THE ADVISORY BOARD ON RADIATION AND WORKER HEALTH
NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH
CENTERS FOR DISEASE CONTROL AND PREVENTION

Summary Minutes of the Fiftieth Meeting
October 3-5, 2007

The Fiftieth Meeting of the Advisory Board on Radiation and Worker Health (ABRWH or the Board) was held October 3 through 5, 2007, at the Holiday Inn Select in Naperville, Illinois. The meeting was called by the Centers for Disease Control and Prevention's (CDC) National Institute for Occupational Safety and Health (NIOSH), the agency charged with administering the ABRWH. These summary minutes, as well as a verbatim transcript certified by a court reporter, are available on the internet on the NIOSH/Office of Compensation Analysis and Support (OCAS) web site located at www.cdc.gov/niosh/ocas.

Those present included the following:

Board Members:

Dr. Paul Ziemer, Chair; Ms. Josie Beach; Mr. Bradley Clawson; Mr. Michael Gibson; Mr. Mark Griffon; Dr. James Lockey; Dr. James Melius; Ms. Wanda Munn; Dr. John Poston; Mr. Robert Presley; Dr. Genevieve Roessler; and Mr. Phillip Schofield.

Designated Federal Official: Dr. Lewis Wade, Executive Secretary.

Federal Agency Attendees:

Department of Health and Human Services:

Ms. Laurie Breyer, Ms. Denise Brock, Mr. Larry Elliott, Dr. Sam Glover, Mr. Stuart Hinnefeld, Dr. James Neton, Mr. LaVon Rutherford (NIOSH); Mr. Mark Lewis, ATL/NIOSH outreach; Ms. Emily Howell, Ms. Liz Homoki-Titus (Office of General Counsel); Dr. Christine Branche, Ms. Chia-Chia Chang (Office of the Director of NIOSH); Mr. Richard Weston, (CDC Washington).

Department of Labor: Mr. Jeff Kotsch.

Department of Energy: Ms. Regina Cano, Dr. Patricia Worthington.

Contractors:

Mr. Scott R. Siebert, MJW Corp. (ORAU team).

Dr. Robert Anigstein, Mr. Joe Fitzgerald, Dr. Arjun Makhijani and Dr. John Mauro; Sanford Cohen & Associates.

Congressional Staff Members:

Ms. Deb Detmers (Congressman John Shimkus); Mr. John Noak (Congresswoman Judy Biggert); Mr. Robert Stephan (Senator Barack Obama).

Other Participants:

See Registration.

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Wednesday, October 3, 2007

Dr. Paul Ziemer, Board Chairman, called the meeting to order. He invited the audience to help themselves to the agenda and related documents available for their convenience. He asked they register their attendance in the book provided for that purpose. **Dr. Ziemer** extended an invitation to signify their interest in making a public comment by signing the book provided for that as well.

Dr. Ziemer noted all Board members were present with the exception of **Drs. Lockey** and **Melius**, who will be joining the meeting tomorrow. Nonetheless, a quorum is present.

Dr. Ziemer observed that this fiftieth meeting represented a milestone, and he would like to reminisce a moment about the history of the Board, reminding them of their first meeting in January of '02 and the members at that time. He remarked that six current members were a part of that inaugural group and have been active throughout the subsequent years. Past Board members were remembered, their reasons for leaving, with reminders of when new Board members joined the group.

Dr. Ziemer acknowledged that the Board's work could not be carried out without the support of staff members from the federal agencies to which the Board is attempting to provide sound advice.

Dr. Lewis Wade, Designated Federal Official, welcomed the audience and the Board members, thanking them for their participation. He commented that in his career he had had the privilege of serving a number of advisory boards and committees, but never had he seen one more dedicated, productive and professional than this. **Dr. Wade** acknowledged everyone's sacrifice and contribution, observing that they all understood the importance of serving the atomic war heroes of the

country and that he couldn't be more proud to be associated with this Board.

Dr. Wade again introduced **Dr. Christine Branche**, who will become the Board's DFO when he moves on to other things at a future date.

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NUMEC (Apollo Site) SEC PETITION

Prior to commencement of the presentation, **Dr. Wade** commented that this is the point at which he would announce any Board members' conflicts of interest relative to the subject site. He noted **Dr. James Melius** had made him aware of a potential conflict relative to the NUMEC site, which is being investigated but no determination has yet been made. If **Dr. Melius** were present, he would be asked to recuse himself from the NUMEC discussions until the question is resolved. **Dr. Wade** simply raised the issue in the interest of complete disclosure.

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NIOSH Evaluation Report

Mr. LaVon Rutherford,
SEC Health Physics Team Leader

Mr. Rutherford reported on the NUMEC site located in Apollo, Pennsylvania. He described petition-related activities including receipt date (December 2005) of the petition (SEC-00047) and the date of the proposed finding explaining that the petition had failed to qualify for evaluation (May 2006). There followed a petitioner request for administrative review (May 2006), with an additional petition (SEC-00080) submitted (December 2006). The administrative review recommendation (December 2006) was that NIOSH qualify Petition SEC-00047 (January 2007) for evaluation. Petition SEC-00080 qualified for evaluation in March of 2007, and the two petitions were subsequently merged into one, with the Evaluation Report being approved in September 2007.

Mr. Rutherford further explained the two original petitions had proposed different class definitions, one being for administrative and clerical personnel at NUMEC (Apollo and Parks) from 1957 to 1983 (SEC-00047), the other for all employees at NUMEC (Apollo and Parks) from 1957 to 1983 (SEC-00080). Because the NIOSH process requires their evaluations be limited to a single facility, NIOSH recommended a class definition for "All AWE employees who were monitored, or should have been monitored, for exposure to ionizing radiation while working at the

NUMEC Plant in Apollo, Pennsylvania for a number of work days aggregating at least 250 work days from January 1, 1957 through December 31, 1983, or in combination with the work days within the parameters established for one or more other classes of employees in the SEC." The DOE facility database identifies Apollo and Parks as separate facilities.

Providing background on the subject site, **Mr. Rutherford** described where the Apollo Plant is located, when it was first licensed by the AEC, the AEC radiological operations and other radiological operations conducted during the time specified in the class definition. This included laundry operations for Apollo, Parks and other nuclear facilities, burning extremely contaminated clothing, and washing control rod drive mechanisms.

The sources of available information for NIOSH's evaluation process were discussed. These included the Technical Information Bulletins, interviews with former NUMEC employees, case files in the NIOSH database, the NIOSH Site Research Database, as well as documentation and/or affidavits provided by petitioners.

Discussing occupational exposures, **Mr. Rutherford** explained those exposures to employees within the class occurred from the previously-identified radiological operations. Additionally, on-site personnel were exposed to uncontrolled stack releases from the Apollo Plant.

Principal external exposures occurred from beta exposure from uranium production; gamma exposure from thorium, uranium and laundry operations; and neutron exposure from neutron source production, plutonium operations, and work with high-enriched uranium.

Primary internal exposures occurred from uranium from uranium production operations, thorium from thorium operations; plutonium from neutron source production, laundry operations, storage operations and analytical procedures; and polonium from neutron source production.

Mr. Rutherford discussed the availability of dosimetry data and explained it indicates external monitoring was mainly used for area monitoring, and personnel external monitoring was only available to a small number of employees thought to have high exposure potential. That data exists from '61 through '83, though it is not clear what activities were monitored.

As to internal monitoring data, **Mr. Rutherford** indicated urine bioassay data was available for uranium from 1960 to '76, fecal bioassay data for uranium from 1966 to '76, whole body counts for uranium from 1968 through 1985. There are no bioassay data for thorium or other

radionuclides, with all plutonium bioassay appearing to be only for Parks employees and none identified for Apollo employees.

Available air sampling data includes breathing zone air samples for uranium from 1961 through 1982, 87 general air samples and 11 breathing zone samples for thorium, with no air sampling data found for other radionuclides at Apollo.

Mr. Rutherford reiterated the evaluation process set forth in the appropriate portions of 42 CFR 83, including the two-pronged test to establish feasibility of conducting sufficiently accurate dose reconstructions for members of the class and the likelihood of health endangerment. Reporting on the NIOSH conclusions as a result of the evaluation process, **Mr. Rutherford** observed the available monitoring records, process descriptions and source term data are insufficient to complete dose reconstructions for the proposed class of employees. Further, NIOSH lacks access to sufficient monitoring, source term data and process information to estimate the complete internal and external dose to members of the class.

Mr. Rutherford elaborated on seven issues affecting dose reconstruction feasibility, and NIOSH efforts to deal with those issues. They included an absence of monitoring data to support dose reconstruction for the 1957 to 1959 time frame; bioassay monitoring data analyzed by "Controls for Environmental Pollution," or CEP, could not be used for dose reconstruction because of the potential falsification of data as advised by both DOE and NRC in 1994; and a lack of stack monitoring data to calculate potential exposures on-site for all operational years at NUMEC (Apollo).

The NIOSH conclusion regarding health endangerment was that evidence indicated workers in the class received chronic internal and external exposure from production, remediation, research and development, and support activities at the NUMEC (Apollo) plant, and the health of the employees covered may have been endangered. NIOSH recommended a class definition as previously stated.

Mr. Rutherford summarized that NIOSH found dose reconstruction to be feasible for internal uranium exposures and external exposures from occupational medical X-rays. Dose reconstruction is not feasible for internal exposures from other radionuclides or external beta-gamma and neutron exposures.

During the evaluation of the Apollo petition, **Mr. Rutherford** explained NIOSH recognized some of the issues affecting the feasibility determination on that site also affected the Parks facility. As a

result NIOSH has initiated an 83.14 petition for that facility, with a petitioner having been identified, and that process is moving forward.

Discussion Points:

- Was Babcock and Wilcox the contractor during the period '57 through '61;
- They were, and were approached for records, but had none for the '57 through '59 period;
- NUMEC had an AEC license beginning in '57 so they probably did external personnel monitoring; was it by a commercial firm like Landauer;
- Landauer did some badges, and is in the process of being approached for archival information for this facility and for Spencer Chemical, but it is unlikely any data will be available since the Landauer services were actually after 1959;
- The issue is not that monitoring wasn't done, there's just no access to it and NIOSH doesn't have it;
- Clarification that Babcock and Wilcox being the contractor was a mis-statement;
- The contact with Babcock and Wilcox seems to be willing and interested in helping NIOSH, and NIOSH believes that information is simply not available, that Babcock and Wilcox simply do not have the 1957 base data;
- Discussion on whether the class definition language of "monitored or should have been monitored" might be somewhat limiting as it relates to the uncontrolled stack releases and potential exposure of all personnel on site;
- Clarification that the criteria for "monitored or should have been monitored" is anyone who had the potential to receive a 100 millirem exposure;
- NIOSH can't predict what DOL will find when they start reviewing individual cases, and they all know there were effluents that permeated the entire site;
- Clarification that if the external monitoring data is available for '57 through '59 it would not change the class definition for internal exposure, and if that data is uncovered it will be used for partial dose reconstructions for non-SEC cancers;
- The on-site monitoring approach appears to be that people thought to get highest exposures were badged;
- On partial dose reconstructions only data found for the individual whose dose is being reconstructed would be used.

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Petitioner Response

Ms. Patty Ameno introduced **Mr. Tom Haley**, the petitioners' technical witness. **Mr. Haley** explained that he worked at NUMEC for over 11 years and wanted to give some information about what happened there as he lived it.

In explaining his background, **Mr. Haley** noted his education was in chemistry, working in nuclear processing, and gave his work history as five years at Portsmouth Gaseous Diffusion Plant, NUMEC for over 11 years, and then Westinghouse for 23 years. He indicated he had six comments directly attributable to **Mr. Rutherford**'s report, which he addressed individually and in detail. Those issues included the summary list of operations conducted involving radioactive materials during the history of the plant's operations, processes for scrap recovery, urine and fecal bioassay with family members contributing to the samples brought from home and friends switching samples with samples taken at the plant in order to keep the readings low.

Mr. Haley commented on the evaluation report in a section that indicated NIOSH had not identified any evidence to establish the class was exposed to radiation during a discrete incident producing levels of exposures similarly high as those occurring during nuclear criticality incidents. **Mr. Haley** asserted the reason NIOSH was unaware of any report is because there were none written. He then provided some first-hand information on two incidents in which he was directly involved and which had exposed workers to extremely high radiation and should be documented. One was a fire in the nuclear materials unit, and a second incident involving an 11-liter plastic bottle full of highly enriched uranyl nitrate that was dumped into a tank.

He also discussed that during his time at NUMEC enriched uranium appeared to be handled in basement labs in the Warren Avenue office building. He remarked he never saw any dosimeters issued or worn by personnel in the building, yet during preparation for demolition there were very high radiation levels in sewer pipes, behind floor moldings and wooden floors.

Mr. Haley indicated that while he concurred with the NIOSH recommendation, he had some additional recommendations for consideration. One is that lack of exposure data from operations and accidents should not be cause for precluding employees who have cancers or who have died from cancers not listed in the Act. The second was that office employees in the Warren Avenue building should continue to be included in the class under consideration.

Discussion Points:

- Clarification that the Warren Avenue building is within the site boundary;
- The list of cancers has been specified by Congress;
- **Mr. Haley**'s comment had been meant to urge consideration of accidents, and intense exposures during them, be given to dose reconstructions for those uncovered cancers;
- Was the laundry done on-site or off-site;
- Clarification of the difference between the Apollo and Parks sites, both physically and operationally;
- This petition addresses only the Apollo site because they are listed as two separate facilities and the rule requires that only one facility be addressed in each SEC petition, which is the reason for the 83.14 petition on the Parks site;
- A number of the issues identified for Apollo also affect Parks;
- Workers moved back and forth somewhat between the sites.

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Ms. Ameno began her presentation with a dedication to all the NUMEC workers who have battled, are battling and will battle cancer and other diseases. She indicated she is retired from the United States Navy and is a former Department of Defense criminal investigator, and an environmental activist involved with the NUMEC sites in Apollo and Parks Township, Pennsylvania for 18 years.

Her presentation included a number of photographs showing the location of the NUMEC site in Apollo and its proximity to the house where she grew up. She also included documents such as field activity reports, letters, Babcock and Wilcox reports, and confidential company memoranda. **Ms. Ameno** addressed each in turn, explaining their importance in deciding in favor of the NUMEC Apollo SEC petition.

Ms. Ameno discussed violations of worker safety; the defiant attitude of NUMEC demonstrated by its violation of laws, regulations and directives, professional standards, and worker health and safety standards, calling NUMEC the "poster child of sloppy housekeeping," "derelicts of health and safety," and a "disgrace to the Code of Professional Standards." **Ms. Ameno**, calling herself the honored voice for the workers of the NUMEC sites in Apollo and Parks Township, contended that those workers were abandoned by companies that paid meager wages and left them "void of insurance coverage and abandoned by the government they proudly served during the Cold War."

In conclusion, **Ms. Ameno** urged the Board to let these veterans know that reinforcements are on their way.

Discussion Points:

- Clarification that the administrative, clerical and security guard workers mentioned in **Ms. Ameno**'s presentation are covered in the class definition;
- There was one laundry facility for both Apollo and Parks, and laundry was also brought in from other nuclear facilities;
- Bioassay was done by a number of different contractors, but from '76 to '93 it was done by CEP;
- Three or four other contractors did bioassay analysis in the earlier years;
- The NUMEC operations that supported the AEC were completed in 1983, but uranium production continued in '84 and other operations continued until the facility was closed and completely D&D'd the end of '93;
- Query as to any information on the possible introduction of other nuclides from other facilities, but not part of the Apollo inventory, relative to the laundry operation.

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Mr. Richard Parler, co-petitioner, commented that the facility was a very small site and not spread out. He noted that the uranium labs were not in the administration building, but rather the office workers were in the uranium lab building.

Discussion Points:

- Were any of the other facilities whose laundry was done on this site covered under an AWE designation, causing plutonium mixed isotopes to be a result of the residual contamination from sites that may otherwise be covered;
- The significant portion of the plutonium was known to be from the Parks facility;
- Clarification that CEP data from 1976 to 1983 will not be used, but all other bioassay data will be used for dose reconstruction.

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A general motion was made and seconded that all AWE employees who were monitored, or should have been monitored, for exposure to ionizing radiation while working at the NUMEC Plant in Apollo, Pennsylvania for a number of work days aggregating at least 250 days from January 1st, 1957 through December 31st, 1983, or in combination with work days within

the parameters established for one or more other classes of employees in the SEC, be recommended as a class to be added to the Special Exposure Cohort.

Dr. Ziemer explained that, should the motion carry, the Chair will entertain a separate motion which would recommend the 250-day issue raised by the petitioners be referred to the Melius workgroup addressing those issues for all petitions.

The motion was open for discussion.

- Clarification that the present wording of "monitored or should have been monitored" includes all individuals on the Apollo site, and that the Department of Labor agrees with the Board's understanding of that interpretation.

Put to a vote, the motion carried by a count of ten to zero.

Dr. Ziemer announced he and **Dr. Wade** will obtain Dr. Lockey's and Dr. Melius's vote for the record.

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Dr. Ziemer indicated he would entertain a motion that the 250-day issue raised by the petitioners be referred to the workgroup formally called "SEC Issues Group (Including 250-day Issue and Preliminary Review of 83.14 SEC Petitions)," chaired by **Dr. Melius**.

A motion was made and seconded following the Chairman's recommendation. With no discussion, the motion carried by a vote of ten to zero.

This is not a recommendation to be sent to the Secretary. Therefore absent members will not be polled for their votes.

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NIOSH PROGRAM UPDATE

Mr. Larry Elliott, Director
Office of Compensation Analysis and Support
NIOSH

Mr. Elliott presented an update on the status of the compensation program from the NIOSH perspective. He provided statistics on overall initial claim information, including that as of September 27 there had been 25,325 cases referred by DOL for dose reconstruction; 76 percent

of those cases have been returned to the Department of Labor; 23 percent remain at NIOSH for dose reconstruction, and currently one percent has been administratively closed.

Mr. Elliott reminded the assembly that this means NIOSH has completed its work, with the dose reconstruction draft report provided to the claimant. However, the claimant has chosen not to return the OCAS-1 form indicating there is no further information to provide. Should they choose to have NIOSH reopen the claim, all they have to do is let them know or provide the OCAS-1 and the claim will be reactivated.

Mr. Elliott summarized that of the 17,153 dose reconstructions returned to DOL for final adjudication, 5,242 cases or 31 percent had a probability of causation greater than 50 percent, with 11,911 cases or 69 percent with a POC less than 50 percent. A bar graph was also provided showing the number of cases in each ten-percentage point increment of probability of causation. For example, zero to 10 percent, 11 to 20, et cetera, up to greater than 50 percent.

Of the 5,797 cases remaining at NIOSH for dose reconstruction, **Mr. Elliott** explained 1,838 had been assigned to a health physicist, 956 initial DR reports are in the hands of claimants, and 3,003 cases have not been assigned for dose reconstruction. 3,056 cases or 53 percent are more than one year old.

Reporting on the efforts to complete the first 5,000 cases, **Mr. Elliott** announced that final DR reports on 3,996 cases have been sent to DOL, 58 cases have been administratively closed, 246 have been pulled for miscellaneous reasons, 183 have been pulled for SEC determination, eight DR reports are with claimants. There have been 445 cases returned by DOL for various reasons, and 64 claims are awaiting dose reconstruction. **Mr. Elliott** explained that the 445 returned cases had been completed, but something about the claims had changed and NIOSH has been asked to rework them. He added that of the 64 claims awaiting dose reconstruction, 20 are NUMEC claims, which means the number would drop to 44 if all the NUMEC claims found their way into the SEC class.

Mr. Elliott next presented an illustration of submittals versus production activity from first quarter 2002 to third quarter 2007, explaining the trend demonstrated by changes in numbers cases received from DOL, draft DR reports to claimants and final DR reports to DOL.

The receipt and return of reworks was addressed, with **Mr. Elliott** noting that the spike in the third and fourth quarters of 2007 were a result of the Program Evaluation Reviews currently under way relative to super S or highly insoluble plutonium material.

Reporting on DOE response to requests for exposure records, **Mr. Elliott** observed that of the 815 outstanding requests only 148 were in excess of 60 days old.

In his discussion of technical support and dose reconstruction activities on AWE sites **Mr. Elliott** provided information as of September 18th. He explained that some 1,400 claims had been received from DOL which represented approximately 200 AWE sites. NIOSH had asked their support contractor Battelle to work up a set of documents on how to handle those particular AWE sites. They in turn developed what has been called Technical Basis Document 6000, which serves as the site profile for AWEs that worked uranium and thorium metals. Fifteen site-specific appendices have been completed, with ten in review and 14 in development. TBD 6001 will serve as the site profile for AWEs which refined uranium and thorium. Three site-specific appendices have been completed. At the moment there are none in review, although an additional four are in development.

Statistics as of September 18 were also provided on Program Evaluation Reports. **Mr. Elliott** noted that 19 such documents, or PERs, have been issued and are on the web site. There are also a couple of Program Evaluation Plans included in that set. He commented that the number of affected claims to be reviewed is 13,008, but cautioned that this particular figure does not necessarily represent individual claims in that a claim could be counted more than once because it is affected by different types of PERs. Thirteen additional PERs are being prepared, with nine anticipated to be completed by October 31 and the remaining four to be completed by December 31. To date 157 claims have experienced an increased POC to greater than 50 percent. There are 9,061 claims with no change, and 3,790 awaiting evaluation.

Addressing the contract award process **Mr. Elliott** noted that a request for proposal was published on May 4th with proposals due by June 16. Proposals meeting that submission date are being processed in Procurement Review. He indicated that in order to avoid interruption of service the ORAU contract has been extended until October 5, and if necessary will be extended until the award of a new contract.

Mr. Elliott summarized the addition of Special Exposure Cohort classes by noting that 22 classes have been added since May of 2005, 13 through the 83.13 process and nine through the 83.14 process. This represents classes of workers from 17 individual sites and 1,470 cases.

Mr. Elliott observed that in the past six-and-a-half fiscal years of funding, the total monies expended to administer NIOSH responsibilities is $280 million, $220 million of which has gone to all contractors, $14 million to operation of the Board, with the remaining $46 million being

for the operation and conduct of federal staff in the NIOSH/OCAS office. More importantly, $869 million has been paid out in compensation by DOL based on NIOSH work, which includes $150 million paid in added SEC cases.

Discussion Points:

- Did ORAU get additional funds to continue until October, or are they operating on previously-granted funds;
- The continuing resolution requirements that have to be followed say that operations must be on a similar budget level as the previous year when there was an appropriate set of funds;
- In the early days of the program the Espanola, New Mexico Resource Center encouraged workers to file a claim in order to get their medical records, their exposure records, even though they didn't have health problems. Now some are developing cancers and other health problems and they wonder how difficult it will be to get their cases reopened.
- Are the appendices to TBD 6000 mentioned in the report on the Program Evaluation Reports a full set of what is anticipated to complete that TBD at this time;
- Does the $14 million to the Board include SC&A's contract;
- That figure is included, but not included are costs associated with NIOSH or ORAU staff when a Board working group takes up an issue. Those costs are included in the cost to the contractor or for the OCAS office;
- The number of claims under review could go up when more Program Evaluation Reports are completed.

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SEC PETITION UPDATE

Mr. LaVon Rutherford,
SEC Health Physics Team Leader

Mr. Rutherford reported on the status of upcoming SEC petitions. The purpose is to provide updated numbers on qualified petitions under evaluation and sites being evaluated through the 83.14 process, as well as information to support the Board's preparations for working group sessions and Board meetings.

As of September 17, 97 petitions have been received, nine are in the qualification process, with 42 petitions having been qualified for evaluation. There are currently five evaluations in progress, with 37 having been completed; 41 petitions failed to qualify for evaluation.

Mr. Rutherford discussed petitions currently with the Board for recommendation, and provided an overview and chronology of events on those petitions, which included Chapman Valve, Blockson Chemical, Feed Materials Production Center, Bethlehem Steel and Sandia National Lab Livermore. Petitions on which NIOSH is presenting their evaluation reports during this meeting included Y-12 statisticians and Hanford, part two. **Mr. Rutherford** announced that the NTS report would be presented at the January 2008 meeting. NUMEC Apollo was discussed earlier in this meeting and action was taken on that petition.

Reporting on petitions currently in the evaluation process, **Mr. Rutherford** noted the Lawrence Livermore National Lab petition, which was initiated by a NIOSH finding that dose reconstruction could not be completed with sufficient accuracy under 42 CFR 83.14, is expected to be completed in October 2007. Texas City Chemicals has an expected completion date of October 2007, and Mound Plant is expected to be completed by November 2007.

Mr. Rutherford also observed that the resource constraints which had slowed the 83.14 process of potential SEC sites under consideration had been resolved. The number of those evaluations will therefore increase considerably over the next six months.

Discussion Points:

- Query as to whether the NUMEC Parks Township facility would be an 83.14 petition;
- At the time **Mr. Rutherford**'s presentation was developed the Parks petitioner had not been in place so it could not be included, but that is also on the horizon.

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DEPARTMENT OF ENERGY PROGRAM UPDATE

Dr. Patricia Worthington, Director
Office of Health and Safety
Department of Energy

Dr. Worthington presented an update on the DOE support to the compensation program. She explained the role of the Department of Energy is that of a facilitator, supporting and assisting other organizations to make sure they can research, retrieve and provide appropriate documentation for these activities. One area of responsibility is individual claims, and **Dr. Worthington** reported that DOE has been very aggressive in that area, having done over 8,000 employment verifications this year for Department of Labor, in excess

of 4,000 dose documentations for NIOSH, and over 8,000 document acquisition requests for employee work history and exposures for Department of Labor.

Ms. Worthington described some of the large-scale activities, noting that DOE tries to provide support to DOL, NIOSH and the Board for various activities. These include making sure sites are aware of planned visits and that they are able to retrieve documents for site exposure matrix projects, support for Board research and Special Exposure Cohort petitions. DOE also has responsibility to research and maintain the covered facilities database.

Speaking to the records research support activities, **Dr. Worthington** observed that DOE supports approximately 15 sites in providing documentation. Additionally there are occasional research efforts at the National Archives and Federal Records Centers to make sure that they're looking in all possible places to find records; many times records are no longer at the site or are incomplete.

Dr. Worthington reported that DOE had maintained a good track record overall in responding to requests from NIOSH. Their goal had been 95 percent, and they had reached approximately 93 percent response within the required time frame through August of 2007. Efforts being made to improve these numbers over the next months were discussed, as well as the significant reduction of requests more than 60 days old.

Efforts included naming a Point of Contact within the office to coordinate records requests from not only NIOSH and DOL, but also the Advisory Board and SC&A. There have been weekly conference calls with NIOSH, their contractor and SC&A to ensure the groups are getting the information and support they need. DOE headquarters has made an arrangement with the Office of Legacy Management to provide research and support of facility questions and issues.

A list of current research being done on DOE facilities included Chapman Valve, which has just been completed and is now available. Dow Chemical, General Steel Industries, Texas City Chemicals, and Metals and Controls Corp. also are in the current research phase.

In closing **Dr. Worthington** provided a bit more information on the DOE Office of Legacy Management, describing their responsibilities and support to the DOE Office of Health, Safety and Security, their staff and how they will go about those activities.

Discussion Points:

- Was there an attempt to recover the Mound records and where that might stand.

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DEPARTMENT OF LABOR PROGRAM UPDATE

Mr. Jeff Kotsch,
Department of Labor

Mr. Kotsch presented a report on the compensation program results from the perspective of the Department of Labor, providing statistics on both Part B and Part E. Part B was effective July 2001; Part E was enacted in October 2004 and became effective June 2005. **Mr. Kotsch** reported a total of $2.9 billion compensation paid to date. Part B claimants have received $2.1 billion total, with $1.6 billion having been paid for cancer claims.

Mr. Kotsch presented graphs demonstrating total numbers of EEOICPA payees; a breakdown as to Part B, Part E and RECA payees; numbers of cancer claim payees, numbers of payees as a result of NIOSH work, as well as the percentages of the whole those numbers represent.

More specific statistics were provided on the Part B cancer cases, including numbers of cases, numbers of claims, numbers of final decisions, recommended decisions, cases with NIOSH and cases pending a DOL initial decision. Representative percentages of the whole for those numbers were also provided.

A graph on cancer case final decisions described the total number of final decisions for approval. Also included was the total of final decisions for denial, further broken down by category such as POC less than 50 percent, non-covered employment, et cetera. Additional graphs presented by **Mr. Kotsch** provided both numbers and percentages of the whole relative to the status of NIOSH referral cases, dose reconstruction cases and SEC-related cases.

Further statistical information was provided on NIOSH case-related compensation. This described the total $869 million paid in compensation and the number of payees and cases that figure represented. A further breakdown provided the same information on dose reconstructed cases and added SEC cases.

More specific information relative to SEC cases was charted in **Mr. Kotsch**'s presentation of similar statistics by sites scheduled for SEC petition discussions on this meeting's agenda. The charts demonstrated

cases and claims, dose reconstructions, final decisions and total compensation paid under Parts B and E for 11 sites.

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With no questions from the Board, **Dr. Ziemer** commented on the usual slight difference between NIOSH and DOL numbers relative to the dose reconstructions, and that everyone understands the reasons underlying the discrepancies. He made an observation that it is always interesting to get a feel for total compensation under various Parts, and the scope of that compensation, because so often comments are made that no one is getting compensated. Obviously quite a few people are.

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PUBLIC COMMENT PERIOD

Public comment was solicited on the first two days of the meeting. The members of the public who spoke on this day are listed below. A full transcript of their remarks is available on the NIOSH/OCAS web site at www.cdc.gov/niosh/ocas.

Dr. Dan McKeel, SINEW; Mr. John Ramspott for workers and families from General Steel Industries; Ms. Gertrude Martin, spouse of a Blockson claimant; Mr. Edgar Martin, Blockson claimant.

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With no further public comment offered, the Board officially recessed until 9:30 a.m.

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Thursday, October 4, 2007

Dr. Ziemer called the second day of the meeting to order, reminding participants to register their attendance and avail themselves of agenda copies and other materials provided for their use. He indicated all Board members are in attendance, therefore there is a quorum.

Dr. Wade remarked to members of the audience that all papers he had distributed to Board members this morning were also available for the public.

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HANFORD SEC PETITION (Part II)

NIOSH Evaluation Report

Dr. Wade announced two Board members are conflicted on this site, Ms. Josie Beach and Ms. Wanda Munn. They then joined the audience.

Dr. Samuel Glover,
NIOSH/OCAS

Dr. Glover reminded everyone that Part I was presented in July, and covered the period 1943 to September 1946. This second part will continue from September 1, 1946 through 1990. **Dr. Glover** then presented a brief overview, explained the three Hanford petitions having qualified for evaluation, dates of receipt, their SEC identification numbers, noting they were merged into one, and then split into two reports as explained previously.

Dr. Glover explained the basis upon which each petition was qualified, indicating the class evaluated under Part II is: All employees in all facilities and areas of the Hanford Nuclear Reservation from September 1, 1946 through December 31, 1990. He went on to describe the sources of available information for conducting the evaluation. Availability of dosimetry data was described, including the NIOSH/OCAS Claims Tracking System information as of August 9, 2007 with the numbers of cases meeting the class definition, numbers of completed DRs, numbers of cases containing internal dosimetry and those containing external dosimetry. Also were CATI reports which were reviewed for information on work location, work hours, hazards or incidents encountered.

Major operations at Hanford with potential for internal exposures, including fuel fabrication reactor operations, chemical separations, plutonium finishing, et cetera, were described by **Dr. Glover**, as well as internal monitoring methods which he noted varied over time. They included urinalysis, thyroid scans, whole body counting, et cetera, noting the dates when methods changed or were added. Air sampling was included in many of the Hanford facilities.

Specific radionuclides were enumerated, including plutonium, americium, curium and heavy actinides, tritium, uranium, fission and activation products, promethium and polonium, with a discussion of in vivo monitoring. A table was provided from the Hanford site profile which indicated the beta-gamma exposure areas, the operation start/end dates, radiation types and energy percentages, and addressed the neutron areas and operations.

Turning to external monitoring information, **Dr. Glover** noted that dosimeters were assigned to all workers who entered restricted 100, 200

and 300 areas. The types of devices included Pencil Ionization Chambers (PICs), film dosimeters, thermoluminescent dosimeters and extremity monitoring. Other routes of exposure included occupational medical X-ray, environmental dose and unmonitored workers.

Dr. Glover explained then the NIOSH evaluation of specific petition concerns by addressing each of them in turn, how they were reviewed, and the findings. The three issues specifically discussed in detail were that Hanford workers were inadequately or inconsistently monitored; that Hanford construction workers were not monitored for internal dose; and that neutron doses were under-recorded.

The evaluation report addressed the feasibility of internal dose reconstructions, with **Dr. Glover** noting that, based on the absence of bioassay data for the period prior to 1960 for thorium and 1968 for americium, NIOSH has concluded that internal dose reconstruction is not feasible for those radionuclides in selected facilities. Addressing the health endangerment determination which is required under those circumstances, NIOSH finds that the workers' health may have been endangered due to exposure to thorium and americium. Addressing external dose reconstruction, **Dr. Glover** noted that recorded external dosimetry photon data are extensive and sufficient for dose reconstruction.

In summary, NIOSH found that dose reconstruction was feasible for internal exposures to uranium, plutonium, fission products, tritium, polonium, iodine and ambient environment, but not feasible for thorium in the period 1946 through 1959 or americium for the period 1949 through 1968. External dose reconstructions are feasible for gamma-beta, neutron, ambient environment and occupational medical X-ray.

The NIOSH recommended class definition was described as: All employees of the Department of Energy, its predecessor agencies and DOE contractors or subcontractors who were monitored, or should have been monitored, for (1) internal thorium radiological exposures from September 1, 1946 through December 31, 1959 in the following 300 area facilities: the metal fabrication building (No. 313), the reactor fuel manufacturing pilot plant (No. 306), the 300 area maintenance shops (3722) and the radiochemistry laboratory (3706); or (2) internal americium radiological exposures from January 1, 1949 through December 31, 1968 in the following areas: the isolation building (231-Z), the waste treatment facility (242-Z) and the plutonium finishing plant (234-5Z) while working at the Hanford Nuclear Reservation for a number of work days aggregating at least 250 work days, or in combination with work days within the parameters established for one or more other classes of employees in the SEC, excluding aggregate work day requirements.

Dr. Glover concluded by advising the Board that additional documentation and sample dose reconstruction scenarios are available for their review.

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Discussion Points:

- Will there be available soon information regarding the neutron/photon ratio issue in order to schedule the work of the workgroup and contractor's review;
- It appeared there was a low level of bioassay analysis for uranium per year from the period 1971 to 1984;
- Is that from a low work level or from an absence of records.

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Petitioner Response

Ms. Rosemary Hoyt spoke on behalf of the petitioners, discussing the proposed class definition. She commented it was not clear that all employees are included in the class, and that is essential, particularly to the Department of Labor.

Ms. Hoyt contended the thorium contamination should cover all of the 300 area, not just specific buildings. The americium should be across the site and not limited to specific buildings. She disputed the NIOSH claim that external dose reconstruction is feasible.

A question was raised by **Ms. Hoyt** as to whether interviews were conducted in accordance with "SC&A guidelines," commenting that at worker outreach meetings former employees commented that not everybody wore monitoring devices. She cited an SC&A review of NIOSH/ORAU procedures for dose reconstruction from January 2005 in which SC&A stated both internal and external are deficient, and identifies technical inaccuracies and errors.

Ms. Hoyt also questioned which facility experts were referred to in the NIOSH report, in that nowhere does it address the affidavits provided relating to falsification of records. She contended the evaluation report is confusing, unorganized, and does not address lost or destroyed records or affidavits supporting SEC Petition 57 in all of its forms.

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Hanford Working Group

Dr. James Melius, Chair

A status report and path forward was discussed for this petition, with **Dr. Melius** acknowledging the size of the task. He explained the plan was for SC&A to first do an initial scoping effort on the evaluation report to identify key issues, then hold a meeting of the workgroup by conference call to determine a schedule for that review. Rather than trying to do a complete review of the evaluation report, it would be delivered incrementally by issues, in a way that would expedite the review process, make it easier to handle and easier for the workgroup to resolve comments and reach conclusions. **Dr. Melius** indicated he believed the process could start within the next month with a conference call meeting of the workgroup. He observed the scoping process would give NIOSH an opportunity to provide feedback on where they were with any parts of the evaluation report or site profile they were updating.

Dr. Melius cautioned that it must be recognized that this will not be a quick process, and called for any feedback or comments.

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Dr. Ziemer added that the petitioners would be kept fully informed of all issues and invited to participate with the workgroup on those issues.

Discussion Points:

- Although the report is dated September 14, the Board just received the review this past week and many members have not had a chance to read and digest the material;
- The plan for the path forward seems to be good, but there should be a better job done with Privacy Act clearance so that the petitioners can get transcripts as quickly as possible.

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WORKGROUP APPOINTMENTS

Dr. Ziemer announced that, on advice of counsel, he was going to appoint a workgroup to be known as the workgroup on selection of cases for blind dose reconstruction review. The workgroup will have the express task of receiving suggestions from individual members of the Subcommittee on Dose Reconstruction from the distributed list of proposed cases. He named **Mr. Mark Griffon** as Chair, with **Ms. Wanda**

Munn the only other member. He asked that they solicit recommendations from their fellow subcommittee members and report to the Board tomorrow with a final recommendation, at which time the working group will be dissolved.

Dr. Ziemer explained this method would meet legal requirements for confidentiality, et cetera, and will allow the selection to move forward. He emphasized the recommendations would be provided individually by subcommittee members, without collaboration with each other.

Noting that the newest Board members felt their time and abilities were not being fully utilized and had volunteered to participate in additional workgroup activities. To that end, he added **Mr. Phillip Schofield** to the Nevada Test Site and Savannah River Site workgroups. **Ms. Josie Beach** was added to the SEC issues workgroup.

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Ms. Kate Kimpan from Oak Ridge Associated Universities (ORAU) responded to an earlier question regarding the Hanford site profile annotation and attribution efforts. She commented that there are multiple sections to the document and all sections except medical, which is the smallest section, has been fully annotated and attributed. The medical section is still in the comment resolution process and has not been signed by OCAS.

A brief discussion ensued between **Ms. Kimpan** and **Dr. Melius** on how best to make it clear who was a part of the site profile work, yet may no longer be involved; whether their conflict of interest information should still be available, et cetera.

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SANDIA NATIONAL LABORATORY - LIVERMORE SEC PETITION

NIOSH Evaluation Report

Dr. Samuel Glover,
NIOSH/OCAS

Dr. Glover explained that this is an update to a presentation originally made in May 2007 on SEC Petition No. 59 dealing with X-ray diffraction units at the Sandia National Lab Livermore facility. He noted there will be some repetitive information in his presentation.

Beginning with some background on site history and petition overview, **Dr. Glover** observed that the evaluation report was issued in late March of 2007 and shortly afterward new information from the petitioner was received by NIOSH. Both were discussed at the May Advisory Board meeting, at which time NIOSH was asked to provide an update to address that new information. In September the addendum to the ER was approved.

The petitioner's proposed class definition was modified by removing Building 941, room 128, because X-ray diffraction activities in Building 141 began after 1992 and is outside the covered time period.

NIOSH evaluated the following class: All x-ray technologists and materials scientists who worked at Sandia National Laboratory Livermore in the X-ray diffraction and fluorescence laboratory, Building 913, room 113; and Building 913, room 128 from December 1, 1967 through December 31, 1990.

Dr. Glover then discussed the sources of available information for evaluating the petition. This proposed class consists of approximately three people. Only one case has been submitted to NIOSH for dose reconstruction. One case met the class definition, with no dose reconstructions completed. Once case contained internal dosimetry, one case contained external dosimetry. CATI report was available to provide work location, work hours and hazards and/or incidents encountered.

The petitioner provided a letter in late April which was read at the May Board meeting. In early June there was a follow-up call with the petitioner. In mid-July the petitioner provided a letter and affidavit, and in mid-September a letter was received from the petitioner with an affidavit from a health physicist and industrial hygienist at Sandia. This information was received after the issuance of the addendum, but was reviewed as preparation for this presentation.

Dr. Glover discussed additional information evaluated, providing information on effects of acute incidents of X-ray exposures to the skin. The petition basis included a citation of two incidents during the operation of Sandia Lab Livermore which the petitioner contended demonstrated unmonitored, unrecorded or inadequately monitored exposure incidents; and that the facility did not provide permanently-mounted instrumentation for continuous recording of the ionizing radiation being emitted.

Radiological operations were described by **Dr. Glover**, summarizing issues discussed with the petitioner including unavailability of personal monitoring records, directional nature of the X-ray radiation

emitted and use of makeshift shielding, ability to bound exposures, et cetera. Also discussed was operation of X-ray diffraction units, difference in workload among potential class members, use of sealed sources, and statements made by two doctors which indicated exposures resulted in cancers for the petitioner.

Monitoring information for the class relative to bioassay data was available for all potential members of the class for uranium 1975 to 1984, and all results were below detectable levels. As to external data, data for the class described are available. Incident information included observation that shallow dose to the extremities was not recorded in the dose of record. Extremity badging was not required until 1990, and shallow dose for the extremities was calculated in the report for the incident.

As part of the supplement **Dr. Glover** discussed the issue of bounding, noting that there is an extremely large dose rate and that essentially deterministic effects bound the dose. Deterministic effects occur as a function of time, and those effects range from reddening of the skin through blistering. Those effects were not observed and therefore deterministic effects would bound the dose.

Dr. Glover also discussed the incident dose update and the calculation for direct beam exposure to organs. A description and explanation of a sample dose reconstruction was provided for internal exposure to uranium, as well as external deep dose and shallow dose exposure from recorded dose.

Once again **Dr. Glover** described the two-pronged test followed in the evaluation process under 42 CFR 83, including feasibility to estimate level of radiation doses of individual members of the class with sufficient accuracy; and if not, whether there was a reasonable likelihood that such radiation dose may have endangered the health of members of the class.

In addressing feasibility NIOSH found the available monitoring records, process description and source term data are adequate to complete dose reconstruction with sufficient accuracy for the proposed class of employees. Therefore the health endangerment determination was not required.

Dr. Glover summarized feasibility findings for the petition, noting that dose reconstruction is feasible for internal exposure to uranium, and external exposure to beta-gamma and X-ray, as well as occupational medical X-ray. Neutron exposures were not applicable.

Dr. Glover indicated that additional documentation and sample dose reconstruction scenarios are available for Board review.

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Petitioner Response

Mr. Gerald M. Giovaccini inquired whether the dose reconstruction is accurate, precise and exact in every detail, noting that is what the SEC laws stipulate. He indicated he had three documents he wanted the Board to be aware of, two of which support the contention that a dose reconstruction cannot be done with any degree of accuracy because of missing crucial exposure data. There is an additional document from his oncologist which supports a probability of causation that his cancer stems from exposure to ionizing radiation.

Mr. Giovaccini discussed the 22 cancers specified under SEC guidelines and the cancers he has contracted and for which he has received radiation, chemotherapy or a combination thereof several times over. He discussed the effect on his ability to support his family. He discussed affidavits contending that dose reconstruction to any degree of accuracy is not feasible.

Mr. Giovaccini expressed his understanding that the petitioners have a legal right under the Act to make an appeal to the NIOSH decision that they have accurately reconstructed the dose, and an appeal to the Advisory Board and SC&A to audit the NIOSH report. He indicated he was providing a letter which represented the written appeal of the class, including 18 exhibits which formed the basis for that appeal. He then addressed and discussed each of those exhibits in detail, after which he again requested an appeal to the NIOSH decision that they have accurately reconstructed the dose, and again requested an audit of NIOSH methodology.

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Discussion Points:

- Was the urinalysis work done in house or by an outside laboratory, the question relating to the CEP lab;
- Has the Board received the information the petitioner cited in his phone call;
- The rules provide that, once a petition has been submitted, new information may be provided in a new petition;
- If the Board wanted to see exhibits referred to by the petitioner, that would require delaying action on this issue.

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Dr. Ziemer observed there were potentially three actions possible at the moment. One would be to defer action until the specific material mentioned by the petitioner is received and reviewed. Another would be to accept the NIOSH recommendation and a third would be to reject it.

A motion was made and seconded that the Board postpone a decision until the documentation has been received from the petitioner.

Motion Discussion Points:

- Does the Board want to ask SC&A to review the information;
- The Board should be cognizant of the use of resources in that this is a one-person petition;
- A significant amount of information has been provided by the petitioner and NIOSH, and it doesn't seem reasonable to involve the contractor further in investigating what has already been seen and what will be well covered through the postponement;
- The fact that it's a one-person petition does not make it unimportant, but the resources are not necessarily money but also involve time constraints, and neither time nor money is unlimited;
- Potentially there are three individuals in the class, but not who were part of the incidents involved as stated;
- This petitioner had time outside of the class definition, and the urinalysis applies to other employment and exposure experience that he had;
- Some of these issues are difficult to address in a public forum because of the Privacy Act;
- A discussion on the peril of one-party petitions where the class is so narrow it represents an individual perhaps not happy with the outcome of a dose reconstruction and the risk of the Board being approached as an appeals board.

The motion carried by a vote of 11 to 0, with one abstention.

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Further discussion was put on a tentative agenda for the December Board phone call.

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Y-12 SEC PETITION

Dr. John Poston and **Mr. Robert Presley** are conflicted on Y-12 and joined the audience.

NIOSH Evaluation Report

Mr. LaVon B. Rutherford,
SEC Health Physics Team Leader

Mr. Rutherford provided background on the petition-related activities. The petition was initially received in late July of 2005. The NIOSH proposed finding was that it did not qualify for evaluation. The petitioner requested an administrative review, and the AR Panel recommended NIOSH qualify the petition for evaluation. In late June of 2007 the evaluation report was approved.

The petitioner had proposed a class definition of: All statisticians who performed statistical analysis of biological experiments related to radiation who worked in all locations of the Y-12 plant for the period from January 31, 1951 through June 30, 1959. NIOSH recommended the following class definition: All statisticians who performed statistical analysis of biological experiments (within the Oak Ridge National Laboratory Biological Sciences Division) in all locations at the Y-12 plant in Oak Ridge, Tennessee who were employed by DOE or its contractors between January 1, 1958 and June 30, 1958.

Mr. Rutherford explained there were a number of reasons for that modification. One was that a previous SEC petition evaluation had been completed on a similar class up through the end of 1957. The petition basis was an acute incident occurring in the first quarter of 1958. Therefore the class definition was modified for the period January 1, 1958 through June 30th, 1958.

Mr. Rutherford discussed the Y-12 National Security Complex, its location in eastern Tennessee and that it was part of the Manhattan Project, with a function to process uranium for the first atomic bomb. He discussed construction, enriched uranium production and that the first site mission was separation of uranium-235 from natural uranium by the electromagnetic separation process. Since World War II Y-12 missions have included uranium enrichment, lithium enrichment, isotope separation and component fabrication. Radiological operations associated with this class include the Oak Ridge National Laboratory Biological Science Division which conducted animal research concerning carcinogens using Y-12 facilities. The Biological Science Division used sealed radioactive sources -- cesium-127, cobalt-60 and californium-252 -- in their experiments.

Sources of available information for conducting the evaluation report were enumerated and discussed. Occupational exposures were described and enumerated. Availability of dosimetry data was discussed, with **Mr. Rutherford** noting that as of November 20, 1951 all ORNL employees, regardless of work area, were required to wear a combination security badge and film dosimeter, and that NIOSH has external monitoring data for members of the class. He explained the NIOSH evaluation focused on external monitoring data because of the exposure scenario identified. Internal monitoring data exists for some members of the class, and Y-12 coworker model is used for unmonitored workers who should have been monitored.

Specific issues identified by the petitioner and the NIOSH evaluation findings were discussed individually. They included the issue of medical evidence of a depressed white blood count for a member of the class and exposure record modified in 1958.

Mr. Rutherford reiterated the two-pronged test established in 42 CFR 83 which was used in the evaluation, addressing feasibility to estimate the level of radiation doses of individual members of the class with sufficient accuracy; and if not, whether there is a reasonable likelihood that such radiation dose may have endangered the health of members of the class.

NIOSH found that the available monitoring records, process descriptions and source term data are sufficient to complete dose reconstructions for the proposed class of employees. Therefore a health endangerment determination is not necessary.

In summary, dose reconstruction is feasible for internal exposures to uranium. Dose reconstruction for external beta-gamma exposure, neutron and occupational medical X-ray exposure are also feasible. The NIOSH recommendation is that for the period January 1, 1958 through June 30, 1958 radiation dose estimates can be reconstructed for compensation purposes.

Discussion Points:

- Discussion of the cesium, cobalt and californium sources and the time periods for each;
- Was there a fixed source or portable;
- The location of the later criticality incident.

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Petitioner Response

Ms. Laurie Breyer reported that she had e-mailed the petitioner on the 14th of September, and called on the 19th with the information on the Board meeting and when the petition discussion would likely take place in case she was interested in listening and/or participating. **Ms. Breyer** was unable to get an answer to her call today and the petitioner has not identified herself as being on the line.

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A motion was made and seconded to accept the NIOSH evaluation of this petition, as described.

Additional Discussion:

■How to reconstruct dose for statisticians.

The motion carried by a vote of 10 to 0, two Board members having been recused.

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PLANS TO PROCURE BOARD CONTRACTOR FOR FY09 AND BEYOND

Dr. Wade introduced **Ms. Florence Black**, a contracting officer who is taking on part of the portfolio of **Mr. David Staudt**, who has been detailed to Atlanta for a few months. **Dr. Wade** observed that this is an important contract and they want to start very early in the process. The current SC&A contract runs through September of 2008.

Dr. Wade explained the Board has been provided with the Statement of Work and tasks used the last time, with one modification. A new task for SEC work was added to the original contract. Also included was an evaluation plan used previously, with some slight modifications. He commented **Ms. Black** had posted the information on the public web site and they wanted to have all discussions regarding pursuit of a new contractor done transparently.

Dr. Wade suggested there could be discussion now related to the documents described, and individual members can make comments to him or to **Ms. Black** between now and the December teleconference. At that time they can have another discussion, following which he hoped they would be in a position to move forward with an announcement of intent to solicit, which would come out in January, with full solicitation out by the end of March.

Dr. Wade commented that the selection and evaluation process will include the formation of a Technical Advisory Panel of two or three Board members. **Dr. Ziemer** and **Mr. Griffon** were on the previous panel. When a technical panel of board members is put together, it's necessary that at least half the panel has gone through the required training. So depending on the size of the panel and the Board members selected, one or more might have to take the training, which is a 5-day class and can be taken on line. It is a tested class. **Dr. Ziemer** is trained and tested, while **Mr. Griffon** is not.

Ms. Black advised she had already received one inquiry of a very general nature, asking if this is a re-compete. She went on to review the format for the statement of work. Various tasks within the contract were discussed.

Discussion Points:

- Some issues should be considered, although changes may not necessarily be made;
- Dose reconstruction review is an example, whether there is satisfaction with the current mix and types of reviews;
- A suggestion that the subcommittee give input on that issue at the December meeting;
- Discussion of whether the earlier talk about a step-wise process to SEC evaluation reviews for large sites would constitute a change that would need to be reflected in the contract and whether it's something everybody agrees with;
- Perhaps the procedures workgroup should think about the way tasks are described, such as site profile reviews and reviews of revised site profiles as separate tasks;
- A suggestion that of value to the bidders or potential contractors would be to have some idea of what the resolution process would look like since that has become a substantial part of what the Board does;
- Also to be considered is the target of review of two-and-a-half percent of the completed dose reconstructions;
- Discussion of the evaluation criteria;
- Discussion of NIOSH/OCAS participation on the evaluation committee and the perception of bias that might produce;
- At the time **Dr. Wade** provides **Ms. Black** with a formal request, probably after the December meeting, he will include a list of selections for the panel, identifying who will need training.

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SEC PETITION STATUS UPDATES

Blockson Chemical

Ms. Wanda Munn, Chair, reported that the review from SC&A has been under consideration for the last couple of meetings of her workgroup, with most of their issues having been resolved. The largest outstanding issue is that of the path of thorium through the chemical process. A conference is scheduled for November 2nd, with a goal of reaching resolution of outstanding items in order to reach a recommendation for the Board's January meeting.

* * *

Fernald

Mr. Bradley Clawson, Chair, reported that the group had met for the first time in August, with a lot of new information that neither the workgroup nor SC&A have been able to review. They wanted to have time to get it on the O drive and review it, and NIOSH appears to have most of that information now available. The workgroup is scheduled to meet on October 24 and they will continue from there.

A question from the petitioner about a revision to the site profile was clarified to indicate that there are no revisions planned, but one has just been completed and is under review, not yet released. As soon as approved and released it will be available to the petitioners and the public on the NIOSH web site. That should be a few weeks in the future.

Petitioners are notified of workgroup meetings and issues that would be relevant to SEC petitions are discussed in these workgroup meetings. Therefore any petitioner who chooses to participate will have access to that information as it occurs.

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Chapman Valve

Prior to the report from the workgroup chair, **Ms. Sharon Block** from Senator Ted Kennedy's staff commented on behalf of the Senator, expressing his concern about the ongoing delay in making a decision on this petition.

Dr. Ziemer reminded the Board members that **Dr. Wade** had distributed some correspondence between **Dr. Wade**, **Dr. Pat Worthington** from the Department of Energy, and **Mr. Pete Turcic** from the Department of Labor

relative to a potential change in the definition of the covered period, et cetera. **Dr. Worthington** indicated that DOE wanted to be thorough and complete and follow all leads, which takes a bit of time. She discussed the issues NIOSH requested they research regarding contaminated manifolds transferred from Y-12 back to Chapman Valve at the Dean Street location, and noted that their investigation had revealed no evidence of AEC work having taken place at that location. She commented that without being given an additional source of information, the DOE investigation was concluded.

Mr. Jeff Kotsch from Department of Labor confirmed that was the only open issue on Chapman Valve.

Dr. John Poston, workgroup Chair, confirmed that the workgroup has not met further because there was no additional information to be reviewed.

Discussion Points:

- Did the reviewed documents include those made which related to the site back to 1945;
- Did DOE look at the information from affidavits or interviews to target their searches;
- Did the DOE investigation show they received parts from Y-12;
- A search was made for a Y-12 connection or an Oak Ridge National Laboratory connection to anything going to Chapman, but no documentation was found to substantiate such a contention.

Dr. Poston commented he had participated in interviews and there was clearly testimony to that having happened. **Ms. Regina Cano** from DOE indicated if that information could be documented they would have to change the covered time period. However, the question to DOE from NIOSH was to substantiate whether contaminated manifolds from Y-12 came back to Chapman Valve, which was what was investigated.

Discussion Points (Continued):

- Were shipping documents at Y-12 researched in an effort to discover whether manifolds and valves were returned to Chapman;
- Did the investigation including going to the field and asking questions, or was it a paper exercise.

In order to clarify the issue, there followed then a discussion between **Dr. Poston**, **Dr. Ziemer**, **Ms. Cano**, **Mr. Mark Griffon** and **Mr. Larry Elliott**, which summarized how the issue arose, the different facets of work actually done at Chapman Valve facility, whether the Dean Street location was part of the original facility designated as an AWE, how

contamination may have been present, other contracts, whether the time period should be extended, et cetera. Also discussed was the responsibility of DOE designations and covered period designations as it relates to Department of Energy or Department of Labor and how decisions would be made to extend time periods.

Mr. Elliott, on behalf of NIOSH, explained that they have provided DOE and DOL all information assembled from the efforts of both NIOSH and SC&A in an unredacted form. The question of whether the Dean Street facility should be designated as an AWE goes to DOE to decide; the extension of time for the current AWE at Chapman Valve goes to DOL. If the Senator's office can provide the information to DOL, they can look at that and determine whether the covered period for the current AWE is appropriate and accurate or should be adjusted.

Discussion Points (Continued):

- Did DOE or NIOSH find anything during the cleanup process that related to waste shipped, or that type information, to support the question of whether uranium-235 was present.

Dr. Ziemer observed that the Board is not in a position to assign a task to either DOE or DOL, but wanted to ask both Departments if they would be willing to report at the next meeting on what may have been found in terms of either time period or the Dean Street location. Dean Street is not specified as a covered facility, regardless of whether the workers consider it part of the Chapman Valve facility as a whole. That is how NIOSH, DOE and DOL understand it. The issue is if there were things going on at the Dean Street location that caused radioactive materials to be shipped through the covered facility, it's important to know.

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Dow Chemical at Madison

Dr. Wade reminded the assembly that the Board wrote the Secretary of HHS asking him to interact with other agencies relative to questions raised on this facility. **Secretary Leavitt** in turn asked **Dr. Julie Gerberding**, Director of CDC, to reply to the Board's letter. That response was in the Board's material. DOE was present to make some additional comments.

Dr. Ziemer commented that the issue had to do with extension of the covered period. Petitioners raised issues that suggest perhaps it should be considered. DOL has basically indicated they are not in a

position to change anything unless DOE so designates. DOE is looking into some of the documents, and that is still in process.

Dr. Pat Worthington from DOE confirmed that is still ongoing, and that they have engaged other organizations to assist. FBI was asked to look at some illegible documents, and they have not responded. NNSA, within DOE, has been engaged to explain their process to be sure what was going on at various sites was understood properly. Other avenues of investigation were discussed, and indicated as soon as information was gathered she would report back to everybody. The time table is uncertain, primarily because FBI didn't provide a schedule for their work.

Dr. Ziemer summarized that there is no outstanding Board action to be taken, unless the time period is extended. This then is a pending issue until the Department of Energy reports again on the investigation.

Ms. Deb Detmers from the office of **Congressman John Shimkus** and **Mr. Robert Stephan** from the office of **Senator Barack Obama** spoke in support of expanding the time period to include their constituents whose employment dates fall outside the period covered by the class designation.

On behalf of the petitioners, **Dr. Dan McKeel** also spoke in support of expanding the covered period.

A discussion ensued amongst **Mr. Stephan**, **Dr. Ziemer**, **Dr. Lockey, Dr. McKeel** and **Dr. Wade** regarding the boundaries of the law.

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Bethlehem Steel

Mr. Richard Weston from the CDC Washington office read into the record a letter from **Senator Charles Schumer**. The Senator urged the Board add a class to the SEC for the Bethlehem Steel nuclear workers. He was supportive of the working group's decision to make a recommendation on appropriate limitations on use of surrogate data in site profiles, and indicated his optimism that their efforts will bring clarity to that process. He suggested the Board should void the Bethlehem Steel site profile and release the CDC from attempts at dose reconstruction, and declare employees of the Lackawanna Bethlehem Steel facility a new class of the Special Exposure Cohort. He cautioned that many of the men and women awaiting compensation are aging and ill, and urged the Board move with all due haste to establish compensation.

Dr. James Melius, Chair of the workgroup addressing the surrogate data issue, reported that his group had asked SC&A to do an inventory on the use of surrogate data among the site profiles, SEC evaluations, et cetera, which was provided about three weeks earlier. The workgroup hopes to have a meeting later in the day to establish a plan for going forward.

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PUBLIC COMMENT PERIOD

Public comment was solicited on the first two days of the meeting. The members of the public who spoke on this day are listed below. A full transcript of their remarks is available on the NIOSH/OCAS web site at www.cdc.gov/niosh/ocas.

Ms. Marilyn Schneider, Mallinckrodt claimant; Ms. Susan Frew, Y-12 survivor; Dr. Dan McKeel, SINEW; Mr. Danial Churovich, GSI claimant (statement read into the record); Ms. Bev Marcoski, Blockson claimant; Mr. Cyril Gura, Blockson claimant; Ms. Terrie Barrie, ANWAG; Ms. Sandra Baldridge, Fernald petitioner/survivor; Mr. John G. Dutko, GSI Betatron operator.

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With no further public comment offered, the Board recessed until 8:30 a.m.

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Friday, October 5, 2007

Dr. Ziemer called the third day of the meeting to order and requested all participants register their attendance.

SCIENCE ISSUES UPDATE

Dr. James W. Neton,
Associate Director for Science
NIOSH/OCAS

Dr. Neton explained updates are done periodically and it has been some time since there's been an opportunity to discuss some of the issues arising from both SC&A and Board reviews, as well as the NIOSH internal issues discovered during case processing. He observed the issues are encompassed under two main categories. The first consists currently of seven issues on a list evaluated by the Board working group on IREP and

scientific issues in February of 2005, all of which are related to risk model calculations. The over-arching technical issues list consists of ten items, all of which relate to dose reconstruction across sites, and were identified during the review process. **Dr. Neton** provided a list of seven risk model issues, noting that resolution is either completed or very close to completion on three of the seven.

Because of its interest to the Board and stakeholders, **Dr. Neton** explained that from time to time NIOSH reports on compensation rates by cancer models. Before presenting the figures, however, he emphasized there were caveats, including that the results are through September 19 of 2007, are based on a specific number of claims on which NIOSH has received notice from DOL of a compensation decision; and unless otherwise noted, the rates reflect claims with only one reported primary cancer, and may not be predictive of future results. He cautioned further that some rates are based on a small number of cases.

A listing was presented of 16 of the 32 IREP cancer risk models used in the program and the percentage of claims which had been compensated using those models. For this presentation he included only those which exceeded 10 percent compensation rates. They ranged from a high of 70.1 percent for lung to 14.3 percent for other endocrine gland. He also noted compensation rates for claims with single primary cancers, multiple primary cancers, and a total for all claims. Also included were two categories for which no claims have been compensated, female genitalia and ovary. **Dr. Neton** added that in the back of his presentation was a supplement, an Excel spreadsheet, with all 32 IREP risk models listed, along with some more detailed information.

Senate Report Number 109-303 requested NIOSH evaluate the radiogenicity of cancers not on the presumptive cancer list. **Dr. Neton** explained they requested that if there were cancers NIOSH felt should be on the list, a recommendation be made for the types that should be added. They asked that any recommendations be identified by the number of current SEC cases, by facility, that would be compensated if the cancer type were added to the list.

NIOSH reviewed eleven non-presumptive cancers, and **Dr. Neton** explained their review was focused, using comprehensive reviews of the literature. They looked at literature reviews primarily conducted from mid to late '90s through early 2000. He went on to describe how NIOSH made their determination and then obtained the review of five subject matter experts on their draft report. After those questions were addressed, the report was consolidated and a final report was issued to the Senate Appropriations Committee this past June. During this time UNSCEAR had a draft report, which remained in draft form throughout the period of the NIOSH report preparation. NIOSH didn't want to base

their recommendations on a draft document subject to change. Alternatively, their report committed to sending an update for the Senate Appropriations Committee once the UNSCEAR report was finalized.

NIOSH concluded there was consistent evidence to support the radiogenicity of basal cell carcinoma. To some extent malignant melanoma was considered, but there was conflicting evidence which wasn't as strong. The recommendation was only for basal cell carcinoma.

As requested, NIOSH also looked at cases with basal cell carcinoma in an SEC class and found 1,985 claims as of June met the specification. However, **Dr. Neton** observed approximately 60 percent of those cases are in the Congressionally-created SEC at gaseous diffusion plants. And although 40 percent is still a large number, **Dr. Neton** cautioned that 57.8 percent of the basal cell carcinoma cancers that came through the dose reconstruction process have been compensated anyway, as indicated on his previous listing of compensation rates.

Dr. Neton presented a listing of the ten over-arching dose reconstruction issues, noting the four that are completed or nearing completion. Those are oro-nasal breathing, workplace ingestion, internal dose from super S plutonium, and thoriated welding rods. He explained a Technical Information Bulletin has been issued on the internal dose from super S plutonium, and there is a Program Evaluation Report to rework all those cases. Therefore that issue is considered complete.

NIOSH feels there has been enough review and analysis of the oro-nasal breathing and thoriated welding rod issues to consider complete, and they will issue Technical Information Bulletins very soon. The information is assembled but not yet published. **Dr. Neton** added that he hoped by the next Board meeting to be able to discuss the workplace ingestion issue as having been completed.

Dr. Neton gave background on the oro-nasal breathing issue, how it has been examined and the investigation into its applicability to Atomic Weapons Employers. He discussed their examination of work practices and ventilation rates, evaluation of breathing and appropriateness of the default ventilation rates, noting an early concern for heavy workers in a steel mill environment.

To illustrate the issue of how material enters the body, **Dr. Neton** presented a general biokinetic model explaining the processes of entry through wound, inhalation or ingestion. Further explanation was provided through a diagram of the human respiratory tract, and a table of the ventilation pattern and dose relative to level of exertion,

fraction of intake through the nose for a nasal augmenter or a mouth breather.

A detailed description was provided on how both air sample data and bioassay is used in dose reconstruction. NIOSH has concluded the default ICRP-66 lung model is acceptable to use in dose calculations.

Addressing the issue of thoriated welding rods, **Dr. Neton** noted that they've always known that welding rods contain thorium, but it had not been included in dose reconstruction. The question logically arose as to why not. The NRC had recognized the issue early on and did some analysis, and NIOSH took advantage of their effort. **Dr. Neton** remarked their analysis is based on the work done in NUREG 1717 in which they evaluated dose from inhalation during direct current welding in four different studies. Also evaluated was dose from grinding tips, and ultimately NRC exempted thoriated rods from licensing. They also found that doses to non-welders were much less than a third of those to welders.

Dr. Neton explained how NIOSH went about their analysis and their conclusion that this exposure pathway is not a significant one that needs to be considered in dose reconstructions for workers in the program.

Discussion Points:

- When looking at bone cancers, was it looked at as primary, metastatic or a combination;
- Discussion of where kidney, prostate and bladder cancers are separated in the ICD-9 codes;
- The issue of how to define radiogenicity and the fact that there are cancers often considered not radiogenic being compensated in this program at a fairly high rate;
- Query as to the status of the model for chronic lymphocytic leukemia;
- Has a draft model been developed or is NIOSH asking experts whether a model can be developed;
- Discussion of DDREF;
- The concern of control approaches using a 50-year committed dose and NIOSH doing annual doses.

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NIOSH WEB SITE UPDATE

Ms. Chris Ellison,
NIOSH

Ms. Ellison commented the web site is growing and wanted to spend a few minutes discussing navigation tools so that everybody could find what they were looking for there, particularly new Board members. She explained there are 126 individual web pages, just over 2,000 PDF documents, 419 of which deal with Board activities including transcripts, SC&A documents, et cetera.

Ms. Ellison discussed a new notification system instituted so that each time the web site is updated an e-mail notification is sent out to let people know which pages had been updated or changed.

She commented on the layout, topics covered on various pages, issues of interest to the claimants, and the overall directory. Some pages of interest were discussed, and navigation through the web site was demonstrated. **Ms. Ellison** specifically discussed Dow Chemical, Rocky Flats and described how to locate the meetings for the current and past years, SC&A recommendations, Board recommendations on SEC petitions, et cetera.

Questions and suggestions from the Board were interspersed throughout **Ms. Ellison**'s presentation as she demonstrated navigation through the web site. For clarification she noted that the meetings listed on the Advisory Board page are only those of the Board, while in the OCAS Directory section there is a link to public meetings, which also included meetings with workers.

Discussion Points:

- The matrix for tracking transcripts and minutes;
- Privacy Act concerns which surround the posting of those documents;
- Public meetings and how that is affected by Privacy Act issues;
- Privacy Act review has created a bottleneck in getting transcripts available;
- Some remarks made during public comment have also raised security concerns;
- Feasibility of enforcing rules regarding the mention of names;
- A reasonable time period in which transcripts of Board meetings, workgroup meetings, et cetera, could reasonably be expected, either for privacy review or web site posting;
- Workgroup chairs could perhaps standardize their responsibility for keeping issues straight rather than relying on transcripts;
- A priority action list is the main thing needed going on to the next step, and the transcript can resolve confusion or disagreement.

Dr. Wade commented that, under FACA rules, workgroups are not intended to be formal meetings with transcripts, although the Board has made an appropriate decision to do that. It has created an expectation that there will be quick access, leading to the dynamic being discussed. **Dr. Wade** agreed to attempt to put into place a process that meets a 30-day requirement for Board meetings, although he couldn't commit to anything today. At the December meeting he would present possibilities within the present resource structure.

Ms. Ellison went on to update the Board on minutes and transcripts that had recently been posted or have been received from the Privacy Office with markups for redaction, which will soon be posted. She reiterated that the plan is to work from oldest to most recent. She asked that any priorities be indicated as soon as possible.

Dr. Wade added that the tracking matrices will be updated and provided approximately a week before meetings so that all members will be aware of the status.

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ROCKY FLATS FOLLOW-UP ACTIONS STATUS

Dr. James Neton commented his discussion would be brief, and was just to update the Board on efforts to move through those Rocky Flats cases not a part of the SEC. Three primary issues arose from the deliberations of the workgroup relative to modification of the site profile. Those included super S plutonium, use of the 95th percentile for unmonitored workers, and the neutron dose model from '67 to '70.

Dr. Neton explained the internal/external dosimetry site profile sections for Rocky Flats have been revised to include the new models and are on the web site. Out of the 947 cases processed cases, 590 needed to be re-evaluated in light of the new approaches. Program Evaluation Report PER-21 now on the web site requests DOL return to NIOSH all cases with a POC of less than 50 percent. These will be completely reworked, applying both the site profile revisions and any other changes made as part of the general program review.

A brief summary described that NIOSH had asked Department of Labor to return only those cases that are not part of the SEC class added for Rocky Flats workers.

Discussion Points:

- What is the timetable for getting this done;

- Clarification on how the issues are being interpreted by the Department of Labor;
- DOL is working through three basic pieces of information: the NDRP list, the mention of plutonium or neutron exposure, and building numbers. This is in conjunction with their own list of cases that have been denied for Rocky Flats;
- Reiteration of the workgroup concerns about building numbers and monitoring within those buildings, specifically for neutron exposures;
- How classes are defined becomes a critical issue in order for DOL to have enough information to do their job in the way the Board expects it to be done.

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SEC PETITION WRITEUPS

Dr. Ziemer observed there were only two actions, both of which were very straightforward. The standard template for wording will be used on the NUMEC petition, along with a rejection letter on the Y-12 petition.

Dr. Wade added that he and **Dr. Ziemer** had secured **Dr. Lockey**'s affirmative vote on NUMEC, which now stands at a count of 11 to zero.

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SUBCOMMITTEE AND WORKGROUP REPORTS

Subcommittee on Dose Reconstruction

Mr. Mark Griffon, Chair, reported that the group had met both Wednesday and in a separate meeting between the last Advisory Board meeting and this for the purpose of focusing on the fourth and fifth sets of review cases. Progress is being made toward the closeouts of those sets, 20 cases in each. He hoped to have final closeout by the December phone call meeting. Final matrices on those sets will be circulated prior to the meeting so that members can be ready for discussion as a full Board.

There has been a preliminary review of the sixth set. SC&A has likely set up meetings with most of the Board member teams on the seventh set.

Discussion Points:

- Can the reports on four and five be combined as one when reporting to the Secretary;
- That will also be a point at which a rollup of the first 100 reviewed cases could be presented, with a summary report of the findings developed to give the Secretary an overview of what those cases have shown.

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Workgroup on Assignment of Blind Review Cases

Mr. Mark Griffon, Chair, reported that he and **Ms. Wanda Munn** had taken suggestions from individual members of the Subcommittee from the list of recommended cases provided by NIOSH. Two cases were selected for blind review and **Mr. Griffon** indicated he would submit them to NIOSH and begin the process by which they will be forwarded to SC&A, without identifiers, and that closes out the workgroup.

Mr. Stu Hinnefeld from NIOSH indicated that there will probably be a few e-mail exchanges about what part of the case files will be provided. Essentially it would represent what would be provided a dose reconstructor starting at the front end of the process.

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Nevada Test Site

Mr. Robert Presley, Chair, reported that the group will meet later in the month in Cincinnati. **Dr. Arjun Makhijani**'s evaluation of the TBD will be delivered before the meeting. A new matrix will be available in the next couple of weeks, and they hope to be able to make a decision for presentation at the January meeting.

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Savannah River Site Site Profile

Mr. Mark Griffon, Chair, reported the group has not met since the last Board meeting. They did receive an updated report from SC&A and will schedule a meeting shortly to keep the process moving. **Mr. Griffon** remarked he believed the SC&A report was based on Rev. 3 and that there is now a Rev. 4E. He was concerned that if it's substantially different and they start the resolution process on Rev. 3, those resolutions may have been addressed in the subsequent revision. They don't want to duplicate their work. He will coordinate with **Dr. Sam Glover**, the NIOSH liaison for SRS, and determine whether SC&A needs to look at the new revision.

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SEC Issues

Dr. James Melius, Chair, reported SC&A is actively working on a review of the issues related to the Nevada Test Site. A workgroup meeting is anticipated as soon as the report is delivered so they have something to work from.

Dr. Makhijani commented the report could be sent by mid-month. **Dr. Ziemer** reminded the assembly that this workgroup had also been asked to include NUMEC issues, which SC&A may not have looked at.

Dr. Melius indicated that if there is a report by mid-month, they hope to meet in November and would hope to have resolved something to present to the Board in January.

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Procedures Review

Ms. Wanda Munn, Chair, reported the workgroup met in late August and they are working through a long list of outstanding individual findings on various procedures. The group met again just prior to this Board meeting for a full day and have moved a number of findings through resolution.

She reported SC&A has been asked to take a look at reformatting the matrices, which have become very cumbersome and difficult to move from one to the other, with terminology becoming very confusing. A sub-group of the workgroup will meet by telephone in November to discuss whether anything has been developed to replace the current format. A telephone conference with the full workgroup is scheduled afterward, at which time some decision will be made with respect to the format. A face-to-face meeting in scheduled in December to undertake new items that have been added to what they hope will be a new format by that time.

Discussion Points:

- There is a recent report on the closeout interview process, but prioritization of that issue should be reconsidered;
- The next step for Procedure 92, the issue being discussed, is for the agency to have an opportunity to review findings and respond to them;
- Legality of Board re-interview of claimants;

■A legal opinion will be sought and a policy judgment will be presented in the December meeting.

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Use of Surrogate Data

Dr. James Melius, Chair, reported the workgroup had met quickly the previous day. There needs to be a bit of work done to clarify with SC&A exactly what will be done as their next step. They have inventoried procedures, evaluation of situations in which NIOSH is using surrogate data. There will be an effort to review that process in a generic way and move forward, deliberating as a workgroup. More discussion is needed with SC&A to develop the timing, et cetera. A meeting is anticipated before the January Board meeting.

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Worker Outreach

Mr. Michael Gibson, Chair, reported the group has been working with **Mr. Elliott**'s staff and, through ORAU, put together some training to bring workgroup members up to speed and give access to the WISPR database, which contains worker comments. The group has also been provided dates for various types of worker meetings. Workgroup members will try to attend an upcoming meeting to get a feel for the different types of meetings. They hope to then meet in late October or early November.

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Linde Ceramics Site Profile

Dr. Genevieve Roessler, Chair, reported their first meeting had been in March when they went over the SC&A matrix and made assignments to NIOSH. They had expected more urinalysis data pertinent to the site, and recently learned there is no more. **Joe Guido** at ORAU is working through the rest of the assignments and has a preliminary report, with a final to be available before November 15, when they will then be able to schedule another workgroup meeting.

Dr. Roessler read into the record a letter from **Mr. Chris Crawford** which cited some changes in designation of the site whereby part is a DOE site, with one building remaining an AWE site. She indicated she would coordinate with **Mr. Griffon** to schedule a workgroup meeting prior to the January subcommittee meeting.

Discussion Points:

- Questions about why and how the decision was made about DOE versus AWE designations;
- DOL Circular Number 07-07 published September 5th, available on the DOL web site, was cited as the reference to verify the text of the decision.

Dr. Roessler commented the workgroup would try to report on that in the December conference call after some investigation into the issue.

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Los Alamos National Lab Site Profile and SEC Petition

Mr. Mark Griffon, Chair, reported that the workgroup has not met. They are waiting for an updated site profile from NIOSH. There is an outstanding SEC petition contingent on that modification. A meeting will be scheduled as soon as it makes sense to do so.

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Workgroups relating to Rocky Flats, Hanford, Blockson Chemical, Fernald and Chapman Valve were not requested to report, their issues having already been discussed in earlier presentations.

Dr. Wade commented that the workgroup on conflict of interest, chaired by **Dr. James Lockey**, is in an inactive status. **Dr. Lockey** had asked that **Dr. Wade** explain why, and place the responsibility where it exists. **Dr. Wade** reported the Secretary's position is that the Board has not been charged with looking at conflict of interest issues. An attempt to modify the charter has been rejected at this point because the enabling legislation did not call for conflict of interest. The issue continues to be raised. **Dr. Wade** suggested the workgroup be held inactive for a while longer in hopes that perhaps the logjam can soon be broken. He emphasized it is no reflection on the workgroup or the chair.

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Dr. Wade noted to the Board that SC&A has been funded now for the next fiscal year and they have to be given work. DRs will begin to flow and the procedures workgroup is beginning to think about procedures to be reviewed within the next year. He commented he would like to make that an agenda item for the December meeting.

He suggested the Board also begin to think about additional site profiles, either new or reissued, for review. **Dr. Wade** remarked on an action he intended to take relative to the Hanford review. With the second part of the Hanford petition now under Board consideration, it would be viewed as a new SEC review for this year, so SC&A would work and bill that accordingly.

Discussion Points:

- A suggestion that TIB-6000 and TIB-6001 might have a separate workgroup and task assigned since they are such huge efforts, being basically mini-site profiles used for AWE sites;
- Reviews were tasked under last year's funding, but the workgroup question remains;
- Another issue worthy of discussion in December is the possibility of grouping AWEs under uranium and thorium.

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BOARD WORKING TIME

Tracking of Board Actions

It was reported that prototype tracking matrices have been developed to keep track of site profiles and SEC petition, and that the transcripts, et cetera, would be tracked separately. The matrices will have two parts. One will cover status, then results of the Privacy Act portion. Effort is being made to capture all petitions on which the Board has taken action. **Dr. Wade** inquired whether this is useful and whether there are other elements the Board would like to see tracked.

Discussion Points:

- At what point will something appear on the list;
- If petitions that have been qualified are included, the Board could anticipate work that will be coming to them;
- Perhaps at each meeting the Board could be presented with the latest version of the matrix;
- A column could be added to show the date the SC&A reports were posted;
- It would be helpful to see the date of a report versus the date it's available on the web site;
- It would be helpful to know the small technical documents that may be discussed in workgroup meetings, which are hard for petitioners to keep track of and understand what's happening if they miss a meeting;

- Discussion has centered around the SEC sheet, but the site profile sheet begins to make the point about technical documents;
- Perhaps an additional matrix could be utilized and, when a workgroup chair identifies a document, it can be added to the matrix for tracking;
- The new matrix SC&A will propose to the procedures review workgroup may address some of these issues;
- A suggestion that **Dr. John Mauro** of SC&A make workgroup chairs aware of the form that matrix will take.

Dr. Ziemer summarized that what is being proposed is that they will try the tracking. As the Board gets experience, the matrix may be modified. If another matrix needs to be added for special documents, that can be done at some point.

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Dr. Ziemer observed that tracking of transcripts and tracking of Board actions has already been discussed.

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FUTURE PLANS AND MEETINGS

Dr. Wade reminded the Board they had been provided a listing of proposed Board meeting dates up to February 2009 and needed feedback on any modification requirements. He was proposing the meeting scheduled for September 2, 3 and 4 of 2008 be changed to September 9, 10 and 11.

Taking the schedule in order, April 8, 9 and 10 of 2008 was discussed and ultimately changed to April 7, 8 and 9, possibly in Amarillo, Texas.

September 2, 3 and 4, 2008 was changed to September 9, 10 and 11.

Reviewing the balance of the 2007 schedule, the December 6 teleconference was discussed and ultimately changed to November 27, with the understanding that **Dr. Lockey** would not be available.

The dates of February 17, 18 and 19, 2009 were to be held open pending a report from **Dr. Melius** on his schedule.

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With no further business to come before the Board, the meeting was adjourned at 12:35 p.m.

End of Summary Minutes

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I hereby confirm these Summary Minutes are accurate, to the best of my knowledge.

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Paul L. Ziemer, Ph.D., Chair

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Date