

UNITED STATES OF AMERICA
CENTERS FOR DISEASE CONTROL

+ + + + +

NATIONAL INSTITUTE FOR OCCUPATIONAL
SAFETY AND HEALTH

+ + + + +

ADVISORY BOARD ON RADIATION AND
WORKER HEALTH

+ + + + +

88th MEETING

+ + + + +

WEDNESDAY,
DECEMBER 12, 2012

+ + + + +

The meeting convened at 8:30 a.m.,
Eastern Standard Time, in the Hilton
Knoxville, 501 West Church Avenue, Knoxville,
Tennessee, James M. Melius, Chairman,
presiding.

PRESENT :

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

JAMES M. MELIUS, Chairman
HENRY ANDERSON, Member
JOSIE M. BEACH, Member
BRADLEY P. CLAWSON, Member
R. WILLIAM FIELD, Member*
DAVID KOTELCHUCK, Member
WANDA I. MUNN, Member
DAVID B. RICHARDSON, Member
GENEVIEVE S. ROESSLER, Member*
PHILLIP SCHOFIELD, Member
LORETTA R. VALERIO, Member
PAUL L. ZIEMER, Member
THEODORE M. KATZ, Designated Federal Official

REGISTERED AND/OR PUBLIC COMMENT PARTICIPANTS:

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

ADAMS, NANCY, NIOSH Contractor
ADLER, SANDRA
AL-NABULSI, ISAF, DOE
ALLEN, DAVID, DCAS
ANIGSTEIN, BOB, SC&A
BURGOS, ZAIDA, NIOSH
DEHART, JULIA
DEHART, ROY
FITZGERALD, JOE, SC&A
GLOVER, SAM, DCAS
HINNEFELD, STU, DCAS
KINMAN, JOSH, DCAS Contractor
KOTSCH, JEFF, DOL
LEWIS, GREG, DOE
LIN, JENNY, HHS
MAHATHY, MIKE, ORAU Team
MAKHIJANI, ARJUN, SC&A
MCFEE, MATT, ORAU Team
MCQUADE, JAMES, DOL
NETON, JIM, DCAS
PRESLEY, LOUISE
RUTHERFORD, LAVON, DCAS
STIVER, JOHN, SC&A
TAULBEE, TIM, DCAS

* Participating via telephone

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

TABLE OF CONTENTS

AGENDA ITEM	PAGE
Welcome - Dr. James Melius, Chair	4
Joslyn Manufacturing and Supply Co. (Ft. Wayne, IN), SEC petition (PV) Dr. Sam Glover, NIOSH Petitioner: Ms. Kristi Keller, Ms. Betty Keller (possibly)	6
SEC Petitions Status Update Mr. LaVon Rutherford, NIOSH	41
Baker Brothers (Toledo, OH) SEC petition (PV) Dr. James Neton, NIOSH Petitioners: Not participating	47
Board Work Session	74
- Correspondence	74
- WG Reports	77
- Scheduling meetings Dr. James Melius, Chair	107

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

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

2 (8:31 a.m.)

3 CHAIRMAN MELIUS: Good morning,
4 everybody. We'll get started with the second
5 day of meeting number 88. And, Ted, do you
6 want to do the introduction?

7 MR. KATZ: Yes. Good morning,
8 everyone, to the Advisory Board of Radiation
9 and Worker Health. For people on the phone,
10 the materials for today's meeting, the
11 presentations, are all posted on the NIOSH
12 website under the Board section under today's
13 -- under meetings, today's date. So you can
14 follow along with the presentations as they're
15 given. There is no public comment session
16 today.

17 And I would ask you all on the
18 phone to please mute your phones for the
19 entirety of these proceedings. Press *6 to
20 mute your phone.

21 And then we do have two petitions
22 being presented: Joslyn and Baker Brothers.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And when those are presented, the petitioners
2 have the opportunity to speak. And those
3 petitioners, if you are on the line now, you
4 would take your phone off of mute so that you
5 can speak when your portion of that session
6 comes up.

7 Let's just do -- we have no
8 conflicts. So I don't have to address that
9 when doing Board roll call, but let's run
10 Board roll call alphabetically.

11 (Roll call.)

12 MR. KATZ: That's good. We have a
13 quorum, and we're good to go.

14 CHAIRMAN MELIUS: For those of you
15 who haven't checked out yet or whatever, we
16 will fit in a break around 10:00 o'clock,
17 despite our DFO forgetting to include a break
18 this morning.

19 So our first item this morning is
20 Joslyn Manufacturing and Supply, Fort Wayne,
21 and Sam Glover.

22 DR. GLOVER: All right. So we're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 going to talk about Joslyn Manufacturing.
2 This is one of the earliest sites. This
3 facility was part of the very earliest war
4 effort. So this is the beginning of rolling
5 of uranium. This is where it started.

6 All right. So Joslyn is listed as
7 an Atomic Weapons Employer for the AEC from
8 March of 1943 to 1952. The principal
9 operations include the machining and rolling
10 of uranium rods with limited thorium machining
11 operations. Joslyn was primarily a commercial
12 rolling facility for the AEC. And if you
13 recall, Simonds Saw and Steel in 1948
14 essentially took over the commercial rolling
15 operations for the AEC, but before that, it
16 was primarily Joslyn.

17 Petition overview. SEC-00200 was
18 received March 15th, 2012 and qualified on May
19 10th. Petitioner-proposed Class was all
20 employees who worked in any area of the Joslyn
21 Manufacturing and Supply Company in Fort
22 Wayne, Indiana from 1944 through 1952.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 NIOSH extended the Class slightly.

2 We extended that through March 1, 1943, in
3 part, because there were changes in the Class.

4 As time went along we found new documentation
5 that was provided to the Department of Labor,
6 and they changed the covered period.

7 The total number of claims
8 submitted. I was shocked when I put this
9 slide together because it doubled in the last
10 two months. We had 36 just a short time ago,
11 and now we have 62. So DOL outreach worked
12 pretty well. They had an outreach meeting not
13 very long ago, and we were out there as well.

14 So of the 62 cases, 36 have a DR
15 at DOL. Number of claims with internal or
16 external records is zero. And number of
17 claims with a PoC greater than 50 percent is
18 27.

19 Joslyn Manufacturing is obviously
20 located in Fort Wayne. And they have a long
21 history of producing stainless steel. They
22 participated in a number of radiological

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 operations for the MED and later AEC,
2 including hot rolling, quenching,
3 straightening, cooling, grinding, waste
4 burning, abrasive cutting of natural uranium
5 billets into metal rods.

6 Background continued. Much of the
7 early work at Joslyn, pre-'48, was related to
8 the production of uranium for the Hanford
9 site. They were also used for numerous
10 experiments to develop procedures for rolling
11 uranium metal for use in nuclear reactors,
12 performed rolling operations associated with
13 testing of uranium metal rods at the Chalk
14 River reactors in Canada. They prepared
15 uranium metal for the British government.

16 This is just kind of a simple
17 diagram. When you go to the facility, it
18 makes a lot more sense, and I think of it sort
19 of turned on its side here because of how you
20 come into it.

21 But basically the entire facility,
22 this stuff was trucked through it for one part

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 or another. Between the grinding operations
2 and the handling and the packing, it pretty
3 much all made its way through the whole plant.

4 Not every part of the plant was as highly
5 contaminated, let's say, like in the burning
6 areas of the rolling mills, but it did make
7 its way through quite a bit of the plant.

8 So, sources of exposure.
9 Principal source of exposure include the
10 inhalation and ingestion of natural uranium
11 oxide from the production and shaping of
12 uranium metal rods. Joslyn was a hand
13 operated shop. People grabbed. As the stuff
14 came through the rolling passes, they used
15 tongs and actually pulled it through and drug
16 it back around and manually reinserted it. So
17 they were manually reinserted into the mill.
18 There was no automatic roller like Bethlehem
19 Steel.

20 And they did that the number of
21 times required. And that may be 20-25 passes
22 to get a rod down to shape. Then they would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 drag it to the next mill and do that again.
2 And then they would drag it to the third mill
3 and do that again until they got the right
4 size and shape.

5 So there were three mills, all
6 sort of in this one big room. They had an
7 18-inch basically to crush it down from really
8 big sizes, the 12-inch mill, and 9-inch
9 finishing mill. Basically they would just run
10 this. And they needed to let it cool down in
11 certain phases. So they would let them rest
12 and start with the next one so they would keep
13 them in the right metallurgical phases.

14 Rolling of uranium was conducted
15 on rollers which had water-cooled bearings.
16 And this is very unusual. And they would
17 interact with this. So the steam would
18 explode and caused, you know, extra
19 contamination in the air. So they had high
20 levels of contamination. It was an unusual
21 process compared to other facilities.

22 Additional machining and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 preparation steps. They did centerless
2 grinding, cutting, heating, quenching, and
3 threading. So they threaded these uranium
4 rods so they could be put into a reactor and
5 get good contact. They were carried out on
6 uranium metal prepared at Joslyn as well as
7 other facilities.

8 They also had a long-term billet
9 storage. I actually was able to go on site.
10 And they walked me around the facility, showed
11 me where the billet storage area existed. It
12 didn't exist anymore, but you could still see
13 the outlines of the area that they had set up.
14 But they would keep those on site for
15 experiments as Hanford needed them done.

16 Uranium waste was noted to be
17 collected and burned outside. They actually
18 were -- it became evident they talked about a
19 drum of it blowing up. And they explained why
20 it happened. It got wet. And they didn't
21 properly dry it. And at their transfer
22 station in Joslyn, this thing exploded. So

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that sort of caught my attention, but it also
2 caught my attention that they were burning
3 this in an open area.

4 So they had a person collect it.
5 And I've seen different things described, but
6 they would burn this stuff on a metal plate.
7 And that area is still contaminated.

8 So grinding operation is described
9 as being conducted inside of a shed. They
10 call these buildings sheds. They're really
11 big metal, you know, big standard mills-type,
12 you know, sheet metal facilities, but they
13 called them sheds. So, you know, it can be
14 between which author you listen to what they
15 really mean. They call it a shed inside of
16 another shed. I also heard it called tenting,
17 that they tented over these things. So there
18 are some descriptive back and forth of what
19 different operation they were doing.

20 But by putting these structures
21 over this, they sort of contained it, but they
22 also entrapped the workers in this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 contaminated area.

2 So they describe also the grinder
3 had an overhead hood, which discharged inside
4 the larger building. So it didn't even
5 discharge outside.

6 Machining operations were noted to
7 be conducted with a heavy flow of coolant
8 fluid over the cutting and grinding surfaces
9 to reduce sparking. And, as I said, they
10 discussed tenting of areas to prevent
11 broad-scale contamination, but people worked
12 in that area. So that would stop normal
13 dispersal of materials.

14 So, for all operations, Joslyn was
15 further responsible for packaging, handling,
16 and loading. And they noted that they -- I
17 guess when they had switched to other places,
18 the QC that Joslyn did associated was not
19 necessarily seen at some of the other area
20 facilities. And so they took a lot of time to
21 do that work.

22 Manhattan Engineer District kept

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 strict records of materials. And they sought
2 to regain as much of the material as possible.
3 And so they were responsible for cleanup and
4 accounting of the materials. And you see that
5 in the records.

6 Documents do describe that there
7 was required medical surveillance blood work
8 as well as X-rays.

9 Just to give you a feel, you can
10 see here the big push. In the early '44-'45
11 time frame, you've got -- and I just did it in
12 six-month intervals. And I put "approximate"
13 because I see that there are a lot of
14 different documents to try to go through. But
15 this is the bulk of the million-plus pounds of
16 stuff. There's probably some new stuff that I
17 missed, but this kind of gives you a feel for
18 the throughput.

19 And so you see the '44-'45 push
20 for the war. And then you see the 1948.
21 Hanford in 1948 quite using extruded uranium
22 rods. This is why Bethlehem Steel was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 engaged. This is the start of the big rolling
2 program in 1948.

3 The extruded rods were -- as they
4 ramped the power up in the Hanford reactors
5 they were fracturing and shutting the reactors
6 down. So they thought the rolling mills would
7 provide a more stable source of uranium that
8 would hold up better in this neutron flux. So
9 that's why Joslyn got engaged in 1948. And
10 you can see they roll about 600,000 pounds of
11 uranium in that first half of 1948. And after
12 that, it was much smaller. Simonds Saw and
13 Steel took over.

14 Joslyn has two recorded
15 thorium-related processing, both before 1948.
16 You see they had straightening and centerless
17 grinding of six thorium rods and another in
18 '47. They had centerless grinding of five
19 extruded thorium rods.

20 This is external monitoring
21 programs. We have no evidence that a routine
22 monitoring program existed. Extremely few

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 measurements are available. This would have
2 to be a source term basis, basically a
3 TBD-6000 approach. We do have a Survey by
4 Health and Safety Lab of some contamination
5 levels and dose rates in several areas.

6 And for internal dosimetry, again,
7 there is no routine air monitoring or bioassay
8 program. We have limited air samples on three
9 occasions: December 1943, May of '44, and
10 October of '51. These are very limited in
11 scope, mostly GA samples.

12 Early data was taken with
13 equipment, maybe using electrostatic
14 precipitators. This was the first time --
15 I've also looked at the difference when we
16 looked at Electro Met, why HASL came in and
17 found very different air samples four years
18 later. Rochester was using electrostatic
19 precipitators as best as we can tell. And
20 they described that in this series of
21 documents. So there's a very different
22 fundamental air sampling, and it gave very

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 different results when you come in and compare
2 these results to what they did in 1952.

3 There was a much larger study, as
4 I say here, January 8th, 1952, where HASL came
5 in and conducted a time-weighted average study
6 of various operations at Joslyn. And I'll
7 show you that data shortly.

8 So, approach to bounding doses.
9 So from January 1, 1948 through December 31st,
10 1952, NIOSH proposes to use the data from
11 TBD-6000 and known rolling days to determine
12 internal and external dose and will use a
13 standard approach to medical X-ray dose.

14 So, the post-1947. So what I'm
15 saying here is that before that date, we don't
16 believe we can do dose reconstruction for
17 internal dose. TBD-6000. So the tabulated
18 data converted per calendar day to rolling
19 days, there are tabulated inhalation exposures
20 for various operations.

21 And this is for a rolling
22 operation, a roller. And so if we convert

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that to a per-day and then use the number of
2 rolling days, you can see here we have 42
3 rolling days and 48 and a substantially
4 smaller in '49, '51, '50, '52. You can use
5 those inhalation rates and ingestion rates to
6 determine the intakes.

7 And also we have both rolling days
8 and non-rolling day intake rates. Those are
9 directly out of TBD-6000.

10 So this was the air concentration
11 data. All of the air data as compared to --
12 actually, this just shows the 95th percentile,
13 show how it compares to TBD-6000 in a second.
14 You see it's a very nice log-normal fit. This
15 is both the GA samples as well as the
16 breathing zone samples from that 1952 study.

17 And you can see here this is a
18 summary of the table that HASL came up with.
19 If you remember, 50 micrograms per meter
20 cubed, which would be about 70 dpm per meter
21 cubed, would have been the limit. And you can
22 see here, they're up to the nine-inch

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 finishing mill on the east side. That's the
2 side that you would insert the rod at over
3 16,000 picocuries per meter cubed. So if you
4 multiply that 2.22, you're in around 32-35
5 thousand dpm per meter cubed. That's a pretty
6 healthy inhalation in 1952 after we have
7 learned quite a bit.

8 But it compares. If you look at
9 TBD-6000, what are the rolling data that they
10 found from that time frame? The TBD-6000,
11 that blue line, shows you the rough rolling
12 geometric mean. And the red line shows you
13 the 95th percentile. You can see there the
14 data is fairly consistent, actually slightly
15 below what TBD-6000 shows.

16 And this is also these are the BZ
17 data from the operation. So these were
18 actually only data from the BZ samples.

19 So the external dose rate factors
20 for rolling days and contaminated surfaces
21 will be applied. Billets were stored on site
22 for an extended amount of time. And,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 therefore, for the purpose of dose
2 reconstructions, we're going to for every
3 rolling day assume ten hours of exposure to a
4 long billet at one foot for each rolling day.

5 And so for the billet storage area, for the
6 rest of the non-rolling days, we're going to
7 assume a ten-hour exposure to a long billet at
8 one meter. You can see that the dose rate per
9 day is about seven millirem per day versus one
10 millirem per day.

11 So, just to describe a summary of
12 the monitoring gaps. External, we have no
13 film badge results. The source term and
14 operational information is required. And we
15 have detailed materials from the history of
16 the site, the rolling days and operations that
17 were on site.

18 For internal, we have no bioassay.

19 We have very limited air monitoring samples,
20 pretty much for single operations, especially
21 before 1951. Early data is not representative
22 of the varied operations and was obtained

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 using non-standard equipment, particularly
2 compared to HASL. Back extrapolation of 1952
3 air sample data to support operation exposure
4 prior to 1948 we do not believe is
5 appropriate. This accounts for experiences
6 gained and undocumented changes in procedures
7 and oversight.

8 There was also a change in the
9 maximum allowable limits, which the MED to the
10 AEC in 1948 limits the switch from 150
11 micrograms per meter cubed to 50 micrograms
12 per meter cubed. So we actually had limits on
13 the allowable, the permissible allowable
14 limits during that time.

15 So NIOSH proposes the following
16 Class. All atomic weapons employees who
17 worked in any building or area owned by the
18 Joslyn Manufacturing and Supply Company or
19 subsequent owner in Fort Wayne, Indiana from
20 March 1, 1943 through December 31st, 1947 for
21 a number of workdays aggregating at least 250
22 workdays, occurring either solely under this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 employment or in combination with workdays
2 within the parameters established for one or
3 more other Classes of employees included in
4 the Special Exposure Cohort.

5 So why the Class? Workers were
6 potentially exposed to uranium and thorium who
7 were not monitored. Nor does a suitable dose
8 reconstruction method exist prior to 1948 at
9 Joslyn. The decision was based on lack of
10 adequate biological monitoring data,
11 sufficient air monitoring data information,
12 and difference in operational characteristics
13 from other metal working facilities which were
14 monitored after 1948. Therefore, no
15 appropriate surrogate data exists.

16 Why everyone? Based on reports by
17 the AEC and facility layout, the process areas
18 were broadly distributed, and controls for
19 preventing movement in these areas was not
20 enforced.

21 What about employees not included
22 in the SEC? NIOSH intends to use any internal

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 monitoring data that may become available for
2 any individual claim and that can be
3 interpreted using existing dose reconstruction
4 processes or procedures. Therefore, dose
5 reconstructions for individuals employed at
6 the Joslyn site during the period March 1,
7 1943 through December 31st, 1947 but who do
8 not qualify for inclusion in the SEC may be
9 performed using these data as appropriate.

10 We will also use the external --
11 we may be able to use the external doses, it's
12 primarily internal. I'll show that in a
13 second. So NIOSH may be able to reconstruct
14 external doses from March 1, '43 through '47
15 using the known rolling days and TBD-6000
16 approaches, similar to the proposed approach
17 post-1947. Further, NIOSH intends to estimate
18 doses from medical X-rays.

19 So why stop in '48? NIOSH feels
20 that surrogate data from TBD-6000 coupled with
21 the known operational data and source term
22 information provides support that a realistic

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 dose can be determined.

2 So the standard health
3 endangerment evidence reviewed in the case
4 that some workers may have accumulated chronic
5 radiation exposures through intakes of
6 radionuclides and direct exposure to
7 radioactive materials. Consequently, NIOSH is
8 specifying health may have been endangered.

9 A summary slide. So the dose
10 reconstruction is not feasible for uranium or
11 thorium for internal from March 1, '43 through
12 December 31st, 1947, but for uranium, it is
13 feasible from January 1, 1948 through December
14 31st, 1952. And we are saying that external
15 gamma and beta and occupational X-rays are
16 doable for all the years, may be doable for
17 all years.

18 Thank you very much.

19 CHAIRMAN MELIUS: Thank you, Sam.

20 Do Board Members have questions?

21 Yes, Paul?

22 MEMBER ZIEMER: I noticed in the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 specification of the Class, that you used a
2 term which I don't recall us using before.
3 And that's the ownership of the facility in
4 Fort Wayne. And it just occurs to me that
5 it's quite possible that the company could
6 have owned property that was not part of this
7 site. Is that ownership statement something
8 new?

9 DR. GLOVER: I think what we
10 usually include, that's for residual. There
11 was actually not a residual period at Joslyn.

12 And I think I need to make sure that as we
13 write that, whether that should be included in
14 your definition, that it perhaps is a word
15 that stayed in there that may not. We will
16 need to check with that. It's a nuance that
17 usually is because during residual periods,
18 ownership can change. And, therefore, people
19 -- so that may be an oversight on my part to
20 have left that word in.

21 CHAIRMAN MELIUS: Even operational
22 periods it can --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. GLOVER: Yes, sir.

2 CHAIRMAN MELIUS: -- it can
3 change. And I think it came up as one of the
4 sites a few months ago. And so Department of
5 Labor has asked that we include that
6 terminology. It had applied to residual, but
7 sometimes tracing who owned the facility,
8 changes in ownership can be tricky. And if
9 the workers are still there under the, you
10 know, same workforce, different ownership. I
11 don't know how it applies here.

12 MEMBER KOTELCHUCK: Sorry. I
13 missed the reference to the ownership. Where
14 is that in the slide?

15 DR. GLOVER: It is when I
16 designated the --

17 MEMBER MUNN: Twenty-three.

18 DR. GLOVER: Yes, the proposed
19 Class on the front page of the document.

20 MEMBER KOTELCHUCK: Oh, yes. Yes.
21 I see. Thank you.

22 MEMBER ZIEMER: I wasn't objecting

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 to its use. I just wanted to make sure that
2 it doesn't somehow exclude or include
3 something that is unintended.

4 MR. HINNEFELD: Yes. I think I
5 have had three impromptu meetings in the last
6 couple of minutes trying to figure this out.
7 We were asked by Department of Labor some time
8 ago to include or subsequent owner
9 information, you know, in terms of residual
10 and the properties owned by a subsequent owner
11 on sites where we were recommending residual
12 because the ownership could change.

13 And we agree, Paul, with your
14 statement that this is not phrased
15 particularly well because any buildings owned
16 by Joslyn Manufacturing and Supply, they could
17 have owned, as you say, other properties in
18 Fort Wayne that were unrelated to the uranium
19 work. So I think there's probably a fairly
20 simple wording change that could be made to
21 this Class to change that.

22 In this instance, Joslyn owned

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 this property throughout the years we're
2 recommending, '43 to '47. So there really is
3 no need, I don't believe, for the
4 parenthetical "or subsequent owner" either. I
5 think there's probably no need for that either
6 because we're not going for a long period of
7 time. We know the owner for these years, '43
8 to '47. So we can take the parenthetical out,
9 should be able to.

10 And we should be able to make a
11 fairly simple change to indicate, you know,
12 all employees at the covered facility, the
13 Joslyn Manufacturing covered facility, in Fort
14 Wayne, which is a sort of -- you know, it's
15 defined elsewhere. We don't have to define
16 address or anything like that.

17 MEMBER ZIEMER: Well, I was going
18 to say you might define the address, and that
19 would --

20 MR. HINNEFELD: Well, we could. I
21 like the idea of calling it the covered
22 facility because it's defined elsewhere and we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 don't have to write a definition.

2 DR. GLOVER: So I apologize. That
3 was an oversight. It should not have been
4 written quite that way.

5 CHAIRMAN MELIUS: So my
6 secretarial duties here, so you want who
7 worked at the covered facility at Joslyn --

8 DR. GLOVER: Yes, that will work.

9 CHAIRMAN MELIUS: -- in Fort
10 Wayne? Yes?

11 MEMBER BEACH: Sam, I am just
12 curious why no residual period for the site.

13 DR. GLOVER: When it was reviewed,
14 no data after -- you know, they had the FUSRAP
15 studies later on. There was no significant
16 residual contamination found. They did a
17 cleanup. And they had some measurements done
18 in 1949. It was very light use of the
19 facility after 1949.

20 MR. HINNEFELD: The standard
21 practice and a Residual Contamination Report,
22 which defines residual contamination areas, if

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 there is a -- we can find documentation of a
2 cleanup, which appears to be unsuccessful
3 cleanup, and subsequent FUSRAP surveys later
4 on didn't identify contamination that make it
5 clean up. We say okay. There apparently
6 wasn't residual contamination.

7 CHAIRMAN MELIUS: Any other
8 questions? Board Members on the phone, do you
9 have questions?

10 MEMBER FIELD: Yes. This is Bill.
11 Sam, I have a question on slide 19. I was
12 just wondering why there is so much difference
13 between the 18-inch roll area and 9-inch roll
14 area but not the 12-inch roll area, if you had
15 any idea why there is so much difference
16 there.

17 DR. GLOVER: A lot of things could
18 happen with that. It's whether oxidation --
19 these were uncoated materials. It had begun
20 to get hot, and they had to be rested. You
21 know, depending on the past schedule and the
22 aggressiveness of that, they could have very

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 much affected the rate of production.

2 MEMBER FIELD: Okay. I think I
3 caught that.

4 DR. GLOVER: Essentially what
5 happened, you know, they had to keep the rod
6 within a certain temperature rate. So they
7 had to put them through -- so but they also
8 had to rest them. And then they had to drag
9 them over. So that material was hot. It can
10 develop oxide. And then they would have to
11 insert them to this nine-inch mill.

12 And so various factors, including,
13 you know, the aggressiveness of that bite on
14 that series of rolling mills, it clearly
15 produced a much higher concentration on the
16 east side of the rolling mill. But, you know,
17 it's just something associated with that on
18 how that bar and oxide production occurred in
19 the process.

20 MEMBER FIELD: It looks like
21 there's a range of TWAs, you know, for that
22 process. Thanks.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN MELIUS: Any other Board
2 Members on the phone have questions?

3 MEMBER ROESSLER: No questions.

4 CHAIRMAN MELIUS: Okay. Thank
5 you.

6 I suggest that when we discuss
7 this, we think of this in two different phases
8 in terms of how we resolve. The one is the
9 first time period and the second being the
10 post-'47 time period. But before we start
11 that, I'd like to hear from the petitioners.
12 Wish to say anything, the petitioners who are
13 on the line? You don't need to, but I just
14 wanted to make the offer.

15 (No response.)

16 CHAIRMAN MELIUS: Thank you. So
17 let's talk about the earlier time period where
18 we have the recommendation. We'll have a --
19 how do we want to move forward with this? I
20 know who I can rely on.

21 MEMBER MUNN: Well, yes. I am
22 prepared to offer the proposed Class as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 presented to us by NIOSH, although you have
2 the correct wording.

3 CHAIRMAN MELIUS: Yes. And I will
4 --

5 MEMBER MUNN: I move that we
6 accept the Class as proposed.

7 MEMBER CLAWSON: Second.

8 CHAIRMAN MELIUS: The new wording
9 I have is "all atomic weapons employees who
10 worked for Joslyn Manufacturing Supply Company
11 at the covered facility, in Fort Wayne,
12 Indiana from March 1st, 1943 through December
13 31st, 1947 for a number of workdays
14 aggregating at least 250 workdays occurring
15 either solely under this employment, in
16 combination with the workdays, within the
17 parameters established for one or more other
18 Classes of employees included in the Special
19 Exposure Cohort."

20 Any further discussion? Yes?

21 MEMBER ANDERSON: Yes. Just
22 looking at slide 12 there, it seems like the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 majority of the processing or the rolling
2 uranium was in '48. And then after '48,
3 there's very little quantity. So I'm just
4 wondering why we would start that just before
5 or end the Class just before, you know, the
6 first quarter, where they really did most of
7 the work. I mean, it would seem '48 with all
8 that processing would be quite different than
9 trying to estimate if you look at the
10 quantities. Second half of '48, they didn't
11 roll any.

12 DR. GLOVER: Beginning in '48,
13 January 1, '48, AEC took control of the
14 operation. So there was a significant shift.

15 And so we're trying to find out when we
16 thought surrogate data and our TBD-6000
17 approaches would be applicable. It's about
18 equal, about 600,000 pounds in '48 or that
19 first half of '48 and about 600,000 pounds
20 before it.

21 So I understand. We certainly
22 discussed this as we look back about the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 changes that occurred, which happened, you
2 know, with the regulations and the changes,
3 you know, the 150 to 50. That would have
4 occurred beginning in '48 with the AEC taking
5 control. You had a change in ownership of the
6 facilities and who was monitoring these. So
7 we felt that, all put together, that TBD-6000
8 seemed to be appropriate.

9 MEMBER ANDERSON: I mean, how
10 quickly would they have implemented that if
11 the start-up of the changeover was January 1
12 and we're really starting the big roll-in, you
13 know, went through the first half? I mean,
14 what kind of records do you have? Did they
15 really step in and have major changes occur
16 right away or usually these things sort of
17 gradually take hold in the facilities.

18 DR. GLOVER: I have no clear
19 record that says massive changes occurred.

20 MEMBER ANDERSON: Yes.

21 MR. HINNEFELD: Yes. This is Stu.
22 I suppose this has occurred to some other

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 people, too, that this has sort of been the
2 second. The 1948 is in the second piece of
3 what we're considering. So if we approve what
4 we recommended up to '47, then presumably
5 there will be some action on '48 and later to
6 follow. Then maybe this could be addressed
7 then.

8 MEMBER ANDERSON: Okay.

9 MR. HINNEFELD: I don't mean to
10 step out of bounds here but just a suggestion,
11 rather than try to resolve the issue here and
12 the questions here, where we may not have
13 enough -- you know, that I don't think we have
14 enough information here today that we can't
15 resolve this specific issue.

16 MEMBER ANDERSON: Okay. Okay.

17 CHAIRMAN MELIUS: Just to comment,
18 I mean, I have been puzzling over the same
19 thing. And they have like this rolling day
20 approach, but there appears to be -- and I'm
21 sure there's an explanation for it, but they
22 are treating '48 days, rolling days, a little

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 differently than later rolling days. And I
2 can't understand it either.

3 And, again, I would suggest we
4 sort of deal with that --

5 MEMBER ANDERSON: Okay.

6 CHAIRMAN MELIUS: -- time period
7 separately because, again, I don't think we
8 can resolve it here today, though I'm as
9 skeptical as you are, Henry, about it.

10 MEMBER ANDERSON: Okay.

11 CHAIRMAN MELIUS: But there may be
12 an explanation. So I want to --

13 MEMBER ANDERSON: Yes.

14 CHAIRMAN MELIUS: Well, we have a
15 motion, a second. Is there is any further
16 discussion?

17 (No response.)

18 CHAIRMAN MELIUS: If not, Ted, do
19 you want to do the roll call?

20 MR. KATZ: Sure. Thanks.

21 Dr. Anderson?

22 MEMBER ANDERSON: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

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

MR. KATZ: Ms. Beach?

MEMBER BEACH: Yes.

MR. KATZ: Mr. Clawson?

MEMBER CLAWSON: Yes.

MR. KATZ: Dr. Field?

MEMBER FIELD: Yes.

MR. KATZ: Dr. Kotelchuck?

MEMBER KOTELCHUCK: Yes.

MR. KATZ: Dr. Melius?

CHAIRMAN MELIUS: Yes.

MR. KATZ: Ms. Munn?

MEMBER MUNN: Yes.

MR. KATZ: Dr. Richardson?

MEMBER RICHARDSON: Yes.

MR. KATZ: Dr. Roessler?

MEMBER ROESSLER: Yes.

MR. KATZ: Mr. Schofield?

MEMBER SCHOFIELD: Yes.

MR. KATZ: Ms. Valerio?

MEMBER VALERIO: Yes.

MR. KATZ: And Dr. Ziemer?

MEMBER ZIEMER: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. KATZ: And the motion passes
2 unanimously. And I'll collect the absentee
3 votes after this meeting.

4 CHAIRMAN MELIUS: Let's move on to
5 the second time period. I think, at least my
6 suggestion would be that, one, is to get SEC
7 to review that; and, secondly, refer it to my
8 left.

9 MEMBER ANDERSON: To the 6000
10 Committee.

11 CHAIRMAN MELIUS: Is that
12 appropriate?

13 MEMBER ANDERSON: Yes.

14 CHAIRMAN MELIUS: Yes. Good. So
15 I think we need a motion to that effect.

16 MEMBER ANDERSON: I will move
17 that.

18 CHAIRMAN MELIUS: Okay.

19 MEMBER BEACH: I'll second.

20 CHAIRMAN MELIUS: Second. Okay.
21 Just a voice vote. All in favor?

22 (Whereupon, there was a chorus of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 "Ayes.")

2 CHAIRMAN MELIUS: Opposed?

3 (No response.)

4 CHAIRMAN MELIUS: And I heard a
5 resounding "Aye" from the telephone. So I
6 assume it's unanimous. Let's go ahead.
7 LaVon?

8 MR. RUTHERFORD: All right. I'm
9 LaVon Rutherford. I'm going to talk about the
10 presentation on status of upcoming SEC
11 petitions. We do this -- okay. It's not
12 moving now, Stu.

13 All right. I think we're back on
14 here. We provide this presentation at each
15 Board meeting. It gives the Board an idea of
16 what SEC petitions we have in our hopper, in
17 our evaluation phase/qualification phase, so
18 on, and helps the Advisory Board prepare for
19 Work Group meetings and future Advisory Board
20 meetings.

21 Summary table provides information
22 on the number of petitions we have received.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 You can see there are 208 petitions. This is
2 I think the first time I have ever presented
3 where we have no petitions in the
4 qualification process at this time. You can
5 see that 128 petitions qualified and 80 didn't
6 and the rest of the stats there.

7 SEC petitions we presented at this
8 meeting, we had Battelle Laboratories on King
9 Avenue, which was an 83.14; Savannah River
10 Site Addendum, which is 83.13; Joslyn, which
11 Sam just presented, an 83.13; and then Baker
12 Brothers, who will follow this presentation.
13 That's an 83.13.

14 SEC petitions that are currently
15 under the Advisory Board review, we have a few
16 petitions that have had action by the Advisory
17 Board, but they continue to have further
18 evaluation. That's Fernald, Hanford, Pantex,
19 and Los Alamos. I think that the Work Group
20 Chairs have already provided updates on each
21 of those.

22 Petitions that are with the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Advisory Board that have not had any action at
2 this point are GSI, which is kind of a
3 tentative action right now; and the Rocky
4 Flats Plant. And I believe Mark Griffon gave
5 the update on Rocky Flats.

6 We have some potential 83.14s that
7 are in the hopper: Sandia National Lab -
8 Albuquerque, the '45 to '48. This is actually
9 the period where the Z Division was specified
10 for LANL. And then they came back and
11 adjusted the Sandia National Lab covered
12 period to add '45 to '48. At this time, we
13 are still waiting for a claim that we could
14 use as a litmus claim to move that 83.14
15 forward.

16 The same thing with General
17 Atomics. A long time ago, we looked back at
18 our Class Definitions and took action to
19 modify Class Definition to make it more
20 consistent with what we were doing today.

21 General Atomics is one that we had
22 identified that we want to modify that Class

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Definition. However, we are still waiting for
2 a claim that would be rejected by the
3 Department of Labor that would support moving
4 this one forward.

5 Dayton Project Monsanto. The
6 designation for that facility was changed. It
7 was changed to a DOE facility. So, one, we're
8 going to do an 83.14 to modify the Class
9 Definition to indicate it's a Department of
10 Energy facility. And also there was a
11 nine-month period when the facility
12 designations were changed. It left a
13 nine-month gap in there that we need to pick
14 up. However, again, with this facility, we do
15 not have a litmus claim as well.

16 I haven't mentioned this in here,
17 but we are doing some additional due diligence
18 at Sandia National Lab, Livermore. So we
19 haven't made a determination on that facility.

20 And that's about it right now for
21 the SECs.

22 CHAIRMAN MELIUS: Your

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 presentations are getting shorter and shorter.

2 Is it our questions?

3 MR. RUTHERFORD: I guess I'll have
4 to start thinking of new things to add.

5 CHAIRMAN MELIUS: Yes, yes.
6 Henry?

7 MEMBER ANDERSON: Yes. There are
8 128 that you have completed. How many of
9 those has the Board over the years acted on?

10 MR. RUTHERFORD: Well, the Board
11 has acted on all except --

12 MEMBER ANDERSON: All but ten?

13 MR. RUTHERFORD: All but the ones
14 that are with the Board right now, which are
15 ten.

16 MEMBER ANDERSON: All but the ten.
17 Okay.

18 MR. RUTHERFORD: Yes. And,
19 actually, that's even less than that because
20 that includes, that ten includes, the ones
21 that came to the Board for this Board meeting.

22 MEMBER ANDERSON: Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN MELIUS: So the list is
2 getting smaller?

3 MEMBER ANDERSON: Yes, very
4 definitely.

5 MEMBER MUNN: And that's a good
6 thing.

7 CHAIRMAN MELIUS: So I think
8 there's more than enough work to do on the
9 ones we have. Any other questions? Anybody
10 on the phone have questions for, Board Members
11 on the phone have questions for LaVon?

12 MEMBER FIELD: No.

13 CHAIRMAN MELIUS: Okay.

14 MEMBER ROESSLER: No questions.

15 CHAIRMAN MELIUS: Okay. Thank you
16 for that.

17 What we will do is we'll do one
18 letter now: Battelle. And then we'll --
19 okay. Why don't we take a break? If you'd
20 come back at a quarter of 10:00? We'll do the
21 letter first. Then we'll go right into Baker
22 Brothers or vice versa. I'm not sure. But

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 we'll --

2 (Whereupon, the above-entitled
3 matter went off the record at 9:15 a.m. and
4 resumed at 9:50 a.m.)

5 CHAIRMAN MELIUS: We are
6 reconvening now. And we'll start with Jim
7 Neton and Baker Brothers.

8 DR. NETON: Thank you, Dr. Melius.
9 I've given a lot of presentations to the
10 Board. This is the first time I remember
11 giving the very last presentation of the
12 meeting.

13 CHAIRMAN MELIUS: We usually save
14 that for LaVon.

15 DR. NETON: Yes. This may be a
16 new role here.

17 CHAIRMAN MELIUS: I wonder what
18 happened to your travel budget, though.
19 Suddenly we're doing like Toledo and Fort
20 Wayne. You're staying closer to home.

21 Go ahead, Jim.

22 DR. NETON: Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I am presenting our Petition
2 Evaluation Report for Baker Brothers Special
3 Exposure Cohort petition. Baker Brothers is
4 sort of like the Joslyn facility that Sam
5 presented. It was one of the very early AEC
6 contracted operations. It was located in
7 Toledo, Ohio and started to do some machining
8 and lathing and those sorts of things,
9 finishing products on rods. They didn't roll
10 rods, but they took the rods and made them
11 into slugs.

12 The operation started very early.
13 1943-1944 is the 2-year covered period that
14 this facility is listed at. But there is a
15 long residual radiation exposure period. It
16 goes from 1945 to 1994.

17 There is a hiatus in 1995 where
18 some remediation work went on. It actually, I
19 think it was Bechtel, had a contract in '95
20 into early '96 to remediate the facility. And
21 there was some on-site work going on there
22 I'll talk about. And, finally, in 1996, it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 ended the residual period when it was closed
2 out as having been cleaned up.

3 This facility was contracted by
4 the University of Chicago, more specifically
5 the Metallurgical Laboratory, again to machine
6 metal rods, the rods that were rolled early on
7 in the process, into slugs that could be used
8 for fuel in the reactors at Hanford and Oak
9 Ridge. So this was some very, very early,
10 early AWE-type work.

11 We received this petition in June.

12 It was an 83.13 petition that requested the
13 SEC be granted from '43 to '96. It was a
14 pretty fast track petition. It would qualify
15 July 24th. And in November 14th, an
16 Evaluation Report was approved and issued.

17 I'll cut to the chase here. The
18 SEC -- we're going to recommend a Class here
19 for the covered period from '43 to '44, which
20 hopefully I'll explain why in the next slides.

21 The basis for qualification, like
22 most of these early facilities, was that there

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 were exposures that would occur by a number of
2 people, but there was no monitoring conducted
3 on those personnel, which is true in this
4 case.

5 The petitioner, as I mentioned
6 earlier, requested that SEC go from '43 to
7 '96. And we're recommending coverage from
8 June 1st, 1943 through December 31st, '44.

9 We did evaluate the Class for the
10 entire period, of course, from June 1st, '43
11 until the end of December 1996. And the start
12 date of June 1st is consistent with the MED
13 operations, the first contract that was issued
14 at Baker Brothers. And the end date is the
15 last date of the calendar year, which when we
16 don't know for certain when the operation
17 stopped, we'll go through the end of that
18 year.

19 Sources of information available
20 to reconstruct doses consists of the Site
21 Profile TBD-6000, which covers uranium
22 rolling, machining, milling-type operations

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 during the covered period and OTIB-0070, which
2 is the residual. It's the OTIB that
3 prescribes methods for handling residual
4 contamination periods. We also had about 154
5 documents that were captured related to
6 activities at this facility, many of which are
7 early AEC memos that provide for some pretty
8 interesting readings.

9 And also our normal data searches
10 were conducted, a lot of data capture efforts
11 at numerous records facilities. In fact, the
12 documents were found in some pretty widespread
13 locations for this facility. I think we found
14 some in the Atlanta records facility. We
15 found some in Kansas City records facility,
16 some at the DOE Legacy Management in Denver.
17 So these documents were captured throughout
18 the various records facilities in the country.

19 We don't have many claimants at
20 this facility. There are four claims that
21 have been submitted to NIOSH for dose
22 reconstruction by the Department of Labor.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 There's only one claim with employment in the
2 contract period: in 1943 and 1944.

3 I think there was a second claim,
4 but that claim had employment at another
5 facility that was granted an SEC. And I think
6 that claim was disposition in that manner. So
7 right now there is only one claim that would
8 be affected by this petition.

9 There are a couple of claims that
10 have employment in the residual contamination
11 period only, it's two. And we have zero
12 dosimetry records or bioassay data for anyone
13 that worked at this facility.

14 As I mentioned, they were a
15 subcontractor to DuPont, produced slugs for
16 the production reactors at Hanford and Oak
17 Ridge. And, again, they were the first ones
18 of its kind to be produced.

19 Machining work started in June of
20 '43. And they utilized lathes for both rough
21 and finish turning. They would take the rods
22 and then lay them and then section them into

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 various six, eight-inch-type pieces.

2 The machining work, as far as we
3 know, was completed in August of 1944, almost
4 the end of '44, although it appears to us that
5 some residual material stayed there and was
6 shipped out later. Since we're not certain
7 exactly when in '44 that occurred, we believe
8 that the end date for this period would be the
9 end of 1944.

10 Like I said, the shipping records
11 indicate scrap metal and turnings remained on
12 site through October. And they said they were
13 shipped. We have no confirmation that they
14 actually were shipped. So we're going to
15 assume for claimant favorability purposes that
16 the site's covered through the end of '44.

17 This is a little diagram of the
18 site. There are four areas: the north,
19 south, east, and west facilities. I think --
20 yes. This slide is, unfortunately, wrong. I
21 don't know how this one got in here, but where
22 it shows "uranium machined here," that's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 incorrect. Uranium was machined in the North
2 Building area 7, which is just beneath that
3 blue shaded area on the top left-hand corner
4 of the graph. Just underneath there is the
5 North Building. Area 7 is in the southwest
6 corner of the North Building. That's the only
7 place in the entire site that the uranium was
8 actually processed, so a fairly limited
9 operation at the site.

10 Just north of area 7 was a
11 courtyard area, where they stored, staged the
12 rods for processing. And that became somewhat
13 contaminated as well.

14 There were a total of 41,000 slugs
15 that were produced. As I said, they sectioned
16 these rolled rods, about 2,000 that were
17 processed. The rods were about eight feet
18 long, and the slugs would vary anywhere from
19 four to six inches and end up being about 1.3
20 inches in diameter. The initial order was
21 shipped by the end of October '43.

22 There was some heavy, heavy demand

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 on these facilities. AEC had some target
2 dates to meet to get production going. So
3 oftentimes this facility was operated 24 hours
4 a day, 7 days a week to meet production
5 quotas. I think that was more prevalent in
6 the 1944 time frame, but there were some very
7 strict production deadlines that they had to
8 meet.

9 They didn't just lathe these rods.
10 There were some other specifications for the
11 slugs that had to be met, such as milling
12 grooves into previously machined slugs. They
13 did some work with reclaiming used
14 experimental slugs. They also had some
15 production work for Hanford in '44, so various
16 types of operations.

17 I think the total tonnage is
18 somewhere around 90 tons of total uranium
19 produced, not a huge amount by production
20 standards but a substantial quantity. I've
21 seen it described as somewhere in the vicinity
22 of one to four carloads of uranium was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 processed through this facility.

2 These are just some more
3 production numbers of the total slugs to give
4 you a feel for the quantity of material
5 processed here. And, again, about 90 tons of
6 uranium were received and shipped.

7 Post-production, there is a
8 residual contamination period. And the FUSRAP
9 program went and evaluated this facility and
10 found that there was contamination in excess
11 of existing guidelines, although it wasn't
12 substantial contamination. I'm recalling, you
13 know, five, six thousand dpm per hundred
14 square centimeters in some areas, many areas
15 with nothing. I think at one point, they did
16 detect 60,000 dpm was the highest number I've
17 seen, but that was sort of an isolated spot.

18 A Corps of Engineers letter from
19 '44 indicated the Baker Brothers was closed
20 out and all scrap and turnings were shipped
21 off site. So, although there's no indication
22 that a real sort of decontamination occurred

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 at this facility, they did clean out the
2 facility of all the turnings and sweepings and
3 that sort of material and shipped them back to
4 the AEC.

5 The Baker Brothers assets were
6 eventually liquidated, and the equipment was
7 sold. It's not certain exactly when it
8 terminated. The best we can tell, it was
9 somewhere around 1970 or thereafter. One of
10 the claimants we have actually has employment
11 at Baker Brothers through 1970. So that's
12 kind of how we know that.

13 Okay. Sources of internal dose is
14 what you would be expecting. This facility
15 handled only natural uranium. So there was a
16 source of ingestion and inhalation from the
17 machining operations obviously and also during
18 both the covered period and the residual
19 contamination period. And, likewise, sources
20 of external exposure would be from the natural
21 uranium metal, photon and beta exposures like
22 we see at most of these Atomic Weapons

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Employer facilities, nothing unusual about
2 that. There was no ore processed here, no
3 radium source term or anything like that.

4 Workers did have periodic medical
5 monitoring, but, to our -- well, we determined
6 that if they did have X-rays, they were taken
7 off site at a hospital. So medical X-rays
8 would not be covered at this facility in the
9 way we normally do things.

10 Personal monitoring data is not
11 known to exist at all, no external exposure
12 monitoring or internal.

13 We do have some limited air
14 samples that were taken, 3 in 1943, towards
15 the end of '43; and 4 samples taken in 1944.
16 Interestingly, these samples, at least the
17 reports, were issued by physicians that
18 visited the site, metallurgical laboratory
19 physicians that visited the site to look at
20 the conditions of the facility. And they
21 signed the reports. I don't know if they had
22 a team or not, but there were air samples

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 taken.

2 The ones that Sam mentioned
3 earlier were the electrostatic precipitator
4 type. We've never been able to determine how
5 those things function properly or how they
6 worked, capture efficiency, that sort of
7 thing. So it's uncertain as to what these air
8 samples really were measuring, although the
9 reports indicated that values were somewhere
10 in the 100 to 110 microgram per cubic meter
11 range. At that time, the recommended exposure
12 limit was I think 151 microgram per cubic
13 meter. But, again, we don't have any
14 confidence in these air samples at all.

15 Residual and remediation periods.
16 We do have bioassay data. I mentioned 1995.
17 I think Bechtel was the contractor that
18 remediated the site, fairly good records of
19 bioassay. We have access logs that indicate
20 35 employees were in there. We have bioassay
21 samples, entrance and exit samples, on 24 of
22 the 35 employees. So if any of those people

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 were to file claims, we certainly would be
2 able to reconstruct their internal exposure
3 for those that weren't monitored. We would
4 use the 24 people, the coworker model to
5 establish their exposures.

6 There were air samples taken in
7 the residual period in the FUSRAP era, in 1989
8 and 1995. In '89, I think the samples were
9 reported as nondetectable. There was nothing
10 measured above the detection limit, which I
11 think was somewhere, the MDA was somewhere
12 around three percent of the derived air
13 concentration level at that time period.

14 And in 1995, during the act of
15 remediation, there were samples taken. They
16 were positive, not really, really high, but
17 there were some positive samples taken. And
18 we could use those values also to reconstruct
19 intakes in 1995.

20 Prior to that, though, there's no
21 personal external dosimetry data at this
22 facility. There were a number of radiation

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 and contamination surveys performed at this
2 facility starting in 1981. I think Argonne
3 National Laboratory went in, did a
4 characterization. As I said, the values were
5 fairly low, as these types of facilities go,
6 you know, 5,000 dpm and less per 100 square
7 centimeters.

8 '89, there were some follow-up
9 surveys done by ORAU in 1990. And then 1995,
10 there were some remediation cleanup surveys.
11 And 1996 was a survey that released it to be
12 free of contamination above the existing
13 guidelines.

14 So dose reconstruction during the
15 AWE period, again, that should be seven air
16 samples taken over in three days in 1943 and
17 '44. We believe that dose samples are not
18 sufficient to characterize the exposures to
19 these workers.

20 The interesting thing about these
21 early periods is they were still experimenting
22 with how one would process and machine

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 uranium. They were using water as a coolant
2 early on. As Sam had indicated, they were
3 using for the rolling operations, which ended
4 up having -- there were a fair number of
5 fires that occurred throughout the plant,
6 almost to the point where you could almost
7 consider it a chronic exposure from fires. At
8 one point, there was a report where 100 pounds
9 of uranium just burned up sitting in a pile.
10 So it would catch fire in the tray.

11 So you had fires going on. They
12 were also experimenting with the machining
13 speed. How fast you would turn these things I
14 guess could depend on how much exposure for
15 people to get and how it would mitigate the
16 fires and that sort of thing, so a lot of
17 experimentation on how best to roll or, I
18 mean, grind and process uranium during this
19 period.

20 Because of that, we feel that the
21 data in TBD-6000 -- it was in the Kingsley and
22 Harris report -- are really not applicable

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 representative exposures from this time
2 period. Again, Kingsley and Harris I think
3 used data that started to be collected around
4 the 1948 time frame. Once things sort of got
5 under control -- I use that term loosely, but,
6 you know, under better control to put it that
7 way, where they were more familiar with the
8 process and keeping the fires down and that
9 sort of thing.

10 So because of that, we are going
11 to recommend the Class from '43 to '44 because
12 we can't reconstruct internal exposures.

13 External doses. We don't have any
14 radiation measurements for external exposures,
15 but we do believe TBD-6000 can be used to be
16 representative of external exposures to
17 workers. There are some fairly good tables
18 there about what a worker would be exposed to
19 handling their uranium metal and moving it
20 about at one foot and one meter and those
21 types of things.

22 So if we apply some time/motion

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 information to these workers, we believe we
2 will come up with bounding estimates of
3 external exposures. I think the Evaluation
4 Report characterizes the exposures. Like in
5 '43, it will be somewhere around 1,500
6 millirem for each worker is what they would
7 receive based on TBD-6000. So we believe
8 using the values in 6000, that we can
9 reconstruct dose with sufficient accuracy.

10 Okay. During the residual period,
11 we believe at the end of 1945, the processes
12 were worked out to a better extent where the
13 fires were more controlled. We have some air
14 sample data towards the end of 1945. And we
15 believe that we can use a value from TBD-6000
16 to start the air concentration at the
17 beginning of the residual period. In other
18 words, we would take, I think it is, 5,000 dpm
19 per cubic meter. We would assume for the last
20 month of operation and settle that amount of
21 material onto the ground and use that as a
22 starting point for the residual period.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I think if you take 5,000 dpm per
2 cubic meter and settle it with a settling
3 velocity of 7.5 times 10 to the -4 meters per
4 second over 30 days, you end up with something
5 around 11 million dpm per square meter on the
6 ground. That would be our starting point for
7 the surface contamination at the facility.
8 And then, of course, we can resuspend that
9 using a 1 times 10 to the -6 resuspension
10 factor to estimate the air inhalation from the
11 residual period.

12 If we couple that with these air
13 samples that we have in 1989 that were taken
14 and the contamination surveys, we can use
15 TIB-70 to essentially do a straight line
16 depreciation of the values from 1945 to 1989
17 and estimate the residual, exposures from
18 residual contamination during that period.
19 And that's what we intend to do. So, using
20 that, we can estimate the annual
21 inhalation/ingestion values for each year from
22 '44 through 1995 or 1994.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 For the remediation period, as I
2 said, there was active work going on
3 remediating the site, but we do have bioassay
4 data for the remediation workers. There are
5 also some general area airborne data
6 available.

7 So the 1995 dose bounds the dose
8 from work from '95 through, into '96, when it
9 stopped. And then 1996, there were some
10 contamination surveys that ORAU did where they
11 found a couple of small spots of
12 contamination, cleaned them up, and then
13 basically declared the site free of
14 contamination in excess of recommended
15 guidelines.

16 For external dose in the residual
17 period, the characterization data, as I said,
18 indicated fairly low radiation levels. The
19 contamination levels were low. So you would
20 expect the exposure levels to be low and were
21 not significantly higher than background for
22 whole body exposures in most areas.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 The highest dose rates were found
2 in -- I mentioned that there was this
3 courtyard where they staged the uranium rods
4 just north of the area 7. The highest value
5 was found there. And if we use that value
6 over the entire time period, we're going to
7 bound the external dose by assigning 0.037
8 millirem per work year from 1945 to 1946.
9 That would be the highest value that was
10 measured on the facility at that time.

11 So feasibility of dose
12 reconstruction. We found that the monitoring
13 records are insufficient to estimate intakes
14 of internal dose. Bakers was one of the first
15 companies to produce uranium on a production
16 scale. As I mentioned, there are a lot of
17 issues with their lack of mitigation of the
18 exposures by inappropriate application of
19 water coolants and the fires, that sort of
20 thing, that made TBD-6000 not applicable for
21 the situation.

22 So because of that, intakes could

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 not be reconstructed with sufficient accuracy,
2 although we do feel that the external
3 exposures can be reconstructed, as I suggested
4 earlier.

5 During the residual and
6 remediation period, we feel we can do internal
7 and external doses using the TIB-70 approach
8 that I mentioned.

9 And this is the overall slide
10 summary that we show where internal dose for
11 uranium is not feasible during '43 and '44
12 external from beta/gamma is feasible to be
13 reconstructed. Neutrons are not applicable
14 for this facility.

15 There are really no exposures to
16 neutrons to speak of and medical X-rays were
17 taken off site. So they're not covered under
18 this for this facility.

19 In the 1945 to 1996 time frame, we
20 believe that we can reconstruct the uranium
21 intakes as well as the external exposures that
22 the workers may have received.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 That concludes my presentation. I
2 will be happy to answer any questions.

3 CHAIRMAN MELIUS: Thank you.

4 DR. NETON: I do have a
5 recommended Class here. I should probably
6 finish with that, that it's all workers at the
7 Baker Brothers site in Toledo, Ohio during the
8 period June 1st, '43 through December 31st,
9 '44, for 250 days. And that concludes my
10 presentation.

11 CHAIRMAN MELIUS: Trying to slip
12 one by us.

13 DR. NETON: Yes.

14 (Laughter.)

15 CHAIRMAN MELIUS: Okay. Thank
16 you, Jim.

17 Board Members have questions?
18 Yes, Brad?

19 MEMBER CLAWSON: Jim, you spoke of
20 that they brought test elements back that they
21 were working on. Had these been through the
22 reactor or what did you mean by test slugs?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DR. NETON: No. I think they were
2 experimental design-type situations. They had
3 not been through the reactor to my knowledge,
4 no.

5 MEMBER CLAWSON: So we're not
6 dealing with any kind of recycled uranium,
7 then? That's --

8 DR. NETON: No, not to my
9 knowledge.

10 CHAIRMAN MELIUS: Other questions?
11 Board Members on the phone, do you have any
12 questions?

13 MEMBER FIELD: Bill Field. No
14 questions.

15 CHAIRMAN MELIUS: Thank you. Gen?
16 (No response.)

17 CHAIRMAN MELIUS: Okay. I believe
18 my understanding is that the petitioner here
19 does not wish to speak or participate. So if
20 we have no further questions, do I have a
21 suggested action or --

22 MEMBER MUNN: Yes. I am pleased

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 to move that we accept the recommended Class
2 of all atomic weapons employees who worked at
3 the Baker Brothers site in Toledo, Ohio during
4 the period from June 1, '43 through December
5 31, 1944, as proposed by NIOSH.

6 MEMBER CLAWSON: I second it.

7 CHAIRMAN MELIUS: So we have a
8 motion from Wanda, a second from Brad. Any
9 further discussion?

10 (No response.)

11 CHAIRMAN MELIUS: Okay. If not,
12 Ted?

13 MR. KATZ: I was planning to do
14 that.

15 Dr. Ziemer?

16 MEMBER ZIEMER: Yes.

17 MR. KATZ: Ms. Valerio?

18 MEMBER VALERIO: Yes.

19 MR. KATZ: Mr. Schofield?

20 MEMBER SCHOFIELD: Yes.

21 MR. KATZ: Dr. Roessler?

22 MEMBER ROESSLER: Ted, are you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 calling roll?

2 MR. KATZ: Yes, I'm calling for the
3 vote. This is for Baker Brothers, we're
4 voting.

5 MEMBER ROESSLER: Yes, you and Jim
6 are hard to hear but yes on this one.

7 MR. KATZ: Dr. Richardson?

8 MEMBER RICHARDSON: Yes.

9 MR. KATZ: Ms. Munn?

10 MEMBER MUNN: Yes.

11 MR. KATZ: Dr. Melius?

12 CHAIRMAN MELIUS: Yes.

13 MR. KATZ: Dr. Kotelchuck?

14 MEMBER KOTELCHUCK: Yes.

15 MR. KATZ: Dr. Field?

16 MEMBER FIELD: Yes.

17 MR. KATZ: Mr. Clawson?

18 MEMBER CLAWSON: Yes.

19 MR. KATZ: Ms. Beach?

20 MEMBER BEACH: Yes.

21 MR. KATZ: And Dr. Anderson?

22 MEMBER ANDERSON: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. KATZ: Then it is unanimous.
2 Motion passes. And I'll collect the absentee
3 votes after the meeting.

4 CHAIRMAN MELIUS: Henry, you got
5 your wish. We took you off the hot spot,
6 tough vote.

7 MEMBER ANDERSON: Right.

8 CHAIRMAN MELIUS: Okay. While
9 Baker Brothers is fresh in our minds, why
10 don't I do the letter here?

11 MEMBER ANDERSON: Yes.

12 CHAIRMAN MELIUS: And Ted will be
13 distributing. Yes?

14 MEMBER BEACH: Are we going to do
15 anything with the years after?

16 MEMBER ANDERSON: The residual?

17 MEMBER BEACH: The residual?

18 CHAIRMAN MELIUS: I will tell you.
19 How do we want to do that? I guess I was
20 assuming I was going to send that over to my
21 friend on the left, to my left, TBD-6000
22 Committee. Paul? We're referring it to you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MEMBER ZIEMER: It is not my
2 decision.

3 CHAIRMAN MELIUS: Well, you are
4 allowed to object. So I have a motion to
5 refer it from Josie? We need to officially do
6 that.

7 MEMBER BEACH: Yes. That's a
8 motion and task to SC&A also.

9 CHAIRMAN MELIUS: Do I hear a
10 second to that?

11 MEMBER CLAWSON: Second.

12 CHAIRMAN MELIUS: Okay. Second
13 from Brad. Voice vote. All in favor say aye?

14 (Whereupon, there was a chorus of
15 "Ayes.")

16 CHAIRMAN MELIUS: Okay. So it
17 carries. So we've taken care of that. I
18 think on this one, we can leave it up to
19 TBD-6000 whether they want to task SC&A and
20 how they want to do it at this point. I will
21 go ahead and read the letter now for the
22 record. "The Advisory Board on Radiation and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Worker Health, the Board, has evaluated
2 Special Exposure Cohort petition 00204
3 concerning workers at the Baker Brothers site
4 in Toledo, Ohio and to the statutory
5 requirements established by the Energy
6 Employees Occupational Illness Compensation
7 Program Act of 2000 and incorporated into 42
8 CFR 83.13.

9 "The Board respectfully recommends
10 that SEC status be accorded to 'All atomic
11 weapon employees who worked at the Baker
12 Brothers site in Toledo, Ohio during the
13 period from June 1st, 1943 through December
14 31st, 1944 for a number of workdays
15 aggregating at least 250 workdays occurring
16 either solely under this employment or in
17 combination with workdays within the
18 parameters established for one or more other
19 Classes of employees included in the Special
20 Exposure Cohort.'

21 "This recommendation is based on
22 the following factors. Individuals employed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 at the Baker Brothers site in Toledo, Ohio did
2 work related to the development and production
3 of nuclear weapons.

4 "The National Institute for
5 Occupational Safety and Health, NIOSH, review
6 of available monitoring data as well as
7 available process and source term information
8 for this facility found that NIOSH lacked the
9 sufficient information necessary to complete
10 individual dose reconstructions with
11 sufficient accuracy for internal radiological
12 exposures from uranium to which these workers
13 may have been subjected during that time
14 period in question. The Board concurs with
15 this determination.

16 "Three, NIOSH determined that
17 health may have been endangered for these
18 Baker Brothers employees during the time
19 period in question. The Board also concurs
20 with this determination.

21 "Based on these considerations and
22 discussion at the December 11th and 12th Board

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 meeting held in Knoxville, Tennessee, the
2 Board recommends that this Class be added to
3 the SEC.

4 "Enclosed is the documentation
5 from the Board meeting where this SEC Class
6 was discussed. Documentation includes copies
7 of the petition, the NIOSH review thereof, and
8 related materials. If any of these items are
9 unavailable at this time, they will follow
10 shortly."

11 If you have commas, periods,
12 punctuation, refer those to our lawyer. We'll
13 be glad to accept those. That's satisfactory
14 to everybody, hearing no objection.

15 We have two other letters. Let's
16 do those at the end. And we have one other
17 small piece of Board business, but before
18 that, we have one report left from our
19 Procedures Subcommittee. And we're going to
20 use a new procedure for our Procedures
21 Subcommittee report. And we'll start with
22 Wanda and proceed from there.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MEMBER MUNN: I hate to steal
2 Jim's, Jim Neton's, thunder by being the last
3 presentation, but it looks like that's the way
4 it's going to be.

5 The Subcommittee on Procedures
6 Review was informed a couple of months ago
7 that we needed to expand the information
8 that's coming to the Board because a number of
9 the Board Members were very interested in what
10 we do and did not feel fully apprised of our
11 actions at all times. So we're making an
12 attempt to do that.

13 I think you are all familiar with
14 who is on the Subcommittee and roughly
15 familiar with what we do, but we're going to
16 try to make a formal presentation for you,
17 this being our dry run. You'll need to bear
18 with us a little bit.

19 We were also advised that it would
20 be wise for our contractor to provide
21 information for us with a slide show. And we
22 provided basic information about what we would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 probably be looking for. And our contractor
2 with its usual very close attention to detail
3 has provided us with an extremely
4 comprehensive review of one of the procedures
5 that we have been working with.

6 You have had that in your hands
7 early on. And I'm assuming that any of you
8 who have great interest in what we're doing
9 have absorbed the contents of that quite well.

10 Needless to say, my slide
11 presentations are seldom, if ever, that
12 detailed. And I have to thank our contractor
13 for the extreme attention and comprehension
14 that was devoted to this. I am not going to
15 cover that very thoroughly because I am
16 working on the assumption if you have
17 questions about it, we can direct that to the
18 contractor and that you have already read it.

19 I am going to mention to you
20 several of the types of activities that we are
21 involved in. These are simply examples. We
22 are certainly not limited to the type of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 activities you see here. We cover a broad
2 spectrum of documents that are in various
3 stages of completion and require interaction
4 with virtually all aspects of the Board.
5 We're a pretty wide-ranging group.

6 I want to start with a comment
7 about the procedure evaluation reviews. We
8 have approximately -- we have already as a
9 Board identified 14 PERs that we have in
10 SC&A's hands for review.

11 Now, whenever we assign these
12 reviews to our contractor, they undertake five
13 subtasks as they look at each one of these
14 documents. So this is a fairly involved
15 procedure. This is truly the audit process
16 that our contractor is assigned.

17 And their first task when they
18 approach a PER is to assess NIOSH's evaluation
19 that gave rise to the PER to begin with. And
20 their second task is to assess the specific
21 methods that are proposed for the corrective
22 action. You understand that in order for a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 PER to have been generated, there was an
2 inferred corrective action that would be
3 applied.

4 The third step that they take is
5 to evaluate the approach for identifying the
6 effective cases and looking at the criteria
7 for choosing the dose reconstruction cases
8 that they are going to reevaluate.

9 The pool of cases is identified.
10 And we choose from that pool how many and
11 which of the cases are going to be audited.
12 Then the fourth step is to conduct the audit
13 of those chosen dose reconstructions. A fifth
14 and final step is to prepare their
15 comprehensive report on the results and bring
16 them to us and to the Board as a whole.

17 The second type of documents that
18 we're looking at right now and have been
19 throughout most of our activity is the IGs,
20 the internal guidance documents. These are
21 very, very basic documents and, as we have
22 discussed in the Subcommittee, are by

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 definition guidance documents.

2 We have recently looked at IG-001,
3 which is titled "External Dose Reconstruction
4 Implementation Guidelines." We had 24
5 findings from that particular IG, of which 14
6 are now closed, 6 are in abeyance, and 4 are
7 in progress.

8 I think you're familiar now with
9 what those terminologies mean. If there's any
10 question in your mind, a very quick review.
11 An open item is one that has not yet been
12 addressed by NIOSH. In-abeyance item is one
13 that we have addressed and which, for our
14 purposes, has reached a resolution is now
15 awaiting only revision to the document in
16 question. And in-progress documents are those
17 that are currently being worked upon. Closed
18 is, I think, self-explanatory.

19 We have also looked at several
20 program procedures, most recently PROC-44,
21 titled "Special Exposure Cohort." We had ten
22 findings on PROC-44. It is an open item. All

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 ten of them are open. NIOSH is currently
2 preparing responses for those.

3 We're going to go back to
4 procedure evaluation reviews just a little bit
5 before we take on the burden of quickly going
6 through OTIB-52, the large item, which you had
7 been provided with earlier.

8 Among the PERs we have been
9 looking at are -- and this is not the
10 extensive list, just the ones that we looked
11 at that we touched on, for some reason, in our
12 most recent meeting, which was the 1st of
13 November. We'll be meeting next in February.

14 PER-12, entitled "Evaluation of
15 Highly Insoluble Plutonium Compounds," was
16 reported on in great length by SC&A. The
17 report is out. They reworked three of the
18 covered cases. And their essential finding
19 was that the proper procedures had been
20 followed in completing those dose
21 reconstructions by NIOSH initially.

22 We also had looked at PER-14,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 constructions trades workers. That's the one
2 which led to OTIB-0052 that we'll be looking
3 at later. There were six findings. And we
4 are currently in the process of -- I should
5 say we, not the Subcommittee, our contractor,
6 is currently in the process of working with
7 NIOSH to determine the pool of available dose
8 reconstructions that are going to be audited
9 for that particular PER.

10 We have looked at PER-17, which is
11 entitled "ANL Internal Dose Records." There
12 are six cases that have been chosen for audit
13 in that PER, and it's in progress. PER-18 is
14 the Los Alamos external TBD, rev. 1. There
15 are five findings there. And they have been
16 transferred to the LANL Work Group to resolve.

17 PER-20 is a Blockson TBD revision.
18 Right now NIOSH is providing data on the
19 number of cases that are available, the PER
20 findings, number 3. And they are closed right
21 now.

22 This leads us into the OCAS

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Technical Information Bulletins, the OTIBs,
2 that we work with on a continuing basis. Give
3 me just a moment here. I'm going to go to the
4 other -- I think I'm going to go to the
5 OTIB-52 process that you have there. Oh, I'm
6 going to do something fancy here. Here we go.

7 I am relying on the fact that you
8 have already read this. So I am not going to
9 really and truly go through it step by step
10 the way one normally does when you are
11 providing a procedure, when you are reviewing
12 a procedure, because truthfully, as I
13 mentioned to begin with, our contractor is
14 much more detail-oriented than I and did an
15 extremely thorough job in providing you the
16 information that we have looked at with
17 OTIB-52.

18 So, very quickly, this is
19 parameters to consider when processing claims
20 for construction trade workers. It's a result
21 of the PER-14 revisions that have been made.
22 And the summary is given for you in quite good

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 detail. It's basically the assertion that
2 because construction trade workers are
3 different than other workers at the site
4 because the exposure data that we have for
5 other workers cannot always be applied
6 directly to construction workers because of
7 the way they move around and because of the
8 variance of the type of work that they
9 actually do.

10 The timeline is very
11 straightforward. We have been working on this
12 since 2006. And because of the involved
13 nature of the dose reconstructions that we
14 have to deal with, we want to be as thorough
15 as possible. All of the entities involved are
16 trying to work this so that it is as accurate
17 and as claimant-friendly as we can make it.

18 We have used the OTIB to calculate
19 the worker doses. And we have a great deal of
20 data from all of the major sites, not
21 necessarily the AWEs but most of the major
22 sites have extensive information from

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 non-construction workers, which have been used
2 to assess how construction worker claims will
3 be addressed.

4 There is the methodology, very
5 quick review. The review findings were
6 numerous, as you can see. We had a total of
7 16. And, of those, we're looking at only two
8 of the findings. You're welcome to look these
9 up on our database, which we call the SRB.
10 And you know how to find it, I hope.

11 We didn't have a very good
12 instruction session the last time I spoke to
13 you. We made an effort to do that. And I am
14 unsure of exactly how comfortable you are with
15 using that database, but I hope I can
16 encourage you to go to it and seek the details
17 of each one of these findings and how they
18 were addressed. We'll touch only on two here,
19 one being finding 5. The finding was that
20 plutonium and uranium were used to compare
21 internal construction trade workers to AMW
22 doses and what do other radionuclides do to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the dose reconstruction for these specific
2 workers.

3 Plutonium was used as the standard
4 for internal doses at three of the sites, but
5 no documentation was found in this particular
6 OTIB to begin with or its supporting documents
7 to demonstrate that using uranium and
8 plutonium was the proper standard for
9 claimant-favorable dose reconstruction with
10 respect to other nuclides. So NIOSH
11 constructed the finding and reply.

12 And, as you can see, there were
13 questions outstanding from SC&A. And the
14 final resolution is limitation on rev. 1 for
15 the use of internal dose reconstruction
16 portions of OTIB-52.

17 Intakes of less common
18 radionuclides, those other than uranium or
19 plutonium, are not assessed. You should see
20 the Technical Basis Document for the
21 information about less common radionuclides.
22 SC&A has agreed that that approach is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 acceptable. And we have concurred, and we
2 have closed that finding.

3 SC&A is also suggesting that a PER
4 is developed to determine if any construction
5 trade workers, internal doses from those
6 unusual nuclides, including tritium, had been
7 constructed in the past by OTIB-0052 between
8 the 2 revisions that have been reviewed.

9 Finding 1 question was addressing
10 the differences in doses received by different
11 construction occupations, as you can well
12 imagine without even thinking about it as
13 obvious to us, that the occupations would be
14 subjected to varying kinds of exposures
15 depending largely on where they were and what
16 kind of specialty they were involved in.

17 The table is fairly extensive. I
18 think you can see how it's being handled, how
19 it's proposed to be handled. And we'll see
20 that the coverage goes extensively.

21 NIOSH originally said, I believe,
22 the goal of favorable treatment has been

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 achieved by assigning doses that were among
2 the very highest. And SC&A had further
3 questions to that. It was resolved in the
4 Subcommittee with routinely exposed workers.
5 That is, those who probably should have been
6 monitored would have received the 95th
7 percentile of dose with the application
8 determining what their reconstruction would
9 be.

10 Certain construction trades, like
11 the pipefitters, probably received higher
12 exposures than general construction workers.
13 And so they might fall into the category
14 that's being covered by this resolution.

15 And at this moment, that finding
16 is closed. SC&A did recommend that a PER be
17 developed to determine if pipefitters who had
18 their doses constructed between the two
19 revisions have been properly addressed.

20 And, as I said earlier, if you
21 want to see the current status of the other
22 findings, please feel free to go to the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 database. And you can expand the statement
2 that's made in the database by clicking the
3 plus sign in the lower left-hand corner of
4 your screen. When you're looking at any given
5 finding, it will give you a blow-by-blow
6 response to where we have gone in our
7 deliberations of each of those findings.

8 I am available for questions,
9 though I don't know whether I -- fortunately,
10 we have our SC&A expert here with us to
11 address any specific questions that you might
12 have if I can't answer them for you. Anyone
13 who has any suggestion, comment, question?

14 CHAIRMAN MELIUS: Yes, Dave?

15 MEMBER KOTELCHUCK: Where is the
16 construction trades' data from? What groups?
17 These are experimental for some workers? No.
18 That was the previous one. Yes. Where was
19 that data from?

20 MEMBER MUNN: Where is this data
21 from?

22 MEMBER KOTELCHUCK: Yes. Is this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 -- oh, SRS construction trades.

2 MEMBER MUNN: Yes.

3 MEMBER KOTELCHUCK: Okay. Thank
4 you.

5 MEMBER MUNN: The Savannah River

6 --

7 MEMBER KOTELCHUCK: Yes.

8 MEMBER MUNN: -- data. Anyone
9 else? Do you want to stay and talk about this
10 or do you want to go home?

11 CHAIRMAN MELIUS: I think the real
12 question here is the Board has never reviewed
13 and approved any recommendation from the
14 Procedures Review Subcommittee. That
15 Subcommittee has been operating without -- I
16 mean, Wanda has been -- the Committee has been
17 reporting back to the Board, but most of that
18 has been, you know, sort of procedural,
19 numbers and without any presentation of
20 actually what was going on with those
21 procedures. That information has been made
22 available to us. And, you know, some of that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 is because of simply time constraints on what
2 the Board could do given all of the other work
3 that we had.

4 And I think the question I put to
5 the Board Members is, do we want to actively
6 review at least key procedures and review the
7 resolutions that are made by the Subcommittee
8 or do we want to basically delegate all of
9 those decisions to the Subcommittee knowing
10 that -- and I'm not being critical of the
11 Subcommittee, but the question is, do we want
12 to continue to just turn everything over to
13 them or do we want to, at least on procedures
14 that cut across, you know, sites and are
15 critical for dose reconstruction on many
16 workers, do we want more input and more time
17 on sort of how those decisions are made and
18 basically more knowledge of that?

19 Now, I don't think it's quite
20 fair, Wanda, to say that everybody had plenty
21 of time. I received OTIB-52 presentation at
22 4:45 on Friday of last week. And so it's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 hardly enough time to prepare and get ready
2 for this meeting. I don't think it's fair to
3 expect all of the Board Members to be fully
4 prepared to answer questions.

5 And I think we need to work out,
6 one, whether we want to go into more detail;
7 and, secondly, if we do want to go into more
8 detail and do more review, what's the best
9 procedure for doing that. What Ted and I
10 thought, at least as a start, was to have a
11 more detailed presentation from SC&A on their
12 review and on the process.

13 Obviously if we're going to do
14 that, we need to give the Board Members more
15 time to, you know, familiarize yourselves.
16 These are long procedures. The resolution
17 process, as with other SEC and Site Profile
18 issues, takes a considerable amount of time
19 and effort. And we need to become familiar
20 with it and identify key issues. It does take
21 some time and effort.

22 And there are different ways we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 can approach this. We can do this in more
2 than one step. We can do it in -- and, again,
3 I don't think you necessarily would need to
4 apply it to every procedure, but when we set
5 up the Procedure Subcommittee, much like when
6 we set up the Dose Reconstruction
7 Subcommittee, the Board is not delegating to
8 that Subcommittee authority to approve on our
9 behalf.

10 And it may be strong to say we
11 have been neglectful, but I think we need to
12 decide now that maybe we have a little bit
13 more time to do this and the Procedures
14 Subcommittee has done a good job of organizing
15 a tool that we can use to identify procedures
16 and follow the review process.

17 So I guess I'd like to have some
18 input from other Board Members on what you
19 think about that and how you would like to go
20 about doing this. And we don't need to
21 resolve that right now, but --

22 MEMBER MUNN: Your comments are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 certainly well-received, Dr. Melius. And I
2 would be very appreciative of feedback from
3 the Board as well exactly how involved in this
4 deliberative activity you want to be.
5 Certainly it is within the realm of
6 possibility that I can bring to you at each
7 meeting the individual finding items that we
8 have closed, for example, or that we have
9 resolved during the preceding meetings without
10 any great stress or strain.

11 As Dr. Melius has pointed out,
12 this would be a fairly time-consuming activity
13 for the Board as a whole. And getting you the
14 information that you would perhaps want to
15 have in advance might not be a simple task
16 either. But somewhere between making all of
17 these decisions yourselves and not knowing
18 until long after they're done that they were
19 closed would hopefully be a happy medium that
20 would satisfy any desires of Board Members to
21 be more involved in this process and our need
22 to keep it enough streamlined that the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Subcommittee can be expected to resolve most
2 of these issues for you.

3 Any feedback would certainly be
4 greatly appreciated.

5 CHAIRMAN MELIUS: Yes, Paul?

6 MEMBER ZIEMER: Well, I am on the
7 Subcommittee. So I have a fairly good feel
8 for the volume of items that are involved.
9 And it seems to me that it wouldn't be very
10 productive to bring all of the findings back
11 to this Board. But we need to think about
12 ways to identify significant issues.

13 And I think OTIB-0052 is one that
14 we might think of as pretty cross-cutting and
15 one that would be of significant interest to
16 all Board Members. I think there are other
17 procedures that we would look at that are a
18 little more routine and I think we can be
19 fairly confident or at least comfortable in
20 letting the Subcommittee handle those and
21 simply report out that these have been closed.

22 There's always the opportunity if

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 someone is uncomfortable with that to raise an
2 issue, but we might want you to identify. And
3 maybe the Subcommittee itself could take a
4 first cut and say, "Here are the significant
5 procedures that we think the Board ought to
6 take a look at" or the Board could do that
7 itself. But we need a starting list, I think,
8 of some sort.

9 It seems to me that it would make
10 sense to ask the Subcommittee to do that at
11 the front end as a starting place and go from
12 there, but I think it would not be productive
13 for this Board to try to review all of the
14 findings of all of the procedures.

15 MEMBER MUNN: Well, adding on to
16 what Paul had to say, our tool is available to
17 us for making some of those decisions, I
18 think. It is a fairly easy task for all of us
19 to pull up the BRS. And if we go through the
20 BRS visually, it should be easier for the
21 Board Members to identify the procedures with
22 which they have some close connection or some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 close concern. And we could work with the
2 Subcommittee's normal process to try to flag
3 those in some way so that whenever we take
4 action on one of the findings, we could bring
5 that to you.

6 But I certainly agree with Paul's
7 suggestion that perhaps it will be beneficial
8 for the Subcommittee to take the first cut if
9 that's the Board's desire.

10 CHAIRMAN MELIUS: And probably a
11 better alternative is to be selective than to
12 try to schedule a 60-day Board meeting. If we
13 select the location, then maybe we could do
14 it.

15 MEMBER MUNN: You can come to
16 Hanford.

17 CHAIRMAN MELIUS: I wasn't
18 thinking of Hanford. But I won't say where I
19 was thinking of on the record. We'll get in
20 trouble someplace.

21 The other criterion I think I
22 would suggest is this difficulty resolving a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 procedure, where within the Work Group or
2 between SC&A and NIOSH, the Work Group, that
3 dynamic, where it's just hard to make a final
4 recommendation or certain and where Board
5 input might be helpful, similarly to what we
6 do with SECs and occasionally with Site
7 Profile issues. It's hard to resolve. Let's
8 bring it back. Now, again, it ought to also
9 take into account that it's an important
10 procedure and it's a significant issue.

11 Other Board Members have
12 suggestions or input? Henry?

13 MEMBER ANDERSON: Yes. I think
14 that sounds like a good -- I mean, there's
15 been a lot of review that's gone on. And I
16 think it's important to review them. Every
17 review doesn't result in an overly strong set
18 of changes that may impact how the procedures
19 are applied, but it is good that somebody has
20 looked at them to kind of validate that they
21 seem appropriate if there are significant -- I
22 think this one is one that one could see how

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 this might make an impact moving forward or
2 might have impacted changes in awards in the
3 past.

4 So I would ask the Committee. I
5 would agree. Have the Committee take a look
6 at them, prioritize some to bring here. And
7 then, you know, make a recommendation if
8 you're proposing changes. And those changes
9 ought not just be filed, but we ought to look
10 at and agree with them all.

11 CHAIRMAN MELIUS: Anybody else
12 agree/disagree? Brad?

13 MEMBER CLAWSON: I agree with
14 that. I guess one of my things is as a Work
15 Group Chair, I have seen a lot of our stuff go
16 to the procedures group. And I know it falls
17 on, really, for me to dig through and see how
18 it's affected, but I want to make sure that
19 the procedures group, you know, goes through
20 it first. I'd kind of like to see how it's
21 going to play out into the sites that I was
22 responsible for participating in because --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MEMBER MUNN: I can't quite hear
2 you, Brad.

3 MEMBER CLAWSON: I would just like
4 to be a part of after the procedures group has
5 gone through, you know, the review process or
6 whatever because I want to see how it is going
7 to affect the site that --

8 MEMBER MUNN: Yes.

9 MEMBER CLAWSON: -- and the
10 process that way. That is my only thing. I
11 have seen so many of them go to the procedures
12 group, you know. And we laugh. And it is an
13 overwhelming task to be able to go through a
14 lot of these and to be able to take them, but
15 I still wanted to follow it to a point
16 through, too.

17 MEMBER MUNN: You understand,
18 Brad, that in most cases where our procedures
19 are -- that we have under review are directly
20 related to a specific site. That it's our
21 normal process to refer them to the Work Group
22 for that site for resolution.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And the other point that I perhaps
2 need to make again is that what we try to do
3 in the Subcommittee, what we have historically
4 tried to do is to spend most of our time and
5 energy addressing the technical issues. And
6 we try to administer the exchange of ideas
7 that go back and forth between our contractor
8 and our agency in an attempt to specifically
9 resolve the technical material that really
10 gets down in the weeds quite often. We may
11 have changed our attitude about those things
12 in the past.

13 It's been I think the position of
14 the Board -- it certainly was originally --
15 that these, most of these, items were so
16 technical in nature that the Board Members
17 individually may not have the kind of
18 expertise to be able to address them and
19 comprehend all of the minute details that are
20 involved. And that's the reason that we have
21 our technical contractor looking at them. But
22 certainly those that are not being resolved on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 a technical basis are usually administrative
2 in nature.

3 It's, as I said, wonderful to get
4 feedback from you folks as to exactly how
5 detailed you want it to be. I don't know that
6 I interpreted Brad's comments correctly. If
7 you're saying that issues that involve any
8 site in addition to being referred to the
9 site-specific Work Group should come to the
10 Board, I get -- well, we can talk about
11 offline how you see that process flowing in
12 your mind, what you would like to see brought
13 to you. That's what I really want to hear
14 back from you, is specifically what you would
15 like to have brought to you.

16 CHAIRMAN MELIUS: And I would just
17 add I think we have some similar issues with
18 Site Profile reviews that need to come to the
19 Board also. We have done that selectively but
20 do that and how we resolve when they sort of
21 overlap. But all of these issues are going to
22 overlap. You know that. What we deal with in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 an SEC and dose reconstruction review and
2 procedures and Site Profile reviews are all
3 part and parcel of the same approach to dose
4 reconstruction.

5 MEMBER MUNN: Inextricably
6 related.

7 CHAIRMAN MELIUS: Yes, yes. So if
8 I understand the consensus of the Board here,
9 what everyone is thinking or saying is that --
10 I'm not sure I understand what you all think,
11 probably don't want to know -- is that we will
12 put this on as a specific agenda item. So
13 we'll set aside a specific amount of time next
14 time, so not just do it, you know, as part of
15 the Work Group/Subcommittee reports.

16 So we'll set aside a significant
17 amount of time for that for two things. One
18 is the Subcommittee to come back with a set of
19 recommendations on sort of ten procedures or
20 whatever is appropriate as priorities for full
21 Board consideration.

22 And, secondly, I would suggest

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that we also continue with the OTIB-52. Then
2 let's use that as an example. It's a
3 complicated one. There are a lot of issues,
4 too. And it's an important one that keeps
5 coming up. We're wrestling with it in some
6 ways with Fernald, SRS, and other sites also
7 in terms of its implications for SEC
8 decisions. So we'll set aside time for that.

9 It will be on the agenda. And
10 there is going to be an expectation that
11 people not only look at the PowerPoint, which
12 I'm sure will get changed again because they
13 always do, before the next meeting but also
14 look at the actual procedure reviews. There's
15 some of that information also, particularly if
16 you have concerns or questions about a
17 particular issue.

18 So is that satisfactory to do
19 that? Okay. And thank you very much, Wanda,
20 for --

21 MEMBER MUNN: You are most
22 welcome.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN MELIUS: -- putting up
2 with some of this confusion.

3 MEMBER MUNN: We'll expect next
4 time to bring you both a list of -- at the
5 very least a list of recommendations from the
6 Subcommittee with respect to material that we
7 believe you would want to see. And we expect
8 that to be augmented by your instruction on
9 what you want to see as well. Thank you.

10 CHAIRMAN MELIUS: Thank you,
11 Wanda. Okay. We have, really, one other, two
12 other letters to go through. And I just want
13 to -- before I do that, I want to talk about
14 the next meeting. If I understand where we
15 were with LaVon in terms of expected reports,
16 it's not to expect a lot.

17 So I think we can plan on probably
18 a maximum of a two-day meeting in Augusta.
19 And I would again start the week at the
20 beginning. Twelfth and 13th? Is that?

21 (No response.)

22 CHAIRMAN MELIUS: I don't remember

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 when we set up this meeting if anybody had
2 conflicts on the 12th or the 13th, but it
3 would be better for people. If not, if there
4 aren't any, then let's assume that the 12th
5 and 13th will be the dates for the meeting now
6 unless Ted and Zaida run into trouble getting
7 a hotel or something, but I wouldn't expect
8 it.

9 Yes? The lawyers? Twelfth and
10 13th, March. The annual ethics training is
11 what, an hour?

12 MR. KATZ: Yes.

13 CHAIRMAN MELIUS: Fifteen minutes?

14 MR. KATZ: Yes. We will plan on
15 an hour. And we'll just do it --

16 CHAIRMAN MELIUS: Okay. Okay.

17 MR. KATZ: -- in advance of the
18 full meeting, welcome part of the meeting.

19 CHAIRMAN MELIUS: Okay. Okay.
20 We'll fit it in, all five minutes of it,
21 right? We can do that. No. We don't want to
22 upset the lawyers, full hour. We'll sit there

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 in rapt attention. Fourteenth is clear. Can
2 you circulate that to people who aren't here?

3 MR. KATZ: Circulate?

4 CHAIRMAN MELIUS: The timing.

5 MR. KATZ: So we prefer the 13th
6 and 14th? Is that what you're saying? Oh,
7 no. Twelfth and 13th. Yes.

8 CHAIRMAN MELIUS: The 14th is now
9 clear. They can pull it off their calendars.

10 MR. KATZ: Right. Okay. Exactly.
11 Okay. Thanks.

12 CHAIRMAN MELIUS: Okay. Bear with
13 me. Now I'll start with Battelle. "The
14 Advisory Board on Radiation and Worker Health,
15 the Board, has evaluated Special Exposure
16 Cohort petition 00208 concerning workers at
17 the Battelle Laboratories' King Avenue
18 facility, Columbus, Ohio under the statutory
19 requirements established by the Energy
20 Employees Occupational Illness Compensation
21 Program Act of 2000, incorporated into 42 CFR
22 83.13.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 "The Board respectfully recommends
2 that SEC status be accorded to 'All atomic
3 weapons employees who worked at the King
4 Avenue facility owned by Battelle Laboratories
5 in Columbus, Ohio during the period from April
6 16th, 1943 through June 30th, 1956 for a
7 number of workdays aggregating at least 250
8 workdays occurring either solely under this
9 employment or in combination with workdays
10 within the parameters established for one or
11 more other Classes of employees included in
12 the Special Exposure Cohort.'

13 "This recommendation is based on
14 the following factors. Individuals employed
15 at the King Avenue facility worked on a number
16 of projects related to the development of
17 nuclear weapons.

18 "Two, the National Institute for
19 Occupational Safety and Health, NIOSH, review
20 of available monitoring data as well as
21 available process and source term information
22 for this facility found that NIOSH lacks the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 sufficient information necessary to complete
2 individual dose reconstructions with
3 sufficient accuracy for internal radiological
4 exposures from thorium, uranium, or their
5 progeny to which these workers may have been
6 subjected during the time period in question.

7 The Board concurs with this determination.

8 "Three, NIOSH determined that the
9 health may have been endangered for these
10 Battelle King Avenue facility employees during
11 the time period in question. The Board also
12 concurs with this determination.

13 "Based on these considerations and
14 discussion at the December 11th to 12th, 2012
15 Board meeting held in Knoxville, Tennessee,
16 the Board recommends that this Class be added
17 to the SEC.

18 "Enclosed is the documentation
19 from the Board meeting where this SEC Class
20 was discussed. This documentation includes
21 copies of the petition, the NIOSH review
22 thereof, and related materials. If any of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

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

3 Any comments, questions,
4 confusion? Yes?

5 MEMBER ZIEMER: I hate to
6 wordsmith too much because we have standard
7 boilerplate that we have been using over and
8 over, but I finally noticed in the second
9 bullet, we have "sufficient information" and
10 "sufficient accuracy."

11 I really believe the first
12 "sufficient" is superfluous. We lack the
13 information is my view of it. I don't know
14 how others feel, but the two "sufficients"
15 sounds awkward. And I don't think it's needed
16 on the information part unless the attorneys
17 think we do.

18 CHAIRMAN MELIUS: No, no. I will
19 tell you it snuck through in an earlier
20 letter. But I agree with you also. Okay.

21 Next, "The Advisory Board on
22 Radiation and Worker Health, the Board, has

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 evaluated Special Exposure Cohort (SEC)
2 petition 00200 concerning the workers at the
3 Joslyn Manufacturing Supply Company in Fort
4 Wayne, Indiana under the statutory
5 requirements established by the Energy
6 Employees Occupational Illness Compensation
7 Program Act of 2000, incorporated into 42 CFR
8 83.13.

9 "The Board respectfully recommends
10 that SEC status be accorded to 'All atomic
11 weapon employees who worked for Joslyn
12 Manufacturing Supply Company at the covered
13 facility in Fort Wayne, Indiana from March
14 1st, 1943 through December 31st, 1947 for a
15 number of workdays aggregating at least 250
16 workdays occurring either solely under this
17 employment or in combination with the workdays
18 within the parameters established for one or
19 more other Classes of employees included in
20 the Special Exposure Cohort.'

21 "The recommendation is based on
22 the following factors. Individuals employed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 at the Joslyn Manufacturing Supply Company
2 worked on a number of projects related to the
3 manufacture and development of nuclear
4 weapons.

5 "Two, the National Institute for
6 Occupational Safety and Health, NIOSH, review
7 of available monitoring data as well as
8 available process and source term information
9 for this facility found that NIOSH lacked the
10 information necessary to complete individual
11 dose reconstructions with sufficient accuracy
12 for internal radiological exposures from
13 thorium, uranium, or their progeny to which
14 these workers may have been subjected during
15 the time period in question. The Board
16 concurs with this determination.

17 "Three, NIOSH determined that the
18 health may have been endangered for these
19 Joslyn Manufacturing Supply Company employees
20 during the time period in question. The Board
21 also concurs with this determination.

22 "Based on these considerations and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 discussion at the December 11th to 12th, 2012
2 Board meeting held in Knoxville, Tennessee,
3 the Board recommends that this Class be added
4 to the SEC.

5 "Enclosed is the documentation
6 from the Board meeting where this SEC Class
7 was discussed. This documentation includes
8 copies of the petition, the NIOSH review
9 thereof, and related materials. If any of
10 these items are unavailable at this time, they
11 will follow shortly."

12 And I dropped the first
13 "sufficient" from the written version. Any
14 questions or comments to that? I guess I
15 would ask you that when the Department of
16 Labor or our lawyers, when they review this,
17 it's sort of a new wording where we've added
18 "covered facility." If that causes a problem,
19 it could be reworded. I wouldn't be
20 surprised.

21 Yes, Dave?

22 MEMBER KOTELCHUCK: Well, if we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 aren't going to wordsmith, thorium in the
2 thing, "thorium, uranium, or their progeny,"
3 if you don't have thorium or uranium, you
4 don't have progeny. So that actually should
5 be "thorium and/or uranium and their progeny."
6 That is, there has to be thorium or uranium.
7 "Thorium and/or uranium and their progeny."

8 CHAIRMAN MELIUS: We will see if
9 NIOSH accepts that.

10 MEMBER KOTELCHUCK: Okay.

11 CHAIRMAN MELIUS: It has been
12 their wording for several letters.

13 MEMBER KOTELCHUCK: Yes, but I
14 think it is logically not correct.

15 CHAIRMAN MELIUS: I don't
16 disagree. I am just telling you.

17 Okay. Anything else? Any other
18 business? Wanda?

19 MEMBER MUNN: I was just going to
20 comment that when you start looking at the
21 simplistic language that we were attempting to
22 change with respect to identifying ownership,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 you develop a real appreciation for what a
2 rat's nest that can be. If I read our current
3 statement here, the use of the word "for" gets
4 us back into the ownership issue.

5 CHAIRMAN MELIUS: Yes.

6 MEMBER MUNN: And the question
7 that you think when you see this is -- it's
8 not applicable in this case since Joslyn did
9 own the place through the entire period. If
10 that were not the case, then we would -- or
11 if, for any reason, people were there who were
12 not specifically employed by Joslyn, but were,
13 nevertheless, exposed, it is an issue. So I
14 appreciate the comment that the wording is
15 likely to change.

16 CHAIRMAN MELIUS: I agree. Yes.
17 We've never used "covered facility" language
18 before. So it's a little tricky.

19 MEMBER MUNN: Yes. It is.

20 CHAIRMAN MELIUS: And if they're
21 not employed by Joslyn, they're not eligible.

22 Let's let them work it out with DOL --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MEMBER MUNN: Yes.

2 CHAIRMAN MELIUS: -- in terms of
3 what the recommendation is. Our attempts to
4 do it in these meetings are not always very
5 successful because we don't have all the
6 information, but it's a good point.

7 Okay. If there is no further
8 business, comments, we are adjourned. See you
9 all in Augusta and on the phone.

10 MR. KATZ: Thank you, everybody.

11 (Whereupon, the above-entitled
12 matter went off the record at 11:11 a.m.)

13

14

15

16

17

18

19

20

21

22

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com