

This transcript of the Advisory Board on Radiation and Worker Health, Linde Ceramics Work Group, has been reviewed for concerns under the Privacy Act (5 U.S.C. § 552a) and personally identifiable information has been redacted as necessary. The transcript, however, has not been reviewed and certified by the Chair of the Linde Ceramics Work Group for accuracy at this time. The reader should be cautioned that this transcript is for information only and is subject to change.

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ¹
CENTERS FOR DISEASE CONTROL
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ADVISORY BOARD ON RADIATION AND
WORKER HEALTH

+ + + + +

WORK GROUP ON LINDE CERAMICS PLANT

+ + + + +

WEDNESDAY
MAY 30, 2012

+ + + + +

The Work Group convened telephonically at 2:30 p.m., Eastern Daylight Time, Genevieve S. Roessler, Chair, presiding.

PRESENT:
GENEVIEVE S. ROESSLER, Chair
JOSIE BEACH, Member
JAMES E. LOCKEY, Member

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ALSO PRESENT:

2

TED KATZ, Designated Federal Official
ANTOINETTE BONSIGNORE
NICOLE BRIGGS, SC&A
NICK BROUSSE
WALT KOCH
JENNY LIN, HHS
JIM NETON, DCAS
STEVE OSTROW, SC&A
MUTTY SHARFI, ORAU Team

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

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(2:36 p.m.)

MR. KATZ: Let's get started with roll call then, officially.

(Roll call.)

MR. KATZ: Very good. The agenda for the evening is posted on the NIOSH website. There's also a document, a PowerPoint, that Gen has prepared for the Work Group. That's posted on the NIOSH website and available to you all. And it's your agenda, Gen.

CHAIR ROESSLER: Thank you, Ted. And I want to first thank 3M in St. Paul, Minnesota for providing me an office. I'm on my way to a retirement party and in order to get this call in, someone was gracious enough to do this for me.

So first, I think, with regard to the Work Group activities, I want to just do a little bit of a review of where we are so we're all on the same page. We have finished

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1 our SEC business and our TBD evaluation,⁵
2 except for two issues on the TBD which relate
3 to the utility tunnels at Linde.

4 I want to just remind people that
5 these issues are only pertinent during the SEC
6 periods and affect only those workers who
7 would not be covered under the SECs. At our
8 last face-to-face meeting, which was on
9 January 30th, and then on our teleconference
10 on February 15th, we dealt with these two
11 issues.

12 And basically, they were: what
13 dates were the various utilities tunnels built
14 and how much time did the workers spend in
15 these tunnels? And this would be important
16 for the dose reconstruction.

17 And it's important because
18 different areas at Linde have different levels
19 of radiation exposure and radioactivity. The
20 Work Group, SC&A, and NIOSH came to an
21 agreement on the dates on the construction of
22 the tunnels after the January 30th meeting,

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1 and then we continued that discussion on⁶
2 February 15th.

3 We had viewed very detailed
4 construction diagrams and other information at
5 that face-to-face meeting. However, we wanted
6 to go one step further and see if we could
7 resolve some discrepancy between what we had
8 concluded were the dates of construction and
9 some worker testimony.

10 So we thought the best way to do
11 this was to try to convene as many workers as
12 possible, show them the same diagrams that we
13 had been looking at and working from, and then
14 have some discussion about them.

15 We thought that it would also be a
16 good time to get some firsthand information on
17 time that workers of various categories might
18 have spent in the tunnels. So on April 30th,
19 in Buffalo, we had this information meeting.

20 We really appreciate the efforts
21 of Mark Lewis and Mary Elliott from ATL for
22 arranging this meeting, getting the workers

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1 together, and they also prepared minutes from⁷
2 the meeting.

3 Everyone who was present at the
4 meeting, I believe, has had access to the
5 minutes. I went over them and I thought they
6 did a very good job on that and it's nice to
7 have a summary of what we discussed.

8 At the meeting, we were able to
9 clarify what we earlier thought was, you know,
10 because of the worker testimony, we thought
11 there was a discrepancy about the tunnel
12 construction dates, and then we spent a lot of
13 time talking about that, and I think the
14 discrepancy that we had thought existed really
15 doesn't exist, but we'll go into that a little
16 more later.

17 Then we also came to an agreement
18 on tunnel occupancy factors, and I've got that
19 in the PowerPoint presentation. So that our
20 goal for this meeting today is for the Work
21 Group to agree on what we're going to present
22 to the Board at the June meeting.

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1 And this will be, from what I can⁸
2 tell from the agenda, during the regular Work
3 Group reports. So I thought it would be
4 helpful to put a draft together. So, with
5 Josie's help, I drafted a PowerPoint
6 presentation with the plan to use this, or
7 however we alter it, for this report.

8 So I think what the first thing we
9 should do today is decide whether we want to
10 go over these slides, I think, how many do we
11 have, about nine I think, one by one and look
12 them over, or since you've all seen them, we
13 could probably just state whether we have any
14 changes or comments.

15 My plan then, once we finalize
16 this presentation, would be that we will do
17 this at the Work Group meeting -- I mean, at
18 the Board meeting in June, we'll keep it
19 brief, since we're only on as a part of the
20 regular Work Group reports.

21 However, if anyone has any
22 questions, and this gets to be kind of a

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1 complicated situation because we're basing ⁹a
2 lot of what our decisions were on those large
3 diagrams that we've looked at at various
4 meetings.

5 So we're asking Jim Neton, I think
6 we've asked Jim Neton this, to bring these
7 diagrams to the meeting in the event any Board
8 Members might have questions, then we could
9 take a break, and we could look at them, and
10 answer any questions then.

11 So with that, Jim or Josie, do
12 either one of you have any preference as to
13 how we proceed to look at this PowerPoint
14 presentation?

15 MEMBER LOCKEY: Gen, I had a
16 chance to go through it yesterday and today
17 again, and I think it does reflect the meeting
18 that we had with the workers, and it's
19 concise, and it essentially states what I feel
20 are the facts based on the information we
21 currently have available.

22 CHAIR ROESSLER: Okay. The brief

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1 part is something I tried to achieve. I had¹⁰
2 first had about five or six slides trying to
3 talk about the time of the construction of the
4 tunnels, and then without any hesitation at
5 all, I borrowed the figure that Steve Ostrow
6 presented in one of his reports, which is in
7 color and outlines the various time periods.

8 And I thought that that one slide
9 would do what I was trying to do on a lot of
10 other slides.

11 MEMBER LOCKEY: And then we had an
12 extensive discussion with the worker
13 representatives there about how much time the
14 craft professionals spent in the tunnels, and
15 I think, as reflected in the slide, we decided
16 that 50 percent of the time was a reasonable
17 figure.

18 Also, a figure that's Claimant-
19 friendly, but it's always hard to predict how
20 much craft time is needed, but they're down
21 they're down there doing the maintenance and
22 construction and tear-down and things like

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1 that, so I think it's a very reasonable¹¹
2 figure. And I think we said 5 percent for
3 everybody else.

4 CHAIR ROESSLER: Thank you. And
5 that's reflected in the last slide in the
6 PowerPoint.

7 MEMBER LOCKEY: Right. But we did
8 spend a lot of time talking about that at the
9 meeting; how much time did they, overall, on
10 average, the time that they worked there
11 during the spring, summer, fall, winter, how
12 much, on average, was spent within the
13 tunnels, either doing construction work, or
14 traveling, or retrofit work, or new
15 construction work, and I think the consensus
16 was 50 percent, and that seemed like a
17 reasonable figure.

18 CHAIR ROESSLER: As I recall, it
19 seemed like we were zeroing in on 35 percent.

20 One of the workers had thought that was
21 pretty good and then when, I think, Jim
22 mentioned 50 percent, everybody said, well,

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1 that's very claimant-friendly. 12

2 MEMBER LOCKEY: Right.

3 MEMBER BEACH: Yes, Gen, I agree.

4 So I did look over the slides and I went back
5 through and read all the notes from the
6 meeting. I think it might be handy to have
7 the notes available to the Board. If they're
8 interested, they might want to review those.

9 MS. BONSIGNORE: This is
10 Antoinette, I don't have any of the notes from
11 the meeting. I'd like to get a copy of that.

12 CHAIR ROESSLER: Ted, is it
13 possible? I know we talked yesterday about
14 getting them, whatever you call it, getting
15 them cleared for other people to get a set, I
16 think especially Antoinette, and the Board
17 Members, it would be very helpful for them to
18 have that.

19 MEMBER BEACH: Well, and I think
20 the workers involved should have a copy of
21 them also.

22 CHAIR ROESSLER: They do.

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1 MS. BONSIGNORE: That's my point.¹³

2 I think it's somewhat not appropriate to be
3 relying on the minutes from the meeting unless
4 the workers who were there can verify the
5 statements and say that's what they meant to
6 say.

7 CHAIR ROESSLER: It was my
8 understanding they were supposed to have
9 gotten a copy.

10 MS. BONSIGNORE: Well, I think I'd
11 know if anybody had received anything like
12 that.

13 MR. KATZ: This is Ted. Can you
14 hear me? Am I on mute?

15 CHAIR ROESSLER: No, you're on.

16 MR. KATZ: Oh, okay. Great.
17 Sorry, I think I was talking on mute.

18 The notes that were taking by ATL
19 were taken to help the Board Members with
20 their memory, but this was not, like, an
21 outreach meeting that DCAS does, or that SC&A
22 does, where they send it out to get -- because

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1 the Board Members were there firsthand ¹⁴to
2 report.

3 I totally agree, though, if we're
4 going to send these minutes to the rest of the
5 Board, then they ought to be PA-cleared, they
6 need to be shared with Antoinette and the
7 workers as well, and we can do that.

8 It wasn't clear to us, since these
9 notes were really a convenience for the Board
10 Members, to what extent you want to rely on
11 these notes at all, since you were there
12 involved in that discussion.

13 And frankly, and to some extent, I
14 mean, your involvement in that discussion was
15 more important than the notetaking because
16 there were a lot of parallel conversations
17 going on at certain points which made it
18 pretty difficult for the ATL person, Mary, to
19 do her notetaking for you.

20 CHAIR ROESSLER: Right.

21 MR. KATZ: But anyway, I will
22 certainly send that into the system. The

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1 version that we make public has to be PA¹⁵-
2 cleared, which means names have to be
3 redacted, and so on, but the participants who
4 were there at the meeting, of course, don't
5 need to get a PA-redacted version because they
6 were there listening to each other in the
7 first place.

8 CHAIR ROESSLER: So the workers
9 who were present could get a copy of it as is?

10 MR. KATZ: I think so. I'll have
11 to check that, but I don't see any reason why.
12 Maybe if Jen's on the line, she could tell
13 me.

14 MS. LIN: Ted, this is Jenny with
15 HHS OGC. Since those minutes were taken by a
16 federal agency and become part of our agency
17 records, in order to make them available to
18 the public, we would have to redact them,
19 regardless of whether the participants who
20 will be receiving them were actually aware of
21 the redacted names.

22 MR. KATZ: Wait, I'm sorry, so,

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1 Jen, I just want to understand. So I know ¹⁶we
2 have to redact them to make them publicly
3 available, but for the participants, they have
4 to receive redacted versions even though they
5 were actually in the meeting?

6 MS. LIN: That's correct, because
7 that's not their record. Does that make
8 sense?

9 MR. KATZ: Okay. Yes, I don't
10 have a problem with -- the rules are the
11 rules, so we'll get those redacted in terms of
12 names and distribute them.

13 CHAIR ROESSLER: So that would
14 also apply to Antoinette then, even though she
15 participated.

16 MS. LIN: Correct.

17 MR. KATZ: Jen was saying it
18 applies to even the workers who were in the
19 room.

20 CHAIR ROESSLER: Okay. I would
21 comment on this before I forget, I thought the
22 notes that were taken, from my memory, were

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1 accurate. The only thing I would change on ¹⁷it
2 is the title that ATL put on it was "Interview
3 with Former Workers." We really weren't
4 interviewing them. I think we were just
5 discussing. I would say "discussions with" or
6 something along that line.

7 MR. KATZ: Yes. I mean, that's
8 fine. I mean, I also think that, you know,
9 that doesn't change the content in any way.

10 CHAIR ROESSLER: Yes, I think it
11 better reflects what our intent was.

12 MR. KATZ: Yes.

13 MEMBER LOCKEY: This is Jim
14 Lockey. As I remember, towards the end of the
15 meeting, we all sort of stood around and
16 talked among ourselves, and as a group, we had
17 said we've reached consensus here. Are these
18 maps truly reflective? Is this the history?
19 And are these figures reasonable figures in
20 relationship to the craft and non-craft people
21 in the tunnel?

22 And I think everybody who was

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1 there said yes to that. So that's my recall¹⁸
2 and I think Gen and Josie will have to voice
3 with that what they thought, but I left that
4 meeting thinking that there was consensus.

5 MEMBER BEACH: Oh, Jim, I agree
6 with you. It was handy to have the minutes,
7 but I was very comfortable with our
8 discussions and the agreement amongst
9 everybody on what took place during that
10 meeting.

11 MEMBER LOCKEY: Okay.

12 MEMBER BEACH: So I thought
13 everybody was comfortable. I know the Linde
14 folks, we talked to them as they were leaving,
15 and everybody seemed comfortable.

16 MEMBER LOCKEY: And they were
17 appreciative of us making the effort to come
18 out and talk to them.

19 MEMBER BEACH: Yes.

20 CHAIR ROESSLER: I think, though,
21 we went out of our way a little bit, well,
22 maybe quite a bit, actually, to set up this

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1 meeting in Buffalo because we really wanted ¹⁹to
2 get the workers' input. If it takes one more
3 little step, and maybe it's not a little step,
4 to get the notes PA-cleared and to the
5 workers, and to Antoinette, you know, I think
6 we ought to do that.

7 MR. KATZ: No, Gen, it's not a
8 problem.

9 CHAIR ROESSLER: Okay. Good.

10 MR. KATZ: We'll get that done as
11 quickly as we can and we'll send it out to all
12 the people who showed up, as well as
13 Antoinette, and we will also distribute it to
14 the Board for the June meeting as you wish.

15 CHAIR ROESSLER: Okay. So then, I
16 think at this point, I'm looking to the Work
17 Group, are you comfortable with the PowerPoint
18 presentation as is?

19 MEMBER BEACH: Well, Gen, the only
20 comment I would make is, possibly, if we could
21 send out the maps electronically ahead of time
22 so that people have a chance if they wish to

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1 view them, and that's just a suggestion. 20

2 I know it's easier when they're in
3 front of you and they're full, but I spent
4 some time looking at all the maps again
5 yesterday, and you can blow them up on your
6 computer, and some of the Board Members may
7 have interest in doing that.

8 CHAIR ROESSLER: I don't think
9 that should be a problem. Well, Jim would
10 probably have to answer that one.

11 DR. NETON: Yes, that will not be
12 a problem.

13 MEMBER BEACH: Well, and
14 especially the three that are involved here,
15 the early ones, you know, the 57 and 61. I
16 think if those three could go out, that way we
17 don't confuse, you know, the situation. I
18 think that would be important.

19 DR. NETON: So the original 37,
20 57, and 61 drawings?

21 MEMBER BEACH: Yes, or any of
22 them.

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1 DR. NETON: I think it would also²¹
2 be good to provide them that schematic that we
3 handed out that had the, you know, sort of the
4 pipe drawing.

5 MEMBER BEACH: Yes.

6 DR. NETON: Have it all connected
7 on one page.

8 MEMBER BEACH: Yes.

9 DR. NETON: Do you know what I'm
10 talking about?

11 MEMBER BEACH: And that's the one
12 that I think is in the PowerPoint. Is that
13 the one you're talking about?

14 DR. NETON: Well, it's a little
15 more detailed than that.

16 MEMBER BEACH: That's true. Yes,
17 Jim, I remember. Yes, I think that's a good
18 idea too because that's a very --

19 DR. NETON: You know, it had
20 color-coded sections so you could tell which
21 year was which.

22 MEMBER BEACH: Yes.

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1 CHAIR ROESSLER: And then Josie²²
2 also pointed out there was one corner of one
3 diagram, it was fairly long, and it was fairly
4 detailed --

5 MEMBER BEACH: Sixty-one.

6 CHAIR ROESSLER: -- that really, I
7 think, convinced the two of us that, yes, this
8 was a pre-construction diagram, that if there
9 was anything different than what was on there,
10 it certainly would have been mentioned. I
11 think if that part could be blown up, and,
12 Josie, maybe you can guide Jim as to what --

13 DR. NETON: I think I know which -

14 -

15 MEMBER BEACH: Yes, it was the 61
16 map. I tried to blow up that section or I was
17 trying to copy the details and then print them
18 off, but it just came into gibberish, so I
19 wasn't able to. So I just saved notes on
20 that.

21 DR. NETON: I think I might be
22 able to get someone more knowledgeable than I

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1 in this stuff to do that. I know what you're²³
2 talking about. There's sort of a legend
3 section in the upper right-hand corner.

4 MEMBER BEACH: Yes. It's under
5 notes.

6 DR. NETON: Yes. And in
7 particular, I think Footnote 5 talks about the
8 movement of the utilities from the trestle
9 into the --

10 MEMBER BEACH: The trestle, yes.

11 DR. NETON: -- tunnels as they
12 were completed. I think that was very
13 informative.

14 MEMBER BEACH: Yes, and it also
15 talks about the roads, the tracks --

16 DR. NETON: Right.

17 MEMBER BEACH: -- making sure that
18 those carriers were in place until the tunnel
19 was -- anyway, it was very informative.

20 DR. NETON: Yes. I'll see if I
21 can get it blown up, if not, we'll just have
22 to point the Board Members to the relevant

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1 section and maybe they can blow it up on their²⁴
2 own.

3 MS. BONSIGNORE: This is
4 Antoinette. Will there be a point where I can
5 -- I have some questions about that meeting,
6 and about the maps, and actually, about the
7 PowerPoint presentation.

8 And I'd like to make a statement
9 and ask for some clarification on items, so I
10 just wanted to mention that because this seems
11 to be going very quickly, and I don't want
12 there to be any misconception that I, or the
13 workers, agree with the Work Group's
14 assessment here.

15 CHAIR ROESSLER: Would it be
16 appropriate -- would you have more time,
17 maybe, to do that during our meeting today?

18 MS. BONSIGNORE: Yes. Well, I'm
19 asking, I just want to make sure that there's
20 time allocated for me to ask some follow-up
21 questions, because there seems to be an
22 indication that all of the workers agreed with

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1 what your assessment here is in the PowerPoint²⁵
2 presentation with regard to the construction
3 dates of the tunnels, and that is not
4 accurate, and I think that needs to be
5 clarified.

6 CHAIR ROESSLER: Well, it was my
7 conclusion when we were at the meeting that we
8 did have agreement --

9 MEMBER BEACH: There was actually
10 one worker that was present that did not agree
11 with that assessment. I do recall that.

12 MS. BONSIGNORE: That's correct,
13 and I spoke with a number of the workers after
14 the meeting because it was very difficult for
15 me to follow that meeting. Most of the time I
16 couldn't follow anything at all, and so I
17 spoke with some of the --

18 CHAIR ROESSLER: Antoinette, we
19 broke up. It turned out that we were going to
20 try and keep it all in one Group and then we
21 began sort of one-on-one discussions, and I
22 tried several times to bring everybody

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1 together, but then I looked around and ²⁶₁
2 thought, you know, this is productive.

3 Let's let them do this for a while
4 and then we'll come, all, back together, and
5 we did, around the table, and at that point,
6 and I think this is reflected in the minutes,
7 what I tried to do is say, okay, here's what I
8 think we've decided. I outlined it. I gave
9 everybody a chance to respond, to object, and
10 I thought at that point we really did have
11 consensus on these items that we were
12 discussing.

13 MS. BONSIGNORE: Right. Well,
14 that's what I'm trying to clarify here, Gen,
15 is that, I spoke with some of the workers
16 after the meeting, and they don't have any
17 confidence in what the maps actually indicate.

18 With respect to the information
19 that was imparted regarding the occupancy,
20 those were their statements, but with respect
21 to the actual maps that were presented, most
22 of the workers that I spoke with afterwards

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1 felt as though they could not trust whether²⁷
2 these maps were accurate or not.

3 CHAIR ROESSLER: Well, they didn't
4 indicate that to us at the meeting, so I don't
5 know --

6 MEMBER BEACH: With the exception
7 of one individual.

8 CHAIR ROESSLER: Can we say names
9 on this phone call? Which one are you
10 thinking of, Josie?

11 MEMBER BEACH: I thought it was --

12 CHAIR ROESSLER: Is that the one
13 who was not present, but we had a letter?

14 MEMBER BEACH: No, no, this one
15 was present.

16 DR. NETON: I can tell you a name
17 if we're allowed to reveal it. Can we say the
18 name?

19 CHAIR ROESSLER: I don't know.

20 DR. NETON: Jenny?

21 MS. LIN: Sorry. I was on mute
22 myself. No, you shouldn't say the name.

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1 DR. NETON: Okay. Well, this is²⁸ a
2 person that had previously provided an
3 affidavit. There are two affidavits out
4 there. The earlier affidavit was from a
5 gentleman who started work, I believe, in
6 1953, and he was at the meeting, and he was
7 the one worker there -- first of all, all the
8 workers agreed that none of them had been in
9 the 1957 constructed tunnels prior to 1957. I
10 think that was agreed.

11 CHAIR ROESSLER: Yes, it was.

12 MS. BONSIGNORE: Well, one of the
13 workers said he couldn't be sure anymore.

14 DR. NETON: Well, at the meeting I
15 can say that that's what he stated. Now, in
16 the 1961 tunnels, there was one worker who
17 said that he was in the tunnels between
18 junction boxes, I think, 6 and 8, which would
19 be the 1961 tunnels, prior to 1961. That's
20 what he said and that's consistent with his
21 affidavit.

22 MS. BONSIGNORE: Right. And then

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1 I think I know the worker that you're speaking²⁹
2 of, who was talking about whether he was in
3 the 1957 tunnel, what you're calling the 1957
4 tunnel, prior to 1957. When I spoke to him
5 after the meeting he felt as though he could
6 not, in good conscience, say definitively
7 whether or not.

8 He's not saying that he definitely
9 was or definitely wasn't. So again, I want to
10 be clear here that his statement is not being
11 misconstrued here. He is not agreeing with
12 you about the construction date of what you're
13 referring to as the 1957 tunnel. He's saying
14 that he simply, at this point, because it's
15 been over 40 years, cannot say definitively
16 whether he was in it or not.

17 CHAIR ROESSLER: Well, that's a
18 big change from what we had before at the
19 meeting, though.

20 MS. BONSIGNORE: Well, it's a
21 change, yes, but again, there is doubt. I
22 mean, I can make this argument now or I can

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1 make it at a later point. I mean, obviously³⁰,
2 the Work Group has come to a consensus on
3 this. I disagree with your conclusion, and I
4 will be making that argument to the Board for
5 their final vote on this issue.

6 But I don't believe that there is
7 100 percent definitive proof that the tunnel
8 that ran between Buildings 30 and 31 was
9 constructed in 1957. You have one worker who
10 says that he possibly could have been in it,
11 but he's not sure anymore, and you have
12 another worker who submitted a written
13 statement, a written affidavit saying that he
14 was in that tunnel in, I believe, 1952 and
15 1953.

16 MEMBER BEACH: Antoinette, this is
17 Josie. Have you looked at the 1961 map?

18 MS. BONSIGNORE: Yes. I have
19 looked at all the maps and that's the second
20 point that I'd like to get to. I feel as
21 though this PowerPoint presentation doesn't
22 really explain anything about the maps. I

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1 mean, that one slide that was taken from the³¹
2 SC&A report is non-explanatory; I'm sorry to
3 say.

4 I think if you're going to use
5 these maps as a justification to reduce the
6 amount of exposure for workers who are being
7 re-dosed and having their claims reevaluated
8 under the dose reconstruction, then there has
9 to be greater explanation as to what all of
10 the maps say, what DCAS believes all the maps
11 say, and what the Work Group believes all the
12 maps say.

13 This, to me, is insufficient. I'm
14 sorry. It's simply not. You need to provide
15 a detailed explanation as to why you believe
16 the maps should be used to reduce the amount
17 of exposure that will be assigned to these
18 workers.

19 CHAIR ROESSLER: It seems then
20 that that's -- I guess the way I interpret the
21 Work Group's responsibility is that's what we
22 were to determine. That's why the Work Groups

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1 are established, to do this detailed work, and³²
2 then present our findings to the Board.

3 If we take this whole explanation
4 to the Board, and we could, I suppose, take
5 all of those maps and everything, it's going
6 to take several hours. I think it's sort of
7 going beyond or around what the Work Group was
8 assigned to do.

9 MS. BONSIGNORE: Then perhaps it's
10 a job for DCAS to do, to have something in
11 writing, explaining what they believe each of
12 the maps that they have provided to the Work
13 Group, to myself, to some of the workers in
14 Buffalo who have viewed these maps, provide an
15 explanation as to what they believe each of
16 the maps represents, and how it supports their
17 theory about the tunnel construction dates.

18 CHAIR ROESSLER: Well, I think we
19 need to ask this question of Jenny and Ted,
20 probably. First of all, I'm not sure that
21 there's going to be a vote on this. My
22 understanding is it's a Work Group report,

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1 this is the way the review of a TBD ³³ is
2 handled, so that's one point.

3 The other one is that, again, if
4 we follow the usual procedures, and I think
5 we've even gone beyond that here, the Work
6 Group evaluates the situation, comes to a
7 conclusion, says this is the way we see it,
8 and we move on from there. I don't know. We
9 need input, I think, from Ted and Jenny on --

10 MS. BONSIGNORE: If I could just
11 make one additional comment. I've spoken with
12 Dr. Melius about this and he agreed that there
13 would be a vote on this by the full Board on
14 this issue. So that's what he told me
15 personally.

16 CHAIR ROESSLER: Okay.

17 MS. BONSIGNORE: That was part of
18 the agreement about having this meeting in
19 Buffalo setup, having the workers agree to
20 meet with NIOSH representatives, that there
21 would be a full Board vote on this issue. That
22 was the agreement.

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1 MEMBER LOCKEY: Gen, I think the³⁴
2 Work Group here can vote on presentation and
3 how the Work Group proceeds, when the tunnels
4 were constructed, and based on the totality of
5 the information that is currently available,
6 more likely than not a conclusion could be
7 reached. And then it's up to the Board to
8 decide whether they want to accept that or
9 not.

10 CHAIR ROESSLER: And then I think
11 too, the plan to actually go -- I still think
12 the plan to go with a very brief report, like
13 I've proposed, to the Board, but give the
14 option for the Board to look at the diagrams,
15 any Member of the Board, during break, to look
16 at the diagrams, discuss it with NIOSH, SC&A,
17 and Work Group Members, I think that would be
18 the most effective way to go about this.

19 MEMBER LOCKEY: I agree with that.
20 And I came away from the meeting in New York
21 thinking that -- I became more certain that
22 what was reflected on the construction

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1 diagrams was really, in fact, what was taking³⁵
2 place.

3 It is hard to go back 40 or 50
4 years and figure out where somebody has worked
5 and what they did, and I have trouble with my
6 own memory, what I did 40 or 50 years ago. But
7 I think the majority of the evidence in this
8 case is pretty persuasive that the
9 construction maps pretty much reflected what
10 was going on at that site.

11 And I came away from the meeting
12 in New York feeling that, in fact, that's the
13 case. So I'm willing to have a vote now, at
14 least for the Working Group, about your
15 presentation.

16 CHAIR ROESSLER: Then I think we
17 should do that, but I think the question
18 Antoinette brought up is: will she be able to
19 have a statement at the time of the Board
20 meeting? And I assume the answer is yes.

21 MEMBER LOCKEY: Yes, absolutely.
22 There's no reason that that cannot be -- I

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1 would say yes to that too. 36

2 MR. KATZ: This is Ted. I just
3 want to answer some of your questions here.
4 One, the Linde agenda item is its own separate
5 agenda item now, from 9:30 to 10:00 on the
6 third day, that's June 21st, so it's no longer
7 tucked in with other Work Groups. So we made
8 it its own agenda item so that it would be
9 very clear that this would be addressed here
10 for Antoinette and the workers' sake.

11 So when the agenda goes out, when
12 we have a final agenda to send out, that'll go
13 out, but at this point, at least, that's where
14 it's scheduled. Sometimes things get moved
15 around because of logistical problems with
16 different times and when people can
17 participate.

18 But in any event, so it's on there
19 for half an hour. That session does not have
20 a public comment section, but there's a public
21 -- we, on purpose, put it on Thursday also,
22 because Wednesday night, there's a public

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1 comment session when Antoinette would have ³⁷ an
2 opportunity to make her comments.

3 And Jim and I discussed this
4 before, and this is how we wanted to handle
5 it, so that she would have this comment period
6 in advance of when the Linde matter is taken
7 up by the Board.

8 I did not discuss with Jim the
9 issue of voting, so I would have to trust what
10 Antoinette says, that he committed to the
11 Board voting. Typically, the Board doesn't
12 vote on TBD matters at all. It hasn't voted
13 on other TBD matters for other sites, but that
14 doesn't mean the Board can't vote on any
15 matter that's within its jurisdiction here, so
16 I don't have an issue with that whatsoever.

17 That's all I can tell you about
18 that, but I trust if Antoinette said that
19 there would be a Board vote, then there will
20 be a Board vote. It was plain to me that it
21 was to be an opportunity, at very minimum, for
22 the Board to ask questions and discuss this

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1 with the Work Group. 38

2 CHAIR ROESSLER: That helps a lot.

3 Let me just clarify. The Linde separate
4 session, then, is on Thursday?

5 MR. KATZ: So the Linde session is
6 separate, yes, and it's on Thursday.

7 CHAIR ROESSLER: And Antoinette
8 will have an opportunity Wednesday night to
9 make her statement during the public session.

10 MR. KATZ: Exactly. And there's a
11 public comment session from 6:00 to 7:00 the
12 night before.

13 CHAIR ROESSLER: Okay. That takes
14 care of two things, and I guess my next
15 question would be, since we're a separate
16 section, that does give us more time for
17 discussion. What I envisioned was, perhaps,
18 is there room in the agenda or is the agenda
19 constructed so that we could make our
20 presentation, then there would be a break for
21 people to look at diagrams, then we could come
22 back and discuss further if necessary?

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1 MR. KATZ: Yes. Right. To address³⁹
2 that, we have a break. We have another
3 presentation after Linde, and then we have a
4 break, and then the rest of that morning is
5 Board work session.

6 CHAIR ROESSLER: Okay.

7 MR. KATZ: So, yes, there is sort
8 of some flexibility in there for the Board to
9 further discuss, or to spend time looking at
10 maps. I think I would encourage -- and when
11 we send out the materials, when I get the
12 materials from Jim, the maps, as well as the
13 Privacy Act-cleared notes that were taken in
14 support of your meeting in Buffalo, when we
15 get those materials and send them out to the
16 Board, I think I would encourage them -- I
17 mean, we may be able to have Board Members,
18 you know, have a look at those maps in advance
19 as opposed to doing it on the last day.

20 So we may work something out so
21 that they look at those either during a work
22 session, or on their own in the evenings, or

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1 whatever. We have time to work with prior ⁴⁰~~to~~
2 that during the Board meeting.

3 CHAIR ROESSLER: I think that
4 would be helpful because I'd hate to have this
5 all still be up in the air on Thursday without
6 enough time to complete the discussion.

7 MR. KATZ: Yes, I understand. I
8 think that's good.

9 CHAIR ROESSLER: Okay. And I
10 think the other thing that I'll volunteer to
11 do, or maybe Josie, and I, and Jim all
12 together, or one, two, or three of us, can get
13 on the phone with Jim Melius and tell him what
14 our approach is and get his -- you know, he
15 can tell us what he plans to do.

16 MS. LIN: Gen? This is Jenny with
17 HHS OGC. I just want to add that a Board's
18 vote on a TBD issue, such as the tunnel
19 construction dates, is not legally required.

20 MR. KATZ: Oh, no. I understand
21 that, Jenny. Thank you. I mean, absolutely,
22 the Board's vote is not required and the

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1 Board's, you know, guidance with respect ⁴¹ to
2 TBDs is just that, it's guidance anyway. At
3 the end of the day it's up to the program to
4 make decisions about their TBDs.

5 MS. LIN: Right.

6 CHAIR ROESSLER: Thank you.

7 MR. KATZ: Absolutely.

8 CHAIR ROESSLER: Okay. I think
9 that clarifies a lot to me. I wonder if any
10 other Work Group Members have questions or a
11 plan for where we go from here?

12 MEMBER BEACH: I guess I have one
13 question. Antoinette, you didn't mention the
14 last bullet talks about the time spent in the
15 tunnels.

16 MS. BONSIGNORE: Right.

17 MEMBER BEACH: Were you in
18 agreement with what we decided, the 50 percent
19 and the 5 percent, or did you --

20 MS. BONSIGNORE: Yes, I mean,
21 that, to me, is a judgment call. I mean, the
22 Work Group's provided as much information as

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1 they possibly could, so I don't really have⁴²
2 any specific objections to that.

3 However, I do have a question
4 about an outstanding item that SC&A was
5 supposed to be working on with respect to the
6 effluent issue and the injection wells. I
7 believe at one of the last official Work Group
8 meetings, that they were supposed to be taking
9 a closer look at that issue, and some of the
10 memoranda from the 1940s, and I don't know if
11 they've done that.

12 And I'd also like to ask Dr. Neton
13 a question about some of the documents that
14 were retrieved from the New York State
15 archives dealing with the effluent issue and
16 whether I can get copies of those documents,
17 or whether the Congressional offices can get
18 copies of those documents, in advance of the
19 next Board meeting.

20 I've identified some of the
21 documents from the archive list that were sent
22 to Senator Schumer, Senator Gillibrand, and

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1 Congressman Higgins last month, and there are⁴³
2 some documents from 1944-1946 dealing with the
3 discharge of Linde effluents into the site
4 wells.

5 And I'd like to be able to review
6 those documents in advance of the Board
7 meeting if possible.

8 CHAIR ROESSLER: Well, I think we
9 should take care of that today. Probably the
10 first thing is, I didn't have this on my list
11 of issues, but the effluent issue, and you
12 first asked if SC&A had a response there,
13 Steve, do you have anything on that?

14 DR. OSTROW: Gen, we weren't
15 tasked to look at that. I'm looking at my
16 notes, now, we're talking from the Buffalo
17 gathering that we had, and my notes from that
18 says that NIOSH is going to look at data about
19 ground contamination from the '40s, injection
20 well overflow, to determine if it's important
21 radiologically whether that portion of the
22 tunnel existed before 1961.

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1 As far as I can see, we weren⁴⁴~~t~~
2 actually tasked to do this.

3 MS. BONSIGNORE: Steve, it wasn't
4 at that meeting. It was at a full Work Group
5 meeting prior to --

6 MEMBER BEACH: I think it was when
7 we actually got together and looked at the
8 maps, but I do recall it.

9 MS. BONSIGNORE: Yes.

10 CHAIR ROESSLER: The Work Group
11 meeting, wasn't that the one on January 30th?

12 MEMBER BEACH: It was the one
13 prior to the phone. We had a phone --

14 CHAIR ROESSLER: Yes. We met
15 face-to-face, that, I think, was an actual
16 Work Group meeting in Cincinnati on January
17 30th. And, you know, I guess one thing we
18 could do is go back to the minutes on that.
19 They're actually posted on the website and I,
20 you know, don't remember anything from that
21 meeting. Jim, do you? Jim Neton?

22 DR. NETON: No. I don't recall

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1 anything directly related to the injection⁴⁵
2 well from that meeting, but I do recall an
3 email that was sent to Ted by Ms. Bonsignore
4 related to the injection wells. It included
5 several New York State documents and -- that's
6 all I recall.

7 It was bundled up with the
8 affidavit from the second worker. I'm looking
9 for it now and I can't find it right away.

10 MS. BONSIGNORE: I think the
11 request that was -- and it was a discussion I
12 was having at one point with Josie and I think
13 it might have been maybe the February meeting;
14 if I'm --

15 CHAIR ROESSLER: That was our
16 teleconference? Yes, Antoinette, could you
17 explain a little bit more about the effluent
18 issue and does that impact a TBD --

19 MS. BONSIGNORE: Well, here's the
20 issue, there were injection wells at the site,
21 some located near Building 14 and Building 8,
22 this is in the early 1940s, and some located

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1 near the ceramics buildings, Buildings 30 and ⁴⁶
2 31.

3 And from my reading of some
4 memorandum about those injection wells, and
5 how they were overflowing, and becoming
6 clogged, and how the effluent overflow needed
7 to be diverted from the injection wells near
8 the ceramics buildings to the injection wells
9 near Building 14 and Building 8.

10 So my question was, how did they
11 get that effluent overflow, how did they diver
12 it to the injection wells from one end of the
13 site to the other? That was the question.

14 DR. NETON: Right.

15 MS. BONSIGNORE: So when we were
16 talking about whether that section of the
17 tunnel running between Buildings 30 and 31
18 existed prior to 1957, that's why it's
19 relevant, because NIOSH now, the Work Group is
20 saying that that section of the tunnel was
21 constructed in 1957.

22 I am saying, and the workers are

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1 saying, that there is a possibility that that⁴⁷
2 section of the tunnel existed, that it was
3 actually there in the 1940s, and that's how
4 the effluent overflow was diverted from the
5 ceramics injection wells to the injection
6 wells that were located Building 14 and
7 Building 8.

8 DR. NETON: Okay. This is Jim. I
9 can talk a little bit about that. Well, the
10 '57 tunnels were the short little pieces
11 between Building 30 and 31, but there was also
12 that 1961 tunnel which actually went the
13 length of the site over towards Building 8.

14 That one, at least by your last
15 email, seemed to indicate that you agreed that
16 it could have been built in 1961. I'm not
17 sure where your position is now.

18 MS. BONSIGNORE: Yes, that's
19 correct. The issue I have is the section of
20 the tunnel between Buildings 30 and 31.

21 DR. NETON: Well, those are
22 nowhere near -- the one that would have to be

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1 in place would be the 1961 tunnel because that⁴⁸
2 is the one that connected Building 30 and 31
3 over to Building 8. I mean, if that tunnel is
4 not there, there's no flow.

5 It would have either gone through
6 trestles or additional piping. There's some
7 memoranda that we've run across that
8 specifically stated that no process effluent
9 ever ran through the tunnels. It was all
10 support, you know, of electrical cables, water
11 supplies, that sort of thing.

12 So the 1961 tunnel, if it wasn't
13 there, you couldn't have gotten through the
14 tunnels from Building 31 over to Plant 8.
15 It's not possible using the tunnels.

16 MS. BONSIGNORE: Can we get copies
17 of the documents that you retrieved dealing
18 with the effluents --

19 DR. NETON: Actually, the
20 documents that I retrieved, interestingly, you
21 sent an email on April 17th, which was, I
22 believe, after I was at the archive, and you

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1 sent the very documents that we retrieved⁴⁹;
2 those memos.

3 MS. BONSIGNORE: Okay. So you
4 haven't found anything that's new is what
5 you're saying.

6 DR. NETON: I have nothing in
7 addition to what -- I retrieved exactly what
8 you sent us, which was interesting. I mean,
9 that was kind of a coincidence, but it's the
10 same documents that talk about injecting the
11 effluent from Building 30, 31 over into
12 injection wells near -- I forget, Building 8,
13 I believe; the power plant.

14 MS. BONSIGNORE: Okay. Well, I
15 mean, those documents, I got those from the
16 New York State Archives. They were available
17 online at one point.

18 DR. NETON: Well, then we got the
19 same documents when we were there, so that's
20 good, I guess.

21 MS. BONSIGNORE: Okay.

22 DR. NETON: But the fact is that

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1 the tunnels could not have carried ⁵⁰ the
2 effluent if that 1961 tunnel was not there.
3 It's just not possible. It wasn't there. The
4 effluent injection program stopped, I believe,
5 in the late-1940s; maybe 1949.

6 MS. BONSIGNORE: Okay. And that's
7 the section of the tunnel that one of the
8 workers says that he was in.

9 DR. NETON: That's the one that
10 the first original affidavit said, and he's
11 the only one that I know of that says he was
12 in there prior to 1961, yes.

13 MS. BONSIGNORE: Okay.

14 (Simultaneous speaking.)

15 MS. BONSIGNORE: And he reiterated
16 that at the meeting in Buffalo.

17 DR. NETON: Right, but I think the
18 drawing is pretty conclusive as well as the
19 supplemental newspaper article that we found
20 that indicated that a building permit was
21 issued to install those tunnels in 1961. So
22 that's additional evidence.

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1 MS. BONSIGNORE: Okay. But that⁵¹
2 one worker has not retracted that statement.

3 DR. NETON: No, he has not.

4 MS. BONSIGNORE: Okay.

5 DR. NETON: Correct.

6 CHAIR ROESSLER: Okay.
7 Antoinette, did we cover everything?

8 MS. BONSIGNORE: Well, again, I'm
9 trying to find out when our last meeting was.
10 Yes, it was February 16th.

11 MEMBER BEACH: February.

12 MS. BONSIGNORE: So there's a
13 transcript there. I can probably find the
14 section of the transcript where SC&A was asked
15 to take a look at this issue.

16 CHAIR ROESSLER: Yes. The
17 transcripts are posted. I know I've read
18 them.

19 MS. BONSIGNORE: Right.

20 CHAIR ROESSLER: That didn't jump
21 out at me as anything that we had not
22 completed, but if you can find that. I don't

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1 know if we want to wait during this call for⁵²
2 you to find that or maybe we could just handle
3 that offline?

4 MS. BONSIGNORE: Yes. I mean, I
5 can look for it and send it. I mean, the
6 point being that I don't think this is an
7 issue that has been looked at enough. We're
8 getting one perspective on this issue from
9 DCAS and I don't feel as though we're getting
10 enough of a proper evaluation of this issue
11 about the pipe tunnels and about what those
12 memoranda say.

13 DR. OSTROW: This is Steve. We
14 had, of course, read the memoranda that was
15 sent and I didn't find them terribly relevant,
16 you know? We've read before for years that
17 everybody knew the effluent overflow that went
18 from one part of the plant to the other, but
19 these documents don't make any conclusion
20 about whether they went through pipe tunnels
21 or not, anything is just a surmise.

22 Looking at them again is not going

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1 to change that opinion. You know, these⁵³
2 documents don't say, "therefore, the effluent
3 went through a pipe tunnel." Looking at them
4 again is not going to add new information, I
5 don't think.

6 This is like competing points of
7 view here that, you know, if you look at the
8 documents more you're going to come up with a
9 different point of view.

10 CHAIR ROESSLER: Okay.

11 MEMBER BEACH: This is Josie, I
12 tend to agree with that. I think we need to
13 present what we have, what we've looked at,
14 and, I mean, I know as a Work Group, we have
15 tried and looked at all aspects, and it's
16 really hard, if you look at the 1961 map, and
17 the notes, and you look at the newspaper
18 article from that date, it's very hard to say
19 that those tunnels were built any earlier than
20 1961.

21 And we have looked and we have
22 tried to find evidence. And it's very

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1 difficult because we do have one worker that⁵⁴
2 says that he doesn't agree, so this isn't made
3 lightly.

4 MEMBER LOCKEY: No. At the same
5 time, we have looked, Jim Lockey, we have
6 looked very hard and I've talked to thousands
7 of workers in my profession, and when you go
8 back 30 or 40 or 50 years, times get changed,
9 times get muddled, not purposely, but that's
10 just what happens.

11 So when you have objective
12 documentation that's pretty persistent and you
13 have other workers that are pretty persistent
14 about what the thought process is, then the
15 predominance of the evidence in this case was
16 that those maps are correct.

17 CHAIR ROESSLER: Yes. And I think
18 the one worker who, after our meeting, as
19 Antoinette said, changed his mind. He really,
20 the way I take it, he says that was so long
21 ago he can't say for sure.

22 MEMBER LOCKEY: Right.

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1 CHAIR ROESSLER: I think that⁵⁵
2 what we have to go on. And I think at this
3 point, what we've done before, and we've said
4 before on other situations, and Linde, we have
5 to go with the weight of the evidence. So I
6 think the approach should be that we go with
7 our report.

8 I don't feel obligated to lengthen
9 the PowerPoint because I don't know that any
10 lengthening is going to clarify it any better.

11 You really get clarification when you look at
12 the diagrams and you talk about what they
13 mean. So my proposal would be that we present
14 this at the Board meeting.

15 I'll talk to Dr. Melius about how
16 he wants it done, but it seems that if
17 Antoinette has an opportunity on Wednesday
18 night to make a presentation, that that should
19 be done, then on Thursday, we'll go with our
20 presentation, half an hour seems like quite a
21 bit of time.

22 We'll also have the opportunity

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1 during break, if the Board Members want ⁵⁶ to
2 look more, and I think the important thing is
3 that, as the announcement for the meeting goes
4 out, Ted, or somebody, is going to, along with
5 Jim's help, send out these diagrams, ask the
6 Board Members that if they have any questions
7 to look at them prior to the meeting.

8 I think that's really where we're
9 at and that's what we have to do.

10 MEMBER LOCKEY: Gen, do we vote
11 now in the Working Group or not?

12 CHAIR ROESSLER: Well, I think it
13 would be a good idea if the Working Group
14 comes up with a -- that's typically what we
15 do. The Working Group comes up with a motion,
16 and in this case it's what do we present to
17 the Board in June, and then we go forward.

18 MEMBER LOCKEY: Okay. So I'll
19 move that the Working Group present our
20 thought processes as reflected in your
21 PowerPoint presentations. I'm supportive of
22 the conclusions of that.

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1 MEMBER BEACH: Yes, this is Josie⁵⁷,
2 I'm going to second that.

3 CHAIR ROESSLER: Okay. Then the
4 only change I would make on the PowerPoint
5 presentation is change the spelling of Work
6 Group. I never know whether it's one word or
7 two words. I'll try and make it two words.
8 I'll fix that.

9 Otherwise, we'll plan to go with
10 that and also go with what we just discussed
11 here as to what the procedure will be. So are
12 there any other comments? Have we missed
13 anything?

14 MR. KATZ: That sounds good, Gen.
15 And as I promised, I will get these materials
16 out, PA-cleared, distributed to the various
17 parties, and make a suggestion to the full
18 Board about attending to these materials in
19 advance of that session.

20 CHAIR ROESSLER: Okay.

21 MEMBER LOCKEY: Ted, one thing,
22 what about Mike Gibson? Do you want to send

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1 this to him and review his, give him the⁵⁸
2 opportunity to vote or abstain?

3 MR. KATZ: Mike has received all
4 of these materials, but, I mean, the reality
5 with Mike is, he has little time for Board
6 work because he's in a job that's requiring a
7 lot of him, and so that's why he hasn't been
8 attending these Linde meetings, which isn't
9 the only one, but he's in a difficult
10 situation right now with respect of his --

11 CHAIR ROESSLER: I understand
12 that, but, you know, he does have a vote. So
13 I think we should make --

14 MR. KATZ: Well, I mean, the Work
15 Group has already decided by a majority
16 decision, so he's a Member of the Board as
17 well and he'll have an opportunity at the
18 Board to say his thoughts and what have you,
19 but he's not available beforehand and we don't
20 do Work Group meetings in between Work Group
21 meetings.

22 CHAIR ROESSLER: No. I meant to

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vote as a Board Member.

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MR. KATZ: Yes.

CHAIR ROESSLER: So I think the best we can do is provide everything to him and go from there.

MR. KATZ: Good. Sure enough.

CHAIR ROESSLER: Okay. Is there anything else that we need to take care of today? If not, then I think we can adjourn.

MEMBER LOCKEY: Thanks, everybody.

CHAIR ROESSLER: Thank you.

(Whereupon, the meeting in the above-entitled matter was concluded at 3:33 p.m.)

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