts to explain why he believes the SC&A-NIOSH MCNPx Betatron exposure

models cannot be properly validated because there are no published actual (that is measured) data on Allis-Chalmers 24-25 Mev Betatron operations to serve as a "gold standard" for the computer code, as advanced as MCNPx may be. McKeel also challenges the idea that agreement between the SC&A and NIOSH modeled MCNPx exposures show satisfactory agreement for either Betatron operators or Layout men in 2012. Also, major discrepancies between NIOSH 2008 and 2012 exposure data, and NIOSH 2008 and 2012 exposure data to both groups of workers--Betatron and Layout--are pointed out.

With these facts as background, I ask how could the full Board possibly be familiar enough with six years worth of GSI site and technical report facts and Public Comments by the petitioners, site experts and former workers and claimants, and discussions on the record thereof, to make a fully informed recommendation to HHS about SEC-00105? It will be very late to schedule another TBD-6000 work group meeting before the June full Board meeting in Santa Fe. Why a follow up TBD6K work group meeting to discuss both Appendix BB and the residual period SEC was not scheduled immediately after the 4/26/12 conference call is very difficult to understand. Scheduling work group meetings so late, and so near full Board meetings, is in my opinion very deleterious to the interests of the GSI claimants. Unfortunately, this seems to happen routinely for the sites I am most familiar with.

Sincerely,

Dan McKeel

McKeel submissions to the TBD-6000 work group that have not yet been posted to the DCAS website. Ted Katz, please distribute all of these papers to all current Board members, including especially to Ms. Valerio and Dr. Kotelchuck.

Today (Monday, May 21, 2012) I am separately resubmitting all eight (8) documents sent previously to NIOSH Docket 140 for posting on the DCAS website. I am doing this to facilitate them being reviewed as a coherent group of documents, along with my 3/15/12 TBD6K work group Powerpoint, by all current Board members. Thank you for facilitating this attempt to fully inform the Board about GSI matters before a final vote on SEC-00105 takes place.

MCKEEL PETITIONER DOCUMENT 1. FILE: McKeel_GSI_update_2.29.12.PDF (4.2 MB): Critique, transition page, draft ABRWH McKeel Comment dated 2/28/12; E-mail dated 2/29/12 to Dr. Ziemer and Ted Katz. Note the final McKeel Comment as presented to the Board during the Public Comment session is contained in the transcript of the 2.28.12 ABRWH meeting on PAGES 280-292. The two versions differ significantly. Correspondence with Mr. Katz related to this submission indicates the document was posted to NIOSH Docket 140 (GSI). HARD COPIES of this document were given to all participants at the 3/15/12 TBD-6000 work group meeting in Cincinnati (Hebron, KY, Airport Marriott).

MCKEEL PETITIONER DOCUMENT 2. FILE: MCKEEL_ADDENDA_1+2.pdf (4.8 MB), dated 3/11/12. Pages 1-28 are ADDENDUM 1 to McKeel Critique (DOC 1), and Pages 1-9 following are ADDENDUM 2 to McKeel Critique (DOC 1). Correspondence with Mr. Katz related to this submission indicates the document was posted to NIOSH Docket 140 (GSI). HARD COPIES of this document were given to all participants at the 3/15/12 TBD-6000 work group meeting in Cincinnati (Hebron, KY, Airport Marriott).

MCKEEL PETITIONER DOCUMENT 3. FILE: McKeel_ADD3.pdf (288 KB), dated March 19, 2012. Covers unresolved SC&A "SEC Issues" 5 and 6 as well as more realistic and time period-accurate surrogate concrete induced radioisotope activation data by the GSI Betatrons.

MCKEEL PETITIONER DOCUMENT 4. FILE: MCNPx_memo_3.22.12.pdf (76 KB); McKeel Email dated 3/22/12 to Ted Katz to distribute to TBD-6000 work group, DCAS and SC&A containing John Ramspott information about MCNPx with Dan McKeel comments.

MCKEEL PETITIONER DOCUMENT 5. FILE: McKeel_Comment_Allen2_ADFD3.pdf (480 KB) dated 3/23/12. 2 page initial reaction to mistaken calculations in David Allen's Addendum 3 action items white paper following the 3/15/12 TBD-6000 work group meeting.

MCKEEL PETITIONER DOCUMENT 6. FILE: McKeel_Part2_Allen_ADD-3.pdf (411 KB) dated 3/26/12. A critically important document showing that layout worker photon and neutron external radiation doses should be increased based on new knowledge they worked immediately outside the GSI new Betatron shooting room shielded only by a thin steel ribbon door that offered scant protection to them.

MCKEEL PETITIONER DOCUMENT 7. FILE: McKeel_Comment_3.28.12.pdf (80 KB) dated 3/28/12. McKeel read into the record of the 3.28.12 TBD-6000 work group meeting. Very important rebuttal to the DCAS and SC&A presentations at the same meeting.

MCKEEL PETITIONER DOCUMENT 8: FILE (PDF of email): DWM_GSI_email_Katz_4.26.12.pdf (40 KB) dated 4/26/12. McKeel added comments about the TBD-6000 work group 2 Yes (Ziemer, Munn), 1 No (Josie Beach, 1st ten years of covered period) recommendation on 3/28/12 to support NIOSH and to deny the GSI SEC-00105 petition for the entire covered period of 1953-June 1966.

Daniel W. McKeel, Jr., MD
GSI SEC-00105 co-petitioner
Phone: 573-323-8897
Fax: 573-323-0043
E-mail: danmckeel2@aol.com
US Mail: P.O. Box 15, Van Buren, MO 63965-0015