

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

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ADVISORY BOARD ON RADIATION AND
WORKER HEALTH

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WORK GROUP ON SEC ISSUES

+ + + + +

FRIDAY,
JULY 8, 2011

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The Work Group convened via teleconference at 10:00 a.m., James M. Melius, Chairman, presiding.

MEMBERS PRESENT:

JAMES M. MELIUS, Chairman
JOSIE BEACH
GENEVIEVE S. ROESSLER
PAUL L. ZIEMER

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ALSO PRESENT:

TED KATZ, Designated Federal Official
PETE DARNELL, DCAS
CHRIS ELLISON, DCAS
STU HINNEFELD, DCAS
JOSH KINMAN, DCAS Contractor
JENNY LIN, HHS
JOHN MAURO, SC&A
JAMES NETON, DCAS
LAVON RUTHERFORD, DCAS

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

2 (10:00 a.m.)

3 MR. KATZ: This is Ted Katz. I
4 am the Designated Federal Official of the
5 Advisory Board on Radiation and Worker
6 Health. This is the SEC Issues Work Group.

7 We are going to begin with roll
8 call. And, please, we're speaking about two
9 sites today: GE Evendale and Ames in Iowa.
10 So please speak to conflict of interest as
11 well. So, beginning with Board Members,
12 with the Chair?

13 (Roll call.)

14 MR. KATZ: Okay. That does it
15 for roll call. Let me just remind everyone,
16 when you are not speaking to the group,
17 please mute your phone. Use *6 if you don't
18 have a mute button and *6 to take it off of
19 mute.

20 And, Dr. Melius, it is your
21 agenda.

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1 CHAIRMAN MELIUS: Okay. Why
2 don't we start with GE? I think everybody,
3 at least on the Work Group, should have
4 received an update from NIOSH on follow-up
5 to our last discussion of GE. But I think
6 last Friday, NIOSH, LaVon sent out an update
7 that included the information that we had
8 requested that they look into. So I will
9 turn it over to NIOSH if you want to at
10 least briefly summarize that information.

11 MR. RUTHERFORD: Yes. This is
12 LaVon Rutherford. I was actually going to
13 try and get through a little bit of
14 information before I hit that. And the last
15 thing I will do is go over those specific
16 issues.

17 Just to remind everybody of some
18 of the activities that occurred at GE during
19 the '61 to '70 period, they were checking
20 fuel elements materials for high-temperature
21 reactor fuels, checking radiation effects on

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1 refractory materials, examining radiation
2 effects on beryllium oxide, examining
3 fission product transport processes in
4 reactor fuels. They were testing the
5 effects of clad uranium oxide fuels in
6 meltdown environments. They were developing
7 processes for densification of thorium. They
8 were also clarifying thorium oxide.

9 Monitoring data. I want to talk
10 a little bit about the internal monitoring
11 data, since that is the focus of our
12 infeasibility.

13 First, the monitoring data from
14 1961 through 1964, we have no internal
15 monitoring data. We have urine samples from
16 1964 through 1967. We have 400 urine
17 samples, a little over 400 urine samples,
18 for uranium that are from 1965 through 1967.
19 And we have no internal monitoring results
20 from 1968 and '69.

21 The bioassay samples were taken

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1 when workers were exposed. To us, this
2 implies that it's more an incident-driven
3 program.

4 As for air-monitoring data, we
5 have some air sample data from the first
6 part of 1961. We believe this is really
7 part of the Aircraft Nuclear Propulsion
8 program. We were led to this conclusion
9 because the data goes back to 1956, when the
10 ANP program was at its peak of existence.

11 We have no air sample data for
12 the second half of 1961 through 1970. We
13 did ask the health and safety manager if air
14 sampling was performed. She said there was
15 air sampling performed, but we have no data
16 for that period.

17 The health and safety manager
18 indicated that they regularly performed
19 radiological monitoring in non-radiological
20 areas. I think this is very important
21 because if we had some boundary air sample

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1 data, if we had environmental air data,
2 things like that, that may help support
3 limiting the Class. And I'll get into that
4 a little later.

5 Surface contamination: so we have
6 a pretty detailed surface contamination
7 survey that occurred in 1969. It is just
8 alpha and beta and is not isotopic-specific.

9 Access control: this is another
10 issue that surrounds the Class Definition.
11 The majority of the radiological work
12 occurred in buildings C and D. It should be
13 noted that there was a storage pad that had
14 radioactive material, drums and such, stored
15 on it as well as a storage facility.

16 Air Force Plant 36 was not
17 physically separated from the rest of the
18 plant. The health and safety manager
19 indicated that non-rad workers were not
20 permitted into radiological areas. However,
21 this was controlled by posting. Hot cells

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1 were locked, but all the other areas were
2 controlled through posting.

3 Worker interviews indicated that
4 there were no access control requirements
5 for entering the building, but, again,
6 workers also indicated that some areas,
7 specifically the hot cells, were locked.

8 Non-radiological workers worked
9 in the same areas as the radiological
10 workers. Part of building C was designated
11 for operations, and the other part was
12 administrative. And there was no access,
13 nothing locked within the facility that
14 prevented you from accessing rad areas.
15 There were only postings to limit that.

16 Last year, we actually sent a
17 draft Class Definition to Department of
18 Labor to check into their ability to
19 implement a Class that specifically focused
20 on Air Force Plant 36.

21 And in the letter dated November

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1 12th, 2010, DOL indicated that they were
2 unaware of any records in their possession
3 or the possession of DOE that would allow
4 them to determine whether a worker in the GE
5 Evendale facility worked specifically at Air
6 Force Plant 36 versus other parts of the
7 plant. So I wanted to kind of go back
8 through some of those things because those
9 were discussed earlier.

10 At the last Work Group meeting,
11 there were specific action items that came
12 out of that. The Work Group wanted us to go
13 back and interview personnel to determine
14 the actual origin of the POPSEE list and how
15 that was related to the actual covered
16 activities. All of this was centered around
17 to see if we could use the POPSEE list
18 itself to define the Class.

19 The other thing is, does the
20 POPSEE list contain everyone who was
21 potentially exposed during the period?

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1 And then the third item was to
2 actually go back and define some of these
3 abbreviations that were included in the
4 policy documents.

5 We actually interviewed one
6 person. That person was the former health
7 and safety manager during that period. We
8 found out that the POPSEE is not an acronym;
9 it is actually a compilation of letters
10 comprising the various program names during
11 the GE nuclear propulsion and AEC eras. So
12 it's like the ANP, NNPO, all those. I take
13 what happened was they took letters from
14 those and then formed the POPSEE list.

15 The POPSEE organization was a
16 social organization that consisted of
17 workers over various years from the various
18 programs, but the POPSEE included only those
19 workers who wished to participate in the
20 organization.

21 The POPSEE roster could include

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1 employees that never worked in buildings C
2 and D. This is mainly because, although C
3 and D were the main operational areas, there
4 were other workers or other people involved
5 in the ANP program or in the program that
6 did not work in C and D.

7 The POPSEE roster would not
8 necessarily include all employees that did
9 work, since it's a voluntary thing to
10 basically be in this organization. It
11 didn't include everyone.

12 Another thing we did with the
13 POPSEE list was we took the POPSEE list and
14 we compared it to our NOCTS database.

15 What we did was we took the GE
16 claims that we currently have, and we listed
17 those names down into an Excel spreadsheet.
18 And we took a list of the names on the
19 POPSEE list. We actually put together an
20 Excel spreadsheet with that list as well.

21 We also took down -- on the NOCTS

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1 list, we identified who had internal and
2 external monitoring from our NOCTS database,
3 from our claims. And then, again, we did
4 the comparison against the NOCTS list and
5 the POPSEE list.

6 We found that only six of our
7 claims actually were on the POPSEE list as
8 well. And I think this is important because
9 clearly the POPSEE list cannot be used to
10 define the Class because we have workers
11 that -- we have claimants who are not on the
12 list that have external monitoring data, who
13 were clearly exposed and part of the
14 program, that are not on the POPSEE list.
15 So I think that pretty much shoots that
16 down.

17 The other thing is we were asked
18 to come up with, to define all of the
19 acronyms that -- and I think we've done
20 that. And that's in that summary that I
21 provided you guys.

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1 So I think that answers most of
2 the questions. The other thing I wanted to
3 point out was, you know, I talked about the
4 area monitoring and the lack of air sampling
5 data.

6 I think someone had brought up
7 the idea of: can we just use those
8 individuals who were monitored? And clearly
9 we can't do that because of the lack of air
10 sample data to support that people that were
11 inside C and D that were not monitored were
12 not exposed. We had no data in support of
13 that that those individuals would not have
14 been exposed.

15 Okay. That's pretty much it.

16 CHAIRMAN MELIUS: Okay. Anybody,
17 any of the Work Group Members have
18 questions?

19 (No response.)

20 CHAIRMAN MELIUS: If not, I'll
21 start. My question is, I am trying to

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1 understand the list of monitored employees.

2 And, to that end, of the people who

3 submitted claims, do you have any sense of

4 how many of those expected to be monitored?

5 I guess I'm looking at those with

6 submitted claims, those with monitoring

7 versus those without, and were the people

8 without monitoring people that you wouldn't

9 expect to be in jobs that would be

10 monitored?

11 MR. RUTHERFORD: Yes.

12 CHAIRMAN MELIUS: Or other people

13 that would sort of pass through the

14 facility? So anybody from the facility

15 could submit a claim?

16 MR. RUTHERFORD: Correct.

17 CHAIRMAN MELIUS: And in some

18 ways you have, I don't want to say

19 encouraged that, but the fact that you

20 haven't narrowed it down prior to this time,

21 people would -- I'm trying to get a sense of

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1 the job histories and backgrounds of the
2 people that did submit claims, particularly
3 those -- sort of comparing those with or
4 without monitoring, but whether they were --
5 how did they differ?

6 MR. RUTHERFORD: I haven't been
7 through all of the claims, but I can say
8 that we do have some claims specifically,
9 some maintenance workers who could have
10 worked in C and D, that do not have
11 monitoring data. And then we do have some
12 that do have monitoring data.

13 CHAIRMAN MELIUS: Okay.

14 MR. RUTHERFORD: So I mean, that
15 right there kind of gives you an indication
16 that it's not easy to separate them out,
17 especially maintenance workers.

18 Also, I think I went through a
19 couple of firefighters that one had data and
20 one didn't, but, again, I didn't go through
21 all the list.

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1 CHAIRMAN MELIUS: Yes. And I
2 don't think this sort of sample is large
3 enough to be able to draw a very firm
4 conclusion, but I was just curious when I
5 looked through the -- trying to make sense
6 of the spreadsheet that you put on the O:
7 drive and how those populations differed and
8 so forth. I mean, I would have expected
9 POPSEE to include a number of people who
10 wouldn't have monitoring data and wouldn't
11 be necessarily filing claims because they
12 might have worked at other -- you know,
13 during sort of the Air Force years and not
14 --

15 MR. RUTHERFORD: Sure.

16 CHAIRMAN MELIUS: -- during the
17 years that they would be eligible for this
18 program. So it didn't surprise me that the
19 POPSEE would be a longer list, so to speak,
20 but I'm just trying to understand sort of
21 the overlap between the claims in the people

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1 that were monitored or were not monitored.

2 MR. RUTHERFORD: Yes. I mean,
3 the biggest thing to me is that the health
4 and safety manager indicated to us that if
5 the claimants had personal monitoring data
6 during that era, then they more than likely
7 worked in C and D.

8 CHAIRMAN MELIUS: Yes.

9 MR. RUTHERFORD: And clearly we
10 have a number of claimants that have
11 external monitoring data. And only six of
12 those claimants actually show up on the
13 list, the POPSEE list.

14 CHAIRMAN MELIUS: Yes. Yes. I
15 think the point we're trying to get at, to
16 follow up to what I think Paul was asking at
17 our last discussion on this site was: people
18 that were not monitored, did they have
19 significant exposure because someone who
20 might have passed through the site or
21 through the building during that time

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1 period, I mean, you can argue that that --
2 you know, would they really fit the 250-day
3 --

4 MR. RUTHERFORD: Well, you know,
5 the other end of that, though -- and yes, I
6 understand where you're coming from.

7 Recognize that from '61 to '64, we have no
8 internal monitoring data and we know that
9 there was work occurring that had the
10 potential for internal exposure.

11 CHAIRMAN MELIUS: Yes.

12 MR. RUTHERFORD: We also had from
13 '67 to '70, they were calcine and thorium
14 oxide -- or calcine and thorium, and we have
15 no internal monitoring data for that period
16 as well.

17 So you have a group of workers
18 who were working with thorium during that
19 period who by our indications were not
20 monitored because we have no monitoring
21 data. So that makes it -- you can't, I

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1 don't think there's any way to limit it to
2 only individuals who are monitored because
3 that would leave out those workers for those
4 periods where we have no internal monitoring
5 data.

6 MEMBER ZIEMER: Dr. Melius?

7 CHAIRMAN MELIUS: Yes?

8 MEMBER ZIEMER: Paul Ziemer here.

9 You may recall also when we raised this
10 issue with Rachel at the meeting last time,
11 she basically said that they could not
12 conduct a program where we asked the people
13 to sort of assert that they worked in that
14 area.

15 I think she basically said that
16 if you put the caveat on that you will ask
17 the people to certify that they worked in
18 those areas, whether they were monitored or
19 not, I think that Rachel, in essence, said
20 that they will lie.

21 So I think Labor is saying that

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1 the only way they can really do this is to
2 include everybody, much to my dismay, but
3 that is what they were telling us.

4 CHAIRMAN MELIUS: Yes. And I
5 think that was my second question for LaVon,
6 was at the time that Department of Labor
7 sort of reviewed the available information,
8 basically when you asked them about the
9 Class Definition, I think was the time
10 period. I believe since that time or during
11 the time period, you have received more
12 extensive information from General Electric.
13 And I just want to establish whether or not
14 that additional information -- would it also
15 include, you know, personnel records or
16 other information that might be used to
17 establish a more narrow Class Definition?

18 MR. RUTHERFORD: Actually, no.
19 We did get a lot of good information, and we
20 did get the significant amount of external
21 exposure records.

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1 CHAIRMAN MELIUS: Right.

2 MR. RUTHERFORD: The problem we
3 have with the records is that for probably
4 90 percent of them -- and there actually is
5 a percentage, I think, in the Evaluation
6 Report, but roughly 90 percent of those
7 claims do not identify locations at all.

8 CHAIRMAN MELIUS: Right.

9 MR. RUTHERFORD: So we couldn't
10 really summarize, you know, work locations
11 from that. And there were no work locations
12 or job classification descriptions and such
13 like that within the documentation that we
14 had that would help Department of Labor
15 identify individuals.

16 CHAIRMAN MELIUS: Okay? Anybody
17 else on the Work Group have questions?

18 MEMBER ROESSLER: This is Gen. I
19 have, I guess, a couple of comments. Am I
20 off the mute?

21 CHAIRMAN MELIUS: Yes, you are.

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1 We can hear you.

2 MEMBER ROESSLER: Okay. Good.

3 LaVon, that was a very good report, written
4 report and oral. I think that it is pretty
5 easy to understand everything. I only have
6 one comment, and it's on the second page of
7 your summary, where you talk about
8 feasibility of estimating external
9 exposures.

10 It seems like the way it is
11 written there, I think I understand what you
12 are saying, but it is confusing. You first
13 say there is insufficient data for
14 estimating external exposures, but then you
15 go on to say that you have not evaluated the
16 external film data.

17 MR. RUTHERFORD: Yes. Well,
18 actually, you know, I looked at that. Gen,
19 I looked at this stuff this morning. And I
20 wish that I wouldn't have put that statement
21 in there because we actually have since then

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1 looked at that data more thoroughly.

2 What we were saying here is
3 individuals, we will use their external
4 monitoring data and give them their external
5 exposure for the non-presumptive claims that
6 come through, but we cannot develop a
7 coworker data from the data that we have.

8 The difficulty we have in that is
9 if you take -- it's kind of like a National
10 Lab in that, as I mentioned earlier, there
11 were a number of different activities that
12 were occurring at the facility that had the
13 potential for external exposures.

14 In some of them, I mean, very
15 broad-spectrum exposure potential, they were
16 doing, actually, some high-neutron dose
17 irradiation of materials for material X,
18 also gamma dose, and from that to working
19 with uranium at a lower external exposure.

20 So you had the spectrum of
21 external exposure potential from these

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1 different projects. And we have no -- like
2 I had mentioned earlier, work locations for
3 only roughly ten percent of the external
4 monitoring data identify work locations.

5 So with this diverse exposure
6 environment and a lack of worker location,
7 it makes it very difficult for us to come up
8 with a good coworker model that we could
9 use.

10 MEMBER ROESSLER: Okay. I
11 thought that is what you were trying to say
12 there, but the writing made it a bit --

13 MR. RUTHERFORD: I agree. I
14 agree. I read it this morning, and I
15 totally agree with you.

16 MEMBER ROESSLER: Okay. Thanks.

17 CHAIRMAN MELIUS: And I agree
18 with you both. I was confused by that also.

19 Any other comments or questions
20 from Board Members or, I should say, Work
21 Group Members? Board Members?

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1 (No response.)

2 CHAIRMAN MELIUS: Do we have a
3 recommendation to make to the Board on our
4 call on Monday?

5 MEMBER ZIEMER: Jim, this is
6 Ziemer. You know, I think we have tried as
7 hard as we can to reasonably limit this.
8 And all of our efforts have been essentially
9 in vain.

10 Much as it pains me, I will make
11 the motion that we support the
12 recommendation of NIOSH and recommend this
13 Class Definition to the Board.

14 CHAIRMAN MELIUS: Okay.

15 MEMBER ROESSLER: I second.

16 CHAIRMAN MELIUS: Okay. Anybody
17 in the Work Group not support that, I guess?

18 MEMBER BEACH: I agree with that.

19 CHAIRMAN MELIUS: Okay. I do, too,
20 also. So I guess it's unanimous. Good.
21 Okay. Well, we'll move on, then, for that.

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1 And then on Board meeting, the call on
2 Monday, I think, LaVon, if you do sort of a
3 similar presentation, you probably may have
4 to do a little background on -- a little bit
5 more on POPSEE and how we sort of got here
6 because I don't think that has all been
7 discussed with all of the Board Members, but
8 I think something similar to what you said,
9 outlined here today, I think would be
10 helpful for people.

11 MR. RUTHERFORD: Okay. I will do
12 that.

13 CHAIRMAN MELIUS: Okay. The next
14 item we have is the Ames report, which is
15 this new 83.14 report. And the reason we
16 are talking about it today is partly, I
17 guess, my fault, I guess you would call it.

18 My concern is -- I think LaVon
19 can go sort of through the process here.
20 This is one where the Class Definition
21 needed to be fixed, so to speak, in order to

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1 catch up with -- well, one, I think some of
2 the information, additional information,
3 that was available but also just to make the
4 Class, the implementation of the Class to be
5 feasible for both NIOSH and the Department
6 of Labor.

7 My concern in reviewing the
8 report was, which really doesn't state any
9 findings that we hadn't already made in
10 general in terms of that this should be an
11 SEC, that dose reconstruction wasn't
12 feasible. But I didn't think there was
13 necessarily sufficient information there, at
14 least detail on why the Class Definition
15 needed to be changed.

16 And so I think LaVon has done
17 some follow-up. I have communicated that to
18 him and Stu. There is sort of this awkward
19 position that we are in where, really, I
20 think, in essence, the only thing we are
21 really changing here is the Class

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1 Definition.

2 You know, we have got a new
3 number and we're sort of consolidating
4 these, so we can only do this once, rather
5 than two or three times. But this is
6 something that if we're going to do that, I
7 think the Board has to have a sort of
8 factual basis to support our recommendation
9 to the Secretary in this case.

10 We have already recommended to
11 the Secretary about the dose reconstruction
12 was infeasible. What we are now
13 recommending, I think, is that dose
14 reconstruction is infeasible and this is the
15 way the Class needs to be defined to capture
16 that group.

17 So, LaVon, if you want to --

18 MR. RUTHERFORD: Yes. I can go
19 through it. I sent a little kind of a
20 justification, a little more justification.
21 And I understand where Dr. Melius is coming

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1 from with the -- we do have a one-paragraph
2 section that briefly describes it, but just
3 the discussion in this little justification
4 provides -- makes it a little easier to
5 understand.

6 SEC 185 -- and that's the one
7 we're discussing right now -- is, as Dr.
8 Melius mentioned, being used to consolidate
9 some Class Definitions, SEC 38, 75. And
10 it's also to basically resolve an open-ended
11 issue we had on SEC 156.

12 SEC 38 was one of our first
13 Classes that we added. It was for the Ames
14 facility and it was a very facility-specific
15 definition listing each of the buildings at
16 that time that were associated with Ames
17 Laboratory.

18 Again, early on in the process,
19 in the SEC process, we were kind of learning
20 -- as we came up with issues and with
21 problems with Class Definitions, we were

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1 learning how to better define them. And
2 this was one of the early ones. We used all
3 of the building names. And we used 1942 to
4 1954 for that SEC 38.

5 We went back and we did our Class
6 Definition review. And we looked at how DOL
7 was implementing this Class. And for SEC
8 38, it is really not a problem in how they
9 are implementing it, even though it does
10 list specific buildings. And it does have
11 the monitored or should have been monitored,
12 which we have since gotten rid of.

13 Based on our review, DOL
14 implements the Classes of all workers who
15 worked in the area. So basically, they
16 implement that Class as if it were written
17 as all employees today.

18 SEC 75 is much more difficult.
19 That one is the one where we actually got a
20 petition in. It specifically identified a
21 group of workers, sheet metal workers,

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1 physical plant maintenance workers. And we
2 tried to use that petitioner Class. And we
3 felt like, okay, we feel pretty good that,
4 for the most part, those types of workers
5 would be the workers that would be
6 potentially exposed.

7 However, we did not look into the
8 details of access control as well during
9 that, when we did that evaluation, as well
10 as we also -- we at that time -- I'm not
11 sure that we upfront got DOL's letter on
12 whether they could implement that. I'd have
13 to actually go back and look at that if we
14 did or not.

15 Either way, when we reviewed the
16 actual Class Definitions and reviewed all of
17 the claims, we actually found a couple of
18 the claims that we felt should have been
19 included in that Class that were with us at
20 NIOSH for dose reconstruction that DOL had
21 denied them. And we went back, and we

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1 recognized the issues with that Class
2 Definition.

3 Another issue, SEC 75 covered
4 from 1955 to 1970. So right now if you look
5 at 38, SEC 38, Class Definition goes from
6 '42 to '54 and then immediately picks up
7 with SEC 75 Class Definition from '55 to '70
8 for the period covered from 1942 all the way
9 up to 1970 with those two Class Definitions.

10 The third issue we had was
11 associated with SEC 156. SEC 156 is a Class
12 we recommended last year, and the Board
13 concurred. During that -- and it covers
14 from 1955 to 1960. And it's more along the
15 lines of Class Definition, how we would
16 define Class Definition today, understanding
17 the access control requirements,
18 understanding DOL's ability to implement.

19 When we went to DOL with a letter
20 with the Class Definition at 4 SEC 156, DOL
21 indicated in that letter that they currently

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1 had no information that would allow them to
2 put people in specific buildings and work
3 areas in order to limit the Class any
4 further and that -- so they were okay with
5 the all-employee Class Definition. Again,
6 that covers 1955 to 1960.

7 But when we made that
8 presentation, we also indicated that we were
9 going to use the 1960 date to move this
10 Class forward to take care of the petitioner
11 and some workers, but we still had some
12 additional evaluation to go in and to better
13 define an end date for that. The hot canyon
14 work we knew, which was driving the SEC, we
15 knew continued past '60, but we didn't have
16 a good feel for a good end date.

17 After our review of that and we
18 have recognized that the hot canyon work
19 proceeded up into the mid '60s, possibly up
20 to '66-'67. And then it became pretty much
21 a -- it was shut down. And the only thing

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1 they really used it was as an exhibit for
2 public tours.

3 So this modification of the Class
4 Definition actually addresses three -- or a
5 few different issues, actually. It
6 addresses the problems with SEC 75 Class
7 Definition. It removes the
8 facility-specific Class Definition
9 associated with SEC 38, even though that has
10 not been a real problem. And it also helps
11 close out SEC 166 end date of a Class
12 Definition up through 1970.

13 I think that's about it. Any
14 questions?

15 CHAIRMAN MELIUS: Any of the Work
16 Group Members have questions?

17 MEMBER ZIEMER: This is Ziemer.
18 I have one question. There is a change,
19 then. That's the work, the end of the
20 period is changing. The other parts are
21 just already approved, and you're just

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1 getting into wording so DOL can work it
2 correctly. Is that correct?

3 MR. RUTHERFORD: Not totally.
4 The actual end date has not changed. The
5 end date of SEC 75 is December 31st of 1970.

6 MEMBER ZIEMER: Okay. So --

7 MR. RUTHERFORD: We already had a
8 Class up to 1970 at this time, but that
9 Class Definition was limited to specific
10 workers.

11 MEMBER ZIEMER: Right. But it
12 would change the end date. In a sense, it
13 would change the end date of what was the
14 other petition because --

15 MR. RUTHERFORD: Correct.

16 MEMBER ZIEMER: Right. The
17 reason I ask that, I was trying to determine
18 whether this actually goes to the Secretary
19 or do you say that it has already been
20 approved and we're just clarifying the
21 definition?

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1 But in a sense, it does change.

2 The first one, it changes the end dates on
3 the eligible people for what would have been
4 in that first group.

5 CHAIRMAN MELIUS: Correct. And I
6 think that my recollection is that when sort
7 of NIOSH went through this exercise to
8 review the past SEC Class Definitions and do
9 this update, I think the decision was made
10 not to simply sort of clarify the Class
11 Definitions but that it would require -- I
12 shouldn't say "require," but it would be
13 better if it was done through an 83.14 and
14 where we would then do a new letter to the
15 Secretary that provides this kind of
16 clarification and consolidation in this case
17 with the Ames petition.

18 MEMBER ZIEMER: Right, right.
19 That makes sense, yes.

20 CHAIRMAN MELIUS: Yes, yes. My
21 concern was going back to that for the Class

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1 Definition clarification part of it, that
2 there was -- it wasn't clear. There was one
3 paragraph in there and only one reference in
4 that paragraph, which was a letter from DOL
5 that basically said they were having trouble
6 implementing that.

7 And so the original Class
8 Definitions -- and if we are to make sort of
9 a factual -- you know, we needed some sort
10 of a basis for our recommendation.

11 Otherwise, I think what you were saying, Dr.
12 Ziemer, would have been appropriate. We
13 would just -- just the Class Definition gets
14 clarified, which, you know, might not
15 necessarily need Board involvement.

16 If you look at what happens with
17 the initial SEC here, I mean, even though we
18 put some parameters on it, in essence, when
19 it got implemented, it was everybody that
20 worked there.

21 MEMBER ZIEMER: Right, right.

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1 CHAIRMAN MELIUS: And so forth.

2 And I think this is a little bit more
3 complicated than that overall, but it --

4 MEMBER ZIEMER: Yes, although
5 that had a different ending date on it at
6 the time.

7 CHAIRMAN MELIUS: Yes. But I
8 think that we just need to make sure that we
9 get on the record the justification for why
10 these changes are being made. The format
11 for an SEC Evaluation Report doesn't always
12 provide the proper -- it's not part of the
13 basic outline. So it tends to get sort of
14 short shrift in terms of how these get
15 written up.

16 And so when we go to -- I think
17 in some cases, what we have gone through
18 with GE, it is a little bit more complicated
19 that we have to sort of wrestle with how to
20 make a decision and what information we need
21 to make the decision on recommending the

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1 Class Definition.

2 MEMBER ZIEMER: Right. Plus, the
3 other part of the justification, of course,
4 is one of consistency from site to site.

5 CHAIRMAN MELIUS: Exactly, yes.
6 Any other Work Group Members have questions?

7 (No response.)

8 CHAIRMAN MELIUS: I don't know if
9 we need to take an action on this. I don't
10 know if people really have had time to
11 review this report and so forth. I thought
12 it would just be helpful if we had -- some
13 other questions came up just based on what
14 LaVon had mentioned.

15 I think I am satisfied. I think
16 it's at least a better basis for going
17 forward for the Board call on Monday.

18 MEMBER ZIEMER: Right. And
19 conceptually we're not approving a new
20 group.

21 CHAIRMAN MELIUS: No.

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1 MEMBER ZIEMER: It really has to
2 do with defining the Class more sharply so
3 that it can be implemented.

4 CHAIRMAN MELIUS: Correct, yes.
5 Gen or Josie, do you have any comments?

6 MEMBER ROESSLER: I don't have
7 any comments. I think what Paul just said
8 is a very good statement to present to the
9 Board.

10 CHAIRMAN MELIUS: Yes.

11 MEMBER BEACH: This is Josie. I
12 was just looking at the feasibility of dose
13 reconstruction. I think it's the third to
14 the last page. That page is really helpful
15 in clarifying how the three Classes fit
16 together and anyway clarified it in my mind.
17 Good report, LaVon.

18 MR. RUTHERFORD: Thank you.

19 CHAIRMAN MELIUS: Okay. Any
20 other matters we need to discuss?

21 (No response.)

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1 CHAIRMAN MELIUS: If not, I think
2 we can adjourn unless there's -- Ted, are we
3 complete?

4 MR. KATZ: We're complete. Thank
5 you, Jim. And thank you, everybody.

6 CHAIRMAN MELIUS: Yes. Thanks,
7 everyone.

8 (Whereupon, the above-entitled
9 matter was concluded at 10:39
10 a.m.)

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