

UNITED STATES OF AMERICA
CENTERS FOR DISEASE CONTROL

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NATIONAL INSTITUTE FOR OCCUPATIONAL
SAFETY AND HEALTH

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ADVISORY BOARD ON RADIATION AND
WORKER HEALTH

+ + + + +

69th MEETING

+ + + + +

FRIDAY
MAY 21, 2010

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The meeting convened at 8:15 a.m.,
Eastern Daylight Savings Time, in the Crowne
Plaza Hotel, 300 3rd Street, Niagara Falls,
NY, Mark Griffon, Acting Chairman, presiding.

PRESENT:

MARK GRIFFON, Acting Chairman
HENRY ANDERSON, Member
JOSIE BEACH, Member
BRADLEY P. CLAWSON, Member
R. WILLIAM FIELD, Member
MICHAEL H. GIBSON, Member
RICHARD LEMEN, Member
WANDA I. MUNN, Member
JOHN W. POSTON, SR., Member

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PRESENT: (continued)

ROBERT W. PRESLEY, Member
DAVID B. RICHARDSON, Member*
GENEVIEVE S. ROESSLER, Member
PHILLIP SCHOFIELD, Member
PAUL L. ZIEMER, Member*
TED KATZ, Designated Federal Official

REGISTERED AND/OR PUBLIC COMMENT PARTICIPANTS

ADAMS, NANCY, NIOSH Contractor
BRADFORD, SHANNON, DCAS
BURGOS, ZAIDA, NIOSH Contractor
CRUZ, RUBEN, CDC
FITZGERALD, JOE, SC&A
HINNEFELD, STUART, DCAS
HOWELL, EMILY, HHS
HINNEFELD, STU, DCAS
HUGHES, LARA, DCAS*
KLEA, BONNIE*
KOTSCH, JEFFREY, DOL
LEWIS, GREG, DOE
LIN, JENNY, HHS
MAKHIJANI, ARJUN, SC&A
MAURO, JOHN, SC&A
MCFEE, MATT, ORAU Team
OSTROW, STEVE, SC&A
PRESLEY, LOUISE
RUTHERFORD, LAVON, DCAS
ULSH, BRANT, DCAS

*Participating via telephone

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

2 8:26 a.m.

3 MR. KATZ: Good morning, and
4 welcome everyone in the room and on the line.

5 This is the Advisory Board on Radiation and
6 Worker Health. This is our third day of our
7 meeting here in Niagara Falls, and we're just
8 about to get started.

9 And let me begin by checking in
10 and seeing that we have two Board members who
11 are remote.

12 Dr. Ziemer?

13 MEMBER ZEIMER: Yes, I'm here.

14 MR. KATZ: Great.

15 And, Dr. Richardson.

16 MEMBER RICHARDSON: Yes, I'm here.

17 MR. KATZ: Great. Good morning.

18 Well, it's not morning for you, Dr.
19 Richardson, I don't think.

20 MEMBER RICHARDSON: Good evening.

21 MR. KATZ: Yes. Thank you.

22 So, otherwise, let me just note,

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1 too, we probably don't have that many people
2 on the line, but please mute your lines except
3 when you're addressing the Board; *6 to mute
4 your line if you don't have a mute button, and
5 *6 to take it off mute. And let me see -- I
6 think that's it. Actually, we can roll.

7 ACTING CHAIRMAN GRIFFON: This is
8 Mark Griffon standing in for Jim Melius, the
9 Chair of the Committee, and this morning we're
10 starting off with two 83.14 SEC petitions.
11 The first one is De Soto Avenue facility, and
12 Brant Ulsh is going to start us off with a
13 presentation on that.

14 Brant.

15 DR. ULSH: Thank you, Mark.

16 Mark is not the only stand-in this
17 morning. As you heard yesterday, we're down
18 to the third string for some of these, and
19 this is one of them.

20 Dr. Lara Hughes was the NIOSH
21 point person on this particular petition. She
22 was unable to make it to this meeting, and you

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1 already see a problem with the title slide,
2 and that's that I'm not Jim Neton. So Jim was
3 unfortunately unable to make it, too, so I
4 will be handling this one.

5 These two petitions, the next two
6 petitions that we're going to do, De Soto
7 Avenue and then followed by Downey, I think
8 are going to be relatively easier, perhaps,
9 than some of the other matters that you've
10 considered at this meeting.

11 Okay, the De Soto Avenue facility
12 -- the petition that we're bringing forward
13 today is an 83.14, and I know that all of you
14 Board members know the significance of that,
15 but for others who may not, this is a petition
16 that NIOSH is bringing forward rather than
17 being a petition that is originated with
18 claimants.

19 And so what you see here is that
20 on the petition overview, NIOSH, as typical
21 with 83.14s, we were unable to obtain
22 sufficient information to do a dose

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1 reconstruction, so we are proposing an 83.14
2 SEC Class. The timeline begins here on
3 February 26. We notified a claimant, we
4 initiated the 83.14 process, and the petition
5 was submitted to NIOSH in March of this year.

6 So just a little bit about the De
7 Soto Avenue facility -- it was owned and
8 operated by North American Aviation, and we're
9 focusing specifically on the Nuclear
10 Operations Division, which was known as
11 Atomics International. And De Soto was the
12 headquarters of Atomics International and is
13 closely affiliated with the Santa Susana Area
14 IV site. In fact, both De Soto and Downey,
15 which will follow, were one of the, were two
16 of the predecessors to the Santa Susana site
17 along with the Canoga Avenue facility, which I
18 believe has already been added to the SEC
19 Class.

20 The period of coverage for the De
21 Soto facility is 1959 through 1995, and in the
22 last bullet there, you see that operations

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1 were transferred from De Soto to Canoga Avenue
2 in 1959, so De Soto is a predecessor to
3 Canoga, which has already been designated an
4 SEC.

5 Here is a picture of the facility
6 that we're talking about. This picture is
7 from 1963, and you can see two red circles
8 here. This, these are the buildings, Building
9 I and Building IV, which housed the operations
10 of Atomics international.

11 Okay, so there are a couple of
12 other Classes that are related to this
13 particular one. As I mentioned, we've got two
14 Classes for Area IV of Santa Susana, and those
15 collectively span 1955 through 1964. The
16 Canoga Avenue facility, for which we have an
17 SEC for 1955 through 1960 -- and we jumped the
18 gun a little bit on this last bullet. We've
19 got that the Downey facility is an SEC from
20 '48 to '55. I think it's probably about half
21 an hour early. We'll see how it goes after,
22 in the next presentation.

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1 And the basis of our proposal to
2 add a Class for De Soto is -- it's an
3 infeasibility to reconstruct internal doses --
4 oh, sorry. The infeasibility to reconstruct
5 internal doses is what came into play for all
6 of these others that are listed here.

7 All right, so what did they do at
8 De Soto? Well, first of all, they had a
9 nuclear reactor program which operated from
10 1960 through 1977, and they had a small
11 research reactor, about a 10-watt reactor.
12 They did nuclear support operations from 1959
13 through 1983, and that involved fabrication of
14 uranium aluminide fuel plates, and they also
15 did some radiochemistry. Furthermore, they
16 have a gamma radiation facility with both
17 cesium-137 and cobalt-60 sources, and they had
18 a mass -- mass spectrometer laboratory for the
19 analysis of neutron-radiated samples.

20 So here, as we typically do, we
21 summarize the information that's available to
22 us. As usual, we have the, the Technical

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1 Information Bulletins in these Site Profiles
2 that was produced by the ORAU Team. We also
3 have documents that are available at our site
4 research database, and those documents came
5 from records that we captured related to the
6 Santa Susana Area IV site.

7 And we also visited Federal
8 Records Center in San Bruno, and we consulted
9 with -- you know, we got electronic databases
10 from both the Department of Energy and the
11 Nuclear Regulatory Commission in the State of
12 California. We also have the case files that
13 are available for the claims related to this
14 site, and we have interviews from former De
15 Soto employees in Area IV of Susana, Santa
16 Susana employees as well.

17 We do -- let's talk a little bit
18 about what's available to us for internal
19 monitoring. We have urine bioassay data
20 starting in 1958, a number of different types
21 that you can see listed here -- gross alpha,
22 gross beta, uranium, mixed fission, plutonium,

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1 thorium, and a few other elements that are
2 listed. However, the internal monitoring is
3 limited to radiation workers who were working
4 with unencapsulated material, and it's also
5 mixed in with the data from the Area IV of
6 Santa Susanna records.

7 So what we discovered during the
8 research for this petition is that
9 radionuclide -- there was a potential for
10 radionuclide intake for unmonitored workers at
11 the Santa Susana related sites, and that
12 includes the De Soto facility. We determined
13 that we needed a coworker model to assign dose
14 for the unmonitored workers.

15 And this -- I think this is the
16 real problem here. The bioassay database
17 contains missing positive data up to 1965, and
18 this is the same situation we faced at Area IV
19 of Santa Susana. I think Dr. Hughes is on the
20 phone, so she'll correct me if I
21 mischaracterize this, but I think what we see
22 in the records are simply a plus sign to

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1 indicate that something was monitored, but we
2 don't have a numerical result to go with it.
3 So that puts us in a pretty tough position to
4 construct a coworker database or a coworker
5 model for that time period.

6 So we determined that we are
7 unable to bound internal doses for coworkers
8 before 1965. Now, in 1965, it's our
9 conclusion that the internal data is complete
10 and sufficient to go forward with the coworker
11 model. We don't face that same issue with the
12 pluses with no numerical values attached.

13 We do have an external monitoring
14 data for all years of site operation, and we
15 are assigning dose based on job and exposure
16 potential. There is beta and gamma
17 monitoring, and that is in the form of pocket
18 or pencil dosimeters, film dosimeters, and
19 TLDs. There are also -- there's NTA film
20 results. And, again, this is included in the
21 Santa Susana records. So we have developed a
22 coworker model to assess unmonitored external

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1 doses, and that, by the way, is currently
2 undergoing revision.

3 So to conclude the feasibility
4 conclusions related to this petition, it is
5 our position that we lack sufficient
6 monitoring data or source term data that would
7 allow us to bound internal doses with
8 sufficient accuracy for the De Soto facility
9 for the time period of January 1, 1959 through
10 the last day of 1964, December 31st.

11 We do believe that we have
12 sufficient data to reconstruct external doses,
13 and of course, as usual, we will use
14 individual monitoring data when it's available
15 to us. The normal two-pronged test, the
16 health endangerment, as we normally conclude
17 here we can't reconstruct doses, we are
18 concluding that there was health endangerment,
19 and so this slide gives you the exact wording
20 of the Class definition, and it's pretty much
21 as I summarized before. It's a bit long, so
22 I'll give you a little time to read that.

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1 So here's our recommendation: we
2 are recommending that a Class be added to the
3 SEC for De Soto, as I mentioned, from January
4 1959 through the end of 1964. We determined
5 that it's not feasible and that health was
6 endangered. Okay, I think that's it.

7 So I would gladly take any
8 questions and direct them to Lara, who I hope
9 is on the phone.

10 ACTING CHAIRMAN GRIFFON: Thanks,
11 Brant.

12 Yes, we can open it up to the
13 Board now for questions. Anyone have any
14 questions about this facility?

15 Maybe I can start off with, how
16 many -- I'm sorry -- how many claimants did
17 you have for this facility?

18 DR. ULSH: I had a feeling you
19 would ask that.

20 Lara, are you on line?

21 DR. HUGHES: Yes, I'm here. Can
22 you hear me?

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1 DR. ULSH: Yes, we can hear you.
2 Mark just asked, how many claimants?

3 DR. HUGHES: Yes, as of today, we
4 have 225 claims for De Soto.

5 ACTING CHAIRMAN GRIFFON: 225?

6 DR. HUGHES: Yes.

7 ACTING CHAIRMAN GRIFFON: And I
8 also noticed the Class definition, you went
9 with the all-worker model, although early in
10 your presentation, you said Buildings I and IV
11 were the -- by, by broadening it to all
12 workers, do you, you know, extensively expand
13 a population that might be -- fall within the
14 Class? Or have you examined that?

15 DR. HUGHES: Well, we know the
16 site does not only consist of radiation
17 workers but the two larger facilities. The
18 larger buildings at the site were the
19 facilities that did nuclear work, and
20 essentially, I mean, we have the same problem.

21 We have as many sites that we cannot tell or
22 cannot really tell which worker worked where

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1 for sure, which leads us to recommending a
2 Class that encompasses all workers.

3 ACTING CHAIRMAN GRIFFON: Okay.
4 And there's not enough in their individual
5 records to sort of place them in those areas,
6 is what you're kind of --

7 DR. HUGHES: That is correct.

8 ACTING CHAIRMAN GRIFFON: Yes.

9 MR. HINNEFELD: This is Stu
10 Hinnefeld. I just wanted to ask maybe one
11 question of Lara.

12 You said there were well over 200
13 claims. Now is that the entire population of
14 claims from De Soto?

15 DR. HUGHES: Yes.

16 MR. HINNEFELD: Okay, so De Soto
17 has, covered period goes beyond 1964.

18 DR. HUGHES: Oh, yes, that's
19 correct.

20 MR. HINNEFELD: So we don't know
21 all 200 some odd are in this Class.

22 ACTING CHAIRMAN GRIFFON: Oh, yes

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1 --

2 DR. HUGHES: Oh, I think we, it's
3 actually, I think it's in the Evaluation
4 Report. I would have to pull that number.

5 MR. HINNEFELD: Yes, if you can
6 look for that while we're discussing it.

7 DR. HUGHES: Okay.

8 ACTING CHAIRMAN GRIFFON: Yes, I
9 think that's an important factor for us to
10 consider.

11 Others on the Board have any
12 questions?

13 MEMBER RICHARDSON: I have a
14 question. This is David Richardson.

15 ACTING CHAIRMAN GRIFFON: Yes,
16 David, go ahead.

17 MEMBER RICHARDSON: The difficulty
18 in placing workers -- Mark raised a question
19 of placing them in Buildings I or IV.
20 Previously when we've, we've talked about
21 Santa Susana and the related or affiliated
22 work areas within, within Atomics, the

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1 question has been that people are, are moving
2 between sites, not so much between buildings,
3 and that, that seemed to me more of a concern
4 here.

5 I, when I'm looking through the
6 operations description for De Soto, the, that
7 in itself doesn't make, to me -- I mean, I
8 could be, I could have not spent enough time
9 struggling with this, but the descriptions of
10 the operations don't seem that insurmountable.

11 So you've got a reactor here,
12 which is 10 watts, which is incredibly small.

13 It's, I mean, it's -- you're talking about
14 like a string of Christmas tree lights, and
15 it's operating with, with fuel, which I think
16 is measured in grams, not in kilograms, and
17 probably very low enrichment. So it's a very,
18 very small reactor. This is the first
19 operation that you've described.

20 The gamma radiation facility is
21 all sealed sources, and you've said that you
22 feel like you can deal with external

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1 exposures. You have a mass spec lab, which I
2 would feel like seems, to me, hard to imagine
3 that you couldn't bound the exposures there.

4 So the one kind of process maybe
5 that would be, I guess we'd want to struggle
6 with would be this advanced test reactor/fuel
7 fabrication activity. But if, if it was
8 simply kind of one of the other -- these other
9 operations sound to me very kind of
10 small-scale and relatively constrained and
11 maybe not that difficult to bound exposures
12 on.

13 Is, is the problem simply that --
14 I mean, is it possible to figure out that De
15 Soto workers are working at least in the De
16 Soto facility, or, or is what's motivating you
17 to go and make this an SEC the fact that these
18 workers go into Area IV, the field laboratory,
19 and are doing other work that's more difficult
20 to deal with?

21 DR. HUGHES: I --

22 MEMBER RICHARDSON: Because, as I

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1 read your SEC document, I wasn't really struck
2 by kind of a case that this was
3 insurmountable.

4 DR. HUGHES: This is Lara Hughes
5 with NIOSH. I can try to answer that. The
6 first, one part of the question is this
7 evaluation is with respect to the De Soto
8 facility, and the tie-in to Santa Susana is
9 merely that the records are essentially in the
10 same state. So we're looking at workers that
11 worked at De Soto in this case.

12 And as for the operations, the
13 largest internal exposure that we're dealing
14 with at this site was this fuel fabrication.
15 And it might not have been entirely clear in
16 the presentation, but they did fuel
17 fabrication not only for this advanced testing
18 reactor -- I forget exactly what it was called
19 -- but they did fuel fabrication for a large
20 number of the reactors on the site, on the
21 Santa Susana site, and there were actually
22 some incidents of very large internal

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1 exposures to uranium aluminide fuel, with the
2 powder that was generated during this process.

3 So we know there was a significant
4 internal exposure potential at the site which
5 we cannot reconstruct based on the data that's
6 available. So the fuel fabrication would be
7 the major operation that would result in these
8 internal doses at the site.

9 ACTING CHAIRMAN GRIFFON: Can you
10 -- can you tell us where in the Evaluation
11 Report that's, that's talked about, discussed?

12 Some of us -- I mean, in the presentation,
13 that certainly, in my opinion, wasn't really
14 highlighted, and I think that's a --

15 DR. HUGHES: Right.

16 ACTING CHAIRMAN GRIFFON: --
17 critical factor because I agree with what
18 David was talking about, as far as the reactor
19 and the other exposures were concerned. So if
20 you can point us to that, that might be
21 helpful for --

22 DR. HUGHES: Yes, I'm not sure

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1 it's entirely clear. It might not be entirely
2 clear in the report. It would be Section 41,
3 Operations Description. It's fairly short in
4 the report. We tend to keep the 83.14 report
5 shorter. It could have been more elaborate in
6 there.

7 And to answer your earlier
8 question regarding the effective number of
9 claims, that would be 97 claims at the De Soto
10 facility that have employment during these,
11 the recommended SEC period.

12 ACTING CHAIRMAN GRIFFON: And in
13 your description it says "fuel fabrication in
14 the '60s and '70s." Would it even fall in
15 this Class, the definition? '64 is-- I mean,
16 does the fuel fabrication start before '64?

17 DR. HUGHES: Yes, the --

18 ACTING CHAIRMAN GRIFFON: It is
19 applicable for this time period we're
20 discussing then?

21 DR. HUGHES: That is correct. The
22 operations at De Soto started in 1959. They

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1 moved in 1959 from the Canoga facility, and I
2 think the major operation started up in 1960.

3 But it's covered up to 1959.

4 ACTING CHAIRMAN GRIFFON: Okay,
5 any other -- I was actually reading that
6 section a little bit. There's not much there,
7 though, as you said, to review.

8 Any other questions? David or
9 Paul on the line?

10 MEMBER ZIEMER: Yes, Paul Ziemer.
11 I have a, just a kind of a minor question.
12 The last slide is a little different from what
13 we ordinarily see. Nothing was mentioned
14 about medical exposures. Am I -- I assume
15 that medical exposures will be added and can
16 be reconstructed in the usual manner.

17 DR. HUGHES: Yes, that is correct.

18 MEMBER ZIEMER: And then, just for
19 future reference, normally we show what is
20 feasible as well as what is not feasible. I
21 think that all of the externals are feasible
22 through this period. Is that correct or not?

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1 It's the -- the no on feasibility has to do
2 with the internal dose; is that not correct?

3 DR. ULSH: That is correct.

4 ACTING CHAIRMAN GRIFFON: That's
5 correct, Paul, yes.

6 MEMBER ZIEMER: Yes.

7 ACTING CHAIRMAN GRIFFON: Any
8 further questions?

9 MEMBER ZIEMER: I might add one
10 minor comment just for the record.

11 ACTING CHAIRMAN GRIFFON: Yes.

12 MEMBER ZIEMER: A low, a low power
13 reactor, such as 5 watts, still requires a
14 critical mass of uranium, and many reactors in
15 that category, at least historically, have
16 used highly enriched uranium. So it, it's a
17 matter of what you control the power to.

18 So although in this case I don't
19 think that is affecting doses, it would, it
20 would take a criticality incident above the
21 licensed power to, to cause a problem because
22 that kind of reactor, you can handle the fuel

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1 even after, after the reactor's been on for a
2 while, so, but it, it still requires the
3 critical mass and could indeed be highly
4 enriched.

5 ACTING CHAIRMAN GRIFFON: Okay.
6 David, any further questions or follow-up on
7 the additional information on the fuel
8 fabrication? I thought you might --

9 MEMBER RICHARDSON: Well, it's,
10 it's -- yes, it's hard for me to follow up
11 because, as you said, there's, there's really
12 four sentences there.

13 ACTING CHAIRMAN GRIFFON: Right.

14 MEMBER RICHARDSON: So, so -- and
15 I, you know, and the bulk of the text is about
16 the other operations. So if there's, if
17 there's other documents that I could be
18 referred to, would be happy to look at those.

19 ACTING CHAIRMAN GRIFFON: Brant or
20 -- are the references -- I haven't looked at
21 it enough to know. I'm sure the references
22 are on the O: drive.

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1 MEMBER RICHARDSON: And if there -
2 - yes, if there could be some clarification
3 about the L-77 reactor, I mean, my comments
4 were following. I just tried to do a little
5 bit of reading about it, and the -- yes, so if
6 there's further information about the, of the
7 enrichment fuel they're working with, for
8 example, and what I've found is -- that
9 they're called aqueous homogenous reactors --
10 you're right. It can work with a range of
11 levels of enrichment of uranium down to, I
12 think, very, very low levels of enrichment.
13 So it's -- and maybe a return that changed,
14 and I don't know if you have further
15 information about how that was working.

16 DR. HUGHES: The reactor operates
17 with 93 -- up to 93% enriched uranium. I
18 think it was uranyl sulfate solution.

19 ACTING CHAIRMAN GRIFFON: Did you
20 say it was up to highly enriched --

21 DR. HUGHES: It was 93%,
22 thereabouts.

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1 ACTING CHAIRMAN GRIFFON: Okay.

2 MEMBER ZIEMER: The reason I
3 mentioned that is --

4 ACTING CHAIRMAN GRIFFON: I think
5 --

6 MEMBER ZIEMER: -- we have a
7 similar powered reactor at our university, and
8 it used, up until recently, 93% enriched
9 uranium.

10 ACTING CHAIRMAN GRIFFON: Right,
11 and that's why I was asking a little more on
12 the fuel fabrication section because I think
13 that is one unique aspect of this facility,
14 that -- and it sounds like that was a key
15 part.

16 I mean, do, can you expand a
17 little bit long, you know, sort of the extent
18 of that operation and how much material, you
19 know, what kind of quantities where they
20 dealing with, what kind of -- anything else
21 you can give us on that? I think that's
22 important to actually build the record here if

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1 we're going to vote on this.

2 DR. HUGHES: I don't have it in
3 front of me. I would have to research that
4 again. I don't have those numbers handy.
5 Sorry.

6 ACTING CHAIRMAN GRIFFON: No,
7 that's okay.

8 MEMBER ZIEMER: Mark?

9 ACTING CHAIRMAN GRIFFON: Yes,
10 Paul, go ahead.

11 MEMBER ZIEMER: One other
12 question. I think on some of the other
13 facilities in the Santa Susana area, there was
14 access by workers from the other parts of the
15 site to some of these sites. I wasn't clear
16 on De Soto. Were workers from the other sort
17 of Santa Susana area sites -- could they
18 access this site as well?

19 DR. HUGHES: As far as I know, the
20 situation is similar, that workers were
21 transferred between the Santa Susana site and
22 -- [telephone interference].

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1 ACTING CHAIRMAN GRIFFON: Having a
2 little trouble hearing you on the line there.

3 DR. HUGHES: Okay. I'll try this
4 again.

5 As far as I know, the situation
6 with De Soto was similar to the situation with
7 the Canoga facility in that workers were
8 transferred between Area IV and the De Soto
9 facility as needed. This would be typically
10 reflected in their records. You can typically
11 tell whether or not a worker worked at De Soto
12 or Area IV. However, we cannot always tell
13 which building or which area they worked in.

14 MEMBER ZIEMER: Yes, so they might
15 get their 250 days by a combination of some of
16 those sites, in think, in practice.

17 DR. HUGHES: Yes.

18 ACTING CHAIRMAN GRIFFON: Okay.
19 Any more questions at this point? The one
20 question I was sort of waiting for a followup
21 on was the number of claimants that would fall
22 into this time period if anyone has that

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1 information.

2 DR. ULSH: Lara already mentioned
3 that there are 97.

4 ACTING CHAIRMAN GRIFFON: Oh, 97.
5 I'm sorry.

6 DR. ULSH: With employment in this
7 time period.

8 ACTING CHAIRMAN GRIFFON: Okay.
9 Ninety-seven with employment, so, yes. Okay.

10 DR. ULSH: Right.

11 ACTING CHAIRMAN GRIFFON: It gives
12 us an idea anyway.

13 DR. ULSH: It's an upper bound,
14 probably.

15 ACTING CHAIRMAN GRIFFON: Right.
16 Yes, Brad.

17 MEMBER CLAWSON: You know,
18 there's, there's a lot of questions to what,
19 what actually went on there. Wasn't SNAP part
20 of this? Was -- or was it up to Santa Susana?
21 I thought --

22 MEMBER PRESLEY: SNAP was a big

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1 part of this.

2 MEMBER CLAWSON: This, what I was
3 thinking is that the SNAP process was highly
4 enriched, and it was, there was numerous
5 different programs that went through this. So
6 it doesn't seem like, to me, that the Site
7 Profile has got everything covered of actually
8 what went on in there.

9 ACTING CHAIRMAN GRIFFON: Any
10 comments on the line?

11 DR. HUGHES: I'm sorry. I was
12 unable to hear what the question was.

13 ACTING CHAIRMAN GRIFFON: They
14 were mentioning the SNAP program.

15 DR. HUGHES: Okay.

16 ACTING CHAIRMAN GRIFFON: And, and
17 that that went through the De Soto facility.
18 Was that --

19 DR. HUGHES: The SNAP program --
20 the reactors for the SNAP program were located
21 at Area IV, Santa Susana. It is possible,
22 although, as I said, I don't have the numbers,

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1 that some of the fuel or all of the fuel that
2 went into these reactors might have been
3 manufactured at De Soto, which had the larger
4 fuel manufacturing facility. Now some of the
5 fuel also was manufactured at Santa Susana, so
6 I would have to go and look up which, which
7 was exactly produced there.

8 ACTING CHAIRMAN GRIFFON: Okay.
9 Okay.

10 Any other questions on the Board?

11 (No response.)

12 My understanding is the petitioner
13 is -- is not on the line. Right. So, as far
14 as petitioner comments, I don't think we have
15 any petitioner comments.

16 I guess my feeling -- we can
17 certainly open for a motion at this point. Or
18 we -- the other option is to hear this very
19 related facility here and have that
20 presentation, and then entertain the
21 possibility for motion on both. I actually
22 prefer the latter, but -- Wanda?

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1 MEMBER MUNN: So do I. I think it
2 would be, because the Santa Susana sites are
3 so closely related.

4 ACTING CHAIRMAN GRIFFON: Right.
5 Right.

6 MEMBER MUNN: It just seems
7 logical since we have them both in front of us
8 --

9 ACTING CHAIRMAN GRIFFON: Yes.

10 MEMBER MUNN: -- to complete the
11 other before we --

12 ACTING CHAIRMAN GRIFFON: Yes,
13 okay. All right. Yes --

14 MEMBER RICHARDSON: Mark?

15 ACTING CHAIRMAN GRIFFON: Yes?

16 MEMBER RICHARDSON: Would it be
17 possible -- is there another microphone that -
18 - I'm not quite sure how you're located, but
19 it's almost impossible to hear Wanda.

20 ACTING CHAIRMAN GRIFFON: Oh,
21 okay. We'll work on that.

22 MEMBER MUNN: Wanda was not close

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1 to the microphone. Sorry.

2 MEMBER RICHARDSON: Okay, thank
3 you.

4 ACTING CHAIRMAN GRIFFON: Okay.
5 So we're going to move into the Downey
6 facility presentation and then take a -- we
7 would obviously need separate motions for
8 both, but since they're so related, I think we
9 would like to hear this presentation and then
10 do our Board work after that. So I'll turn it
11 back over to Brant for presentation on the
12 Downey facility.

13 DR. ULSH: Thanks again, Mark.
14 I'm only the second string on this one, not
15 third. I'm filling in for Lara.

16 So the Downey facility is closely
17 related. It's one of -- I call it a feeder
18 site into Santa Susana. However, in time, it
19 precedes the De Soto facility, so it's an
20 earlier time period.

21 Again, similar to De Soto, this is
22 an 83.14 that NIOSH initiated, and this is, I

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1 think, a similar slide to what you saw in the
2 earlier presentation, that we were unable to
3 reconstruct dose for a case and so we
4 recruited a petitioner, and that petition was
5 submitted to NIOSH on March 10th of this year.

6 So here's the normal two-prong
7 test that we always consider. Is it feasible,
8 and is there a reasonable likelihood that the
9 health might have been endangered for members
10 of this Class? And we'll come back to those.

11 I'll summarize at the end. You can probably
12 already guess our answer.

13 But the Downey facility, here's a
14 little bit of the history of it. As I
15 mentioned, it's associated with Santa Susana,
16 so it's located in Los Angeles County,
17 California, again, owned by North American
18 Aviation, similar to De Soto. It operated
19 since the 1940s, and the main focus was
20 airplane development. Again, just like
21 before, a small section of the plant was
22 Atomic Energy Research Department and that was

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1 AEC-funded, and the purpose of that research
2 facility was to investigate nuclear power
3 applications.

4 The period of coverage on this
5 site is 1948 to 1955, so you see that it
6 precedes the De Soto facility. And then the
7 operations were moved to and expanded to Santa
8 Susana and also the Canoga facility, and that
9 occurred in 1955.

10 Now this might be a good place to,
11 again, remind you that Santa Susana has been
12 added to the SEC. Canoga has been added to
13 the SEC, and you're currently considering De
14 Soto.

15 Here's a schematic of the location
16 of these operations within the Downey
17 facility, and you can see that, that red
18 circle there.

19 The operations that occurred at
20 Downey included nuclear engineering and
21 research. They had small-scale studies, they
22 had radiochemistry operations and they had a

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1 neutron counting room. They also had a water
2 boiler neutron source, which was a maximum of
3 four watts, and that operated from 1952
4 through 1955. They had a half-a-watt teaching
5 reactor. They had a Van de Graaff
6 accelerator, and they also had an exponential
7 pile.

8 Here's some more things that they
9 did. Their research activities involved
10 analyzing and handling radioactive material,
11 mainly canned and depleted uranium and uranyl
12 sulfate. Now the question was brought up
13 earlier in relation to De Soto about what
14 enrichment they might have had. I don't know
15 if this is applicable to De Soto, but at
16 Downey, they had up to 93% enriched, so very
17 high enrichment, and that was for the water
18 boiler source.

19 There was a potential for both
20 internal and external exposures for workers at
21 this site. And here, again, is a summary of
22 the information that's available to us. It

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1 should look very familiar. It's similar to
2 the De Soto facility.

3 We've got, of course, the
4 Technical Information Bulletins and Site
5 Profiles that the ORAU Team did. We've got
6 case files. And the same records that we had
7 available for De Soto, we have here for
8 Downey, and we consulted the same sources, and
9 also, of course, not to leave out the
10 interviews that were conducted with Santa
11 Susana staff that related to this facility.

12 So let's talk about -- a little
13 bit about internal monitoring because that's
14 going to be the basis for our recommendation
15 for the addition of an SEC. Basically, there
16 isn't any internal monitoring for workers at
17 Downey from 1948 through 1955, and that's
18 consistent with what we've seen at the related
19 sites, where the internal monitoring program,
20 the bioassay program, didn't begin until 1958.

21 We do have external monitoring
22 data starting around 1951 and similar to

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1 before, we're going to assign doses based on
2 job and exposure potential. The majority of
3 the Downey workers, this is important to point
4 out, were not radiation workers, but we do
5 have beta and gamma monitoring just like
6 before, with pencil dosimeters or film badges,
7 and we do have NTA film so we can monitor
8 neutrons with the start of the reactor
9 operations. We don't have much in the way of
10 workplace and source term data.

11 So again, to get rapidly to the
12 conclusion, it is our conclusion that we don't
13 have sufficient monitoring or other types of
14 information that would let us estimate
15 internal doses through the covered period,
16 which runs, for this facility, from the
17 beginning of January, January 1st, 1948
18 through the end of 1955, December 31st, and,
19 of course, we will use data when it is
20 available to us.

21 Health endangerment -- similar to
22 before, we concluded that indeed health could

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1 have been endangered.

2 And this is the slide that you may
3 be more familiar with, as Paul mentioned, I
4 think, earlier. This is the one that we
5 normally have. And what you see here is we've
6 concluded that we cannot reconstruct internal
7 doses. However, we can reconstruct external
8 dose when we have data available for the
9 specific cases.

10 Here is the proposed Class
11 Definition. I won't read all of those words
12 to you, but it's -- and here's our
13 recommendation to add a class for the Downey
14 facility from January 1st, 1948 through
15 December 31st, 1955.

16 And that is it. So, again, open
17 for questions.

18 ACTING CHAIRMAN GRIFFON: Yes, and
19 I'll start off with the same question as last
20 time -- the number of claims for this facility
21 in the time period --

22 DR. ULSH: Lara, do you have those

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1 numbers?

2 DR. HUGHES: Yes, it's 33 claims.

3 ACTING CHAIRMAN GRIFFON: Thirty-
4 three. Okay.

5 DR. HUGHES: Yes, and the entire
6 covered period is, in this recommended SEC
7 period, is the same number. All of those
8 claims are affected by the --

9 DR. ULSH: The SEC equals the
10 entire covered period.

11 ACTING CHAIRMAN GRIFFON: Oh, it
12 is the entire covered period, okay.

13 DR. ULSH: Yes.

14 ACTING CHAIRMAN GRIFFON: So, it's
15 33.

16 DR. ULSH: Right.

17 ACTING CHAIRMAN GRIFFON: Okay.
18 And any questions from Board members?

19 MEMBER CLAWSON: I was just -- I
20 was just looking at your feasibility, or
21 summary right here. You've got the asterisks,
22 and you've got external dose reconstruction

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1 feasible when data available for special
2 cases.

3 So does that mean that, if they
4 don't have the data, then external dose, you
5 won't be able to do, or --

6 DR. ULSH: I think that's
7 accurate.

8 Lara, we're looking at the slide,
9 the summary slide with the table and the Xs.

10 DR. HUGHES: Right. This, the
11 covered period goes back all the way to 1948,
12 and I would have to look up when we actually
13 see a majority of monitoring data stored since
14 the early '50s, which I think is coincident
15 with the start of this reactor that they were
16 operating.

17 Whereas, the covered period starts
18 in 1948, it started out doing mostly bench-top
19 or paper studies, so I believe that even the
20 external monitoring wasn't up to speed at that
21 time. So in the claimant files as well as the
22 external coworker data, we don't see any

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1 external data, so we don't see much external
2 data prior to 1950, I would say. That's why
3 those asterisks are there, to indicate there
4 might be cases where, in the very early years,
5 what might be problematic to reconstruct
6 external doses based solely on the individual
7 data.

8 MEMBER CLAWSON: You've got the
9 slide -- why I was wondering this is because
10 in the earlier slide, it said that you had
11 film badges, pencil dosimeters, neutron film,
12 and I was just -- how are we going to
13 distinguish this?

14 DR. ULSH: Well, notice the first
15 bullet there, Brad. As Lara said, the
16 external monitoring data starts around 1951,
17 which is coincident with when the reactor
18 operations started. So before that time, it's
19 not that they were doing anything, but they
20 weren't doing reactor operations. So from
21 1948 up to around 1951, there is a paucity of
22 external monitoring data.

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1 MEMBER CLAWSON: Okay.

2 ACTING CHAIRMAN GRIFFON: And

3 prior to

4 51, they were focused on -- what were the
5 activities of concern prior to 51?

6 DR. ULSH: Lara, do you want to
7 field that one?

8 DR. HUGHES: Yes, we have very
9 limited data, actually, on the details of the
10 operation. It was bench-top studies working
11 on developing reactors, reactor fuel. It was
12 paper studies on reactor development, that
13 sort of thing, radiochemistry operations.

14 ACTING CHAIRMAN GRIFFON: But you
15 are concluding health endangerment during that
16 period, so, I mean, you know --

17 MEMBER ANDERSON: Paper wouldn't
18 do it.

19 ACTING CHAIRMAN GRIFFON: Yes,
20 paper wouldn't do it.

21 DR. HUGHES: No, but we can't
22 argue out --

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1 ACTING CHAIRMAN GRIFFON: Right.
2 Right.

3 DR. HUGHES: -- that there were
4 nuclear materials on the site and they were
5 handled.

6 ACTING CHAIRMAN GRIFFON: I'm just
7 trying to understand. You know, we have to
8 have a basis for a decision here, so --

9 MR. HINNEFELD: Well, we have a
10 class definition that starts in 1948. We
11 don't have very specific -- we don't have any
12 information that says the first radiological
13 activity was 1951; you know, there were other
14 things going on. We don't have information to
15 reconstruct the doses. So if you can't -- our
16 practice has been, if you can't bound the
17 dose, then you conclude that health is
18 endangered. I mean, there is nothing here
19 that says the radiological work started in
20 1951.

21 MEMBER ZIEMER: This is Ziemer.

22 ACTING CHAIRMAN GRIFFON: Yes, go

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1 ahead, Paul.

2 MEMBER ZIEMER: It really is only
3 an issue for individuals that don't meet the
4 250-day requirement, and what happens, I
5 think, if I understand Brad's concern is that,
6 if there's no external monitoring data, then
7 you have no way of doing a partial dose
8 reconstruction. Therefore, there's no way a
9 person under 250 days, then, could
10 successfully pursue a claim for a non-covered
11 cancer. Isn't that basically what it amounts
12 to?

13 DR. ULSH: Well, they could pursue
14 a claim, but we wouldn't be able to
15 reconstruct external dose. We --

16 MEMBER ZIEMER: Well, yes, they
17 could pursue a claim, but successfully?

18 DR. ULSH: Well, I mean, keep in
19 mind, there are other sources here and we said
20 we can't do internal -- we can't do external
21 in this case, but there's medical, so draw
22 your own conclusions.

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1 MEMBER ZIEMER: Well, sure. Yes.
2 Yes. But you would do what you could do, and
3 then they would -- but you, you don't assign
4 an external dose for those individuals where,
5 because there's no coworker model, there's no
6 dosimetry model. You can do the medical, but
7 you will only do what you can do.

8 DR. ULSH: Exactly.

9 ACTING CHAIRMAN GRIFFON: Yes,
10 that's right.

11 MEMBER RICHARDSON: But --

12 ACTING CHAIRMAN GRIFFON: Go
13 ahead, David.

14 MEMBER RICHARDSON: Dr. Ziemer, to
15 follow up on the other part of this --

16 ACTING CHAIRMAN GRIFFON: Yes.

17 MEMBER RICHARDSON: -- I think
18 Mark's question was -- I mean, if that would,
19 being the case that there was an SEC approved
20 --

21 MEMBER ZIEMER: Yes, right.

22 MEMBER RICHARDSON: -- for the

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1 entire period --

2 MEMBER ZIEMER: Right.

3 MEMBER RICHARDSON: -- but one of
4 the questions is, I mean, if, if the -- I
5 guess the case is being made that the SEC
6 should be approved and the Class should be
7 defined all the way back to 1948. And if I
8 understood, Mark's question was what were the
9 activities that were going on prior to 1951?
10 And you've said that you've not been able to
11 characterize them.

12 Well, can you -- is there
13 documentation that there were, of what kind of
14 the sources of material that were coming in,
15 the nature of those materials, the volume of
16 them, in the period `48 to `51 when you said
17 there's bench-top work and paperwork going on
18 on reactor development?

19 DR. HUGHES: I would have to go
20 look that up. I know that we do have
21 information that indicates that they took wipe
22 samples in the early years, and I don't have

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1 the years, but that we have indications that
2 there was loose radioactive material around
3 during those years, so that we cannot rule out
4 potential internal exposures.

5 MEMBER RICHARDSON: Do you have
6 dates when the Van de Graaff accelerator was
7 installed, when the neutron counting room was
8 first used or -- I mean, you've identified, I
9 guess, three activities here, a generator, a
10 radiochemistry lab, and a neutron counting
11 room.

12 DR. HUGHES: I do believe the
13 neutron counting room started in the late
14 '40s. I don't, I would have to look up the
15 specifics on the accelerator. I don't have
16 these numbers ready right now. I'm sure we
17 have that information. We know it was there,
18 but in especially the late '40s, early '50s,
19 operations at Downey, we have fairly limited
20 information of the operation.

21 ACTING CHAIRMAN GRIFFON: Let me
22 ask -- I think LaVon might have a comment.

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1 MR. RUTHERFORD: I just wanted to
2 add that, you know, we have added SECs before
3 because we don't know the exact start dates
4 when radioactive materials operations began.
5 Standard Oil, Westinghouse Atomic Power
6 Development -- I could go down a list. We do
7 not know the exact start date. The covered
8 period starts as indicated, and we can't
9 refute that covered period.

10 ACTING CHAIRMAN GRIFFON: A
11 determination was made for the covered period,
12 so, you know, there was at least some evidence
13 that there were radiologic operations, you
14 know, that time period.

15 So yes, Mike, and then Henry.

16 MEMBER GIBSON: Yes, on both your
17 recommendations for De Soto and Downey, you're
18 recommending all workers, even though each
19 facility had dedicated DOE areas within those
20 facilities. Yet, at -- at the field lab, Area
21 IV was carved out, and it seems like you can,
22 the case is being made that you can determine

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1 who went in and out and worked in Area IV and
2 who didn't, and I just wanted to know where
3 the equity is.

4 MR. HINNEFELD: Stu Hinnefeld
5 here. We didn't carve anything out at Santa
6 Susana. DOL carved out Area IV, so that is a
7 function of verification of employment. And
8 that's done by DOL before the case ever gets
9 to us. We don't carve anything up at Santa
10 Susana. We are not able to restrict people to
11 certain areas, certain buildings. So if their
12 employment is verified, then we consider them
13 radiologic -- you know, as being potentially
14 exposed.

15 But that carving-up of Area IV,
16 Santa Susana and carving-up of Area IV is part
17 of the employment verification. That wasn't
18 done by us.

19 ACTING CHAIRMAN GRIFFON: Henry?

20 MEMBER ANDERSON: Yes, were there
21 -- were there any worker interviews done here?
22 I didn't see how many.

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1 DR. ULSH: Hold on. I'm looking
2 for the right slide.

3 MEMBER ANDERSON: Maybe -- it went
4 by pretty quick.

5 DR. ULSH: Yes. One of the
6 bullets here in one of the slides says that we
7 did do worker interviews. I think they were
8 related to Santa Susana workers who had
9 knowledge of or experience at this site. I
10 can't tell you --

11 MEMBER ANDERSON: You -- yes.
12 That doesn't provide any insight into what
13 went on during the earlier period?

14 MS. KLEA: Hi, this is Bonnie Klea
15 from the Santa Susana petitioner. Can I give
16 a comment?

17 ACTING CHAIRMAN GRIFFON: We're
18 not really open for public comment yet.

19 MS. KLEA: Okay, because you don't
20 have a petitioner on the phone from De Soto.

21 ACTING CHAIRMAN GRIFFON: Right.
22 Let us get through our discussion here, and

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1 then you may be able to speak for the petition
2 after that.

3 MS. KLEA: Thank you.

4 ACTING CHAIRMAN GRIFFON: Okay.
5 Thanks.

6 DR. ULSH: So, Lara, do you recall
7 how many interviews would be related to this?

8 DR. HUGHES: We're actually not
9 able to do interviews with workers who
10 actually worked at Downey due to them having
11 passed away, and we only have 33 claims.
12 However, we did interview people at the, the
13 De Soto, Canoga sites.

14 However, yes, as I said, we were
15 not able to actually interview people who
16 worked at Downey, but we did interview people
17 who currently work at Santa Susana or are
18 dealing with the records, have knowledge about
19 the records, where they come from, how they're
20 stored, that have some knowledge of the
21 historical monitoring practices and so forth.

22 But, unfortunately, we were not

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1 able to talk to anybody directly, who directly
2 worked at the Downey facility in the nuclear
3 research area.

4 ACTING CHAIRMAN GRIFFON: I know
5 we had added on Canoga Avenue as an SEC. But,
6 you know, I'm looking to maybe refresh my
7 memory on this, but my sense is that it looked
8 like there were -- I mean, there was a, I
9 think, a hot cave. They did a fair amount of
10 uranium and thorium sort of operations. My
11 sense was that was a potentially dirtier
12 operation, dirtier facility. Am I
13 mischaracterizing that, or --

14 DR. HUGHES: For Canoga?

15 ACTING CHAIRMAN GRIFFON: Yes.

16 DR. HUGHES: The operations at
17 Canoga were -- I do believe were larger or
18 more extensive. The Downey facility was
19 essentially the start-up of this nuclear arm
20 of North American Aviation that, you know,
21 spread to the Canoga facility, that spread
22 through Area IV, and later on expanded to the

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1 De Soto facility. So this is where it started
2 with a smaller-scale operation and smaller
3 reactor operation.

4 ACTING CHAIRMAN GRIFFON: Okay.
5 Go ahead.

6 MR. RUTHERFORD: I wanted to
7 remind, too, that -- remember that the
8 radiological monitoring program that we -- was
9 insufficient at Santa Susana from 1958 through
10 1964 is actually the same -- this is the same
11 company. I mean, you look at all the
12 predecessors back. At one time this was one
13 entire covered facility part of ETEC. It
14 broke it up into Canoga, De Soto, Downey, Area
15 IV. So the same radiological monitoring
16 program that we had deficiencies with, with
17 Canoga, with Santa Susana, is the same one
18 we're having deficiencies with De Soto and
19 Downey, so --

20 ACTING CHAIRMAN GRIFFON: Right,
21 but the operations were very different.

22 MR. RUTHERFORD: Well, they were,

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1 but we, we have identified, we have identified
2 radiological operations -- yes, the reactor
3 didn't start until 1951, but we have
4 indications that there were other activities
5 involving radioactive material prior to 1951
6 that we can't bound exposures to workers for.

7 DR. ULSH: And the bottom line is
8 there is no bioassay data.

9 MR. RUTHERFORD: There is no
10 bioassay data.

11 ACTING CHAIRMAN GRIFFON: Right,
12 right.

13 MR. RUTHERFORD: So we can't put a
14 start point -- the Department of Labor has put
15 a covered period start point of 1948. We have
16 nothing -- our process is always if -- during
17 our evaluations, if we had information that
18 would support that, that the covered period
19 should be changed, we provide that information
20 to the Department of Labor. During our
21 evaluation and our review of all the
22 documentation associated with this facility,

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1 we found nothing that would cause us to
2 recommend to the Department of Labor to change
3 the covered period, and we've also found
4 nothing to tell us when the start date of
5 radioactive operations began. So we have to
6 conclude January 1, 1948.

7 ACTING CHAIRMAN GRIFFON: Thank
8 you, LaVon.

9 Yes, and I think we're just, we're
10 just probing to round out our discussion of
11 these, you know, of the basis for the 83.14.
12 So don't think this is necessarily
13 contentious.

14 MEMBER ANDERSON: It's kind of a
15 due diligence.

16 ACTING CHAIRMAN GRIFFON: Exactly.
17 Exactly, yes. Yes.

18 Any other comments on the Board or
19 on the phone? Paul or David?

20 MEMBER ZIEMER: No further
21 questions.

22 ACTING CHAIRMAN GRIFFON: I think,

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1 at this point, I think we're ready for a
2 motion on either one of these facilities. I
3 think we have to deal with them separately,
4 but if anyone wants to make a motion, I think
5 we're ready.

6 MS. KLEA: This is Bonnie Klea,
7 Santa Susana petitioner. If I could add a
8 comment.

9 ACTING CHAIRMAN GRIFFON: Oh, yes,
10 I'm sorry, Bonnie. I said I would get back to
11 you, and --

12 MS. KLEA: Oh, okay. I just was
13 hoping I could comment before you vote.

14 ACTING CHAIRMAN GRIFFON: Sure.
15 Go ahead, Bonnie. Thank you.

16 MS. KLEA: Well, I just want to
17 say that Downey, Downey to Canoga to De Soto,
18 it was just a progress, you know, when they
19 worked at Downey, they closed it. Then they
20 moved the same work to Canoga. Then they
21 closed it in '60. Then they moved the same
22 work to De Soto because they had just built

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1 the new facility at De Soto. And I have many
2 of the operators from Santa Susana who
3 actually, their work records said they were at
4 De Soto when they were actually running SNAP-8
5 up on the hill. And I have firemen that won't
6 be covered unless they could get the De Soto
7 combined with Santa Susana.

8 So I'm just asking, please, to all
9 vote for De Soto and Downey. It was very,
10 very dangerous over there with uranium fires,
11 explosions, on the glove boxes -- so please
12 vote for it so the firemen could get covered
13 and the reactor operators.

14 ACTING CHAIRMAN GRIFFON: Thank
15 you, Bonnie, for weighing in.

16 Okay, ready for a motion from the
17 Board.

18 MEMBER CLAWSON: I make -- do you
19 want to do De Soto or Downey?

20 ACTING CHAIRMAN GRIFFON: Brad.

21 MEMBER CLAWSON: I will make a
22 motion that we accept NIOSH's -- the motion

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1 that NIOSH put forth for the Downey facility.

2 ACTING CHAIRMAN GRIFFON: Okay.

3 Any seconds?

4 MEMBER SCHOFIELD: Second.

5 ACTING CHAIRMAN GRIFFON: Second
6 from Phil.

7 All right, so the motion is for
8 the Downey facility, and the Class Definition
9 as proposed by NIOSH, that we add the Class
10 for that time period.

11 Any discussion of the motion?

12 (No response.)

13 ACTING CHAIRMAN GRIFFON: Paul or
14 David, any further follow-up on --

15 MEMBER ZIEMER: Are you going to
16 put the exact wording in the --

17 ACTING CHAIRMAN GRIFFON: I'm
18 sorry, Paul. We're not hearing you well.

19 MEMBER ZIEMER: Am I on?

20 ACTING CHAIRMAN GRIFFON: Yes. Go
21 ahead.

22 MEMBER ZIEMER: Yes. I was just

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1 asking if you were going to provide the exact
2 wording --

3 ACTING CHAIRMAN GRIFFON: Yes.

4 MEMBER ZIEMER: -- or are you
5 going to vote first, or what?

6 ACTING CHAIRMAN GRIFFON: Yes,
7 I'll do -- Ted's reminding me -- I'll do the
8 friendly amendment.

9 MEMBER ZIEMER: Okay.

10 ACTING CHAIRMAN GRIFFON: If
11 that's okay, Brad, I'll make a --

12 MEMBER CLAWSON: Sure.

13 ACTING CHAIRMAN GRIFFON: -- Okay.

14 So here's for the Downey facility.

15 The Advisory Board on Radiation
16 and Worker Health -- the Board has evaluated
17 SEC Petition 00167 concerning workers of the
18 Downey facility in Los Angeles County,
19 California, under the statutory requirements
20 established by EEOICPA and incorporated into
21 42 CFR Section 83.14.

22 The Board respectfully recommends

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1 Special Exposure Cohort, SEC, status be
2 accorded to all employees of Department of
3 Energy, DOE, its predecessor agencies, and
4 their contractors or subcontractors who worked
5 at the Downey facility in Los Angeles County,
6 California from January 1st, 1948, through
7 December 31st, 1955, for a number of work days
8 aggregating at least 250 work days, occurring
9 either solely under this employment or in
10 combination with work days within the
11 parameters established for one or more other
12 Classes of employees included in the Special
13 Exposure Cohort.

14 This recommendation is based on
15 the following factors. The Downey facility in
16 Los Angeles County, California, was involved
17 in research on nuclear power applications.
18 NIOSH found that there was insufficient
19 monitoring data or information on radiological
20 operations at this facility in order to be
21 able to complete accurate individual dose
22 reconstructions involving internal radiation

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1 exposures for Downey facility workers during
2 the time period in question. The Board
3 concurs with this conclusion.

4 NIOSH determined that health may
5 have been in danger for the workers exposed to
6 radiation in the Downey facility in Los
7 Angeles County, California, during the time
8 period in question. The Board concurs with
9 this determination.

10 Based on these considerations and
11 the discussions held at our May 19th-21st,
12 2010 Advisory Board meeting held in Niagara
13 Falls -- Niagara Falls -- California, that's a
14 mistake -- Niagara Falls, New York. The Board
15 recommends that this Special Exposure Cohort
16 petition be granted.

17 Enclosed is the documentation from
18 the Board meetings where the Special Exposure
19 Cohort Class was discussed. The documentation
20 includes transcripts of the deliberations,
21 copies of the petition, the NIOSH review
22 thereof, and related materials. If any of

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

3 MR. KATZ: You have to ask Brad if
4 he accepts that --

5 ACTING CHAIRMAN GRIFFON: Brad, do
6 you accept that as a friendly amendment. Yes?

7 MEMBER CLAWSON: As a small
8 amendment. Yes.

9 ACTING CHAIRMAN GRIFFON: Yes.
10 Okay. And Emily has some edits, I imagine.

11 MS. HOWELL: Just a couple of
12 small changes.

13 ACTING CHAIRMAN GRIFFON:
14 California was one I caught.

15 MS. HOWELL: Yes, that one would
16 be important.

17 The Class Definition paragraph,
18 contractors or subcontractors, or should be
19 changed to an and.

20 ACTING CHAIRMAN GRIFFON: Did you
21 get that? Tell me that again.

22 MS. HOWELL: In the Class

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1 Definition sentence in the first paragraph--

2 ACTING CHAIRMAN GRIFFON: Yes.

3 MS. HOWELL: -- and their
4 contractors or subcontractors, or should be
5 changed to and.

6 ACTING CHAIRMAN GRIFFON: Okay.

7 MS. HOWELL: And then you have a
8 couple of grammar errors in the bullets. I
9 mean, just, like there's -- not grammar -- but
10 there's an extra period in the first bullet,
11 and the second bullet has extra spacing.

12 ACTING CHAIRMAN GRIFFON: Yes. I
13 did notice that, but we can correct that
14 before the letter goes out. Yes, okay.

15 So the full motion now is on the
16 table. Any discussion of the motion?

17 (No response.)

18 ACTING CHAIRMAN GRIFFON: If not,
19 I think we're ready for our roll-call vote.

20 Ted.

21 MR. KATZ: Thank you.

22 Dr. Anderson.

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1 MEMBER ANDERSON: Yes.

2 MR. KATZ: Ms. Beach.

3 MEMBER BEACH: Yes.

4 MR. KATZ: Mr. Clawson.

5 MEMBER CLAWSON: Yes.

6 MR. KATZ: Dr. Field.

7 MEMBER FIELD: Yes.

8 MR. KATZ: Mr. Griffon.

9 ACTING CHAIRMAN GRIFFON: Yes.

10 MR. KATZ: Dr. Lemen.

11 MEMBER LEMEN: Yes.

12 MR. KATZ: Dr. Lockey is absent.

13 I'll collect his vote after, and the same is

14 true for Dr. Melius.

15 Ms. Munn.

16 MEMBER MUNN: Yes.

17 MR. KATZ: Dr. Poston.

18 MEMBER POSTON: Yes.

19 MR. KATZ: Mr. Presley.

20 MEMBER PRESLEY: Yes.

21 MR. KATZ: Dr. Richardson.

22 MEMBER RICHARDSON: Yes.

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1 MR. KATZ: Dr. Roessler.

2 MEMBER ROESSLER: Yes.

3 MR. KATZ: Mr. Schofield.

4 MEMBER SCHOFIELD: Yes.

5 MR. KATZ: And Dr. Ziemer.

6 MEMBER ZIEMER: Yes.

7 MR. KATZ: So all are in favor who
8 were present --

9 MEMBER GIBSON: I'll vote yes,
10 too, Ted.

11 MR. KATZ: Oh, I missed you again.
12 I'm sorry, Mr. Gibson.

13 MEMBER GIBSON: Yes.

14 MR. KATZ: Good grief. Fourteen
15 in favor and the motion passes.

16 ACTING CHAIRMAN GRIFFON: Thank
17 you. And now we can, if anyone wants to make
18 a motion on the De Soto Avenue facility, we
19 can --

20 MEMBER GIBSON: I move that we
21 accept NIOSH's recommendation

22 ACTING CHAIRMAN GRIFFON: Mike

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1 made a motion to accept the recommendation for
2 the De Soto Avenue facility.

3 MEMBER BEACH: I'll second it.

4 ACTING CHAIRMAN GRIFFON: Josie
5 seconds.

6 And I'll offer a friendly
7 amendment, Mike. This is the hardest work of
8 the Chair today -- anyway, okay.

9 The Advisory Board on Radiation
10 and Worker Health, the Board, has evaluated
11 SEC Petition 00168 concerning workers at the
12 De Soto Avenue facility in Los Angeles County,
13 California, under the statutory requirements
14 established by the EEOICPA and incorporated
15 into 42 CFR Section 83.14.

16 The Board respectfully recommends
17 Special Exposure Cohort status to be accorded
18 to all employees of the Department of Energy,
19 its predecessor agencies, and their
20 contractors and subcontractors who worked at
21 the De Soto Avenue facility in Los Angeles
22 County, California, from January 1st, 1959,

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1 through December 31st, 1964, for a number of
2 work days aggregating at least 250 work days,
3 occurring either solely under this employment
4 or in combination with work days within the
5 parameters established for one or more other
6 Classes of employees included in the Special
7 Exposure Cohort.

8 This recommendation is based on
9 the following factors. The De Soto Avenue
10 facility in Los Angeles County, California was
11 involved in research, development, and
12 technical work related to nuclear power
13 applications. NIOSH found that there was
14 insufficient monitoring data for information
15 on radiological operations at this facility in
16 order to be able to complete accurate
17 individual dose reconstructions involving
18 internal radiation exposures for De Soto
19 Avenue facility workers during this time
20 period in question. The Board concurs with
21 this conclusion.

22 NIOSH determined that health may

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1 have been in danger for the workers exposed to
2 radiation at the Downey facility in Los
3 Angeles County, California during the time
4 period in question. The Board concurs with
5 this determination.

6 Based on these considerations and
7 the discussions held at our May 19th-21st,
8 2010 Advisory Board meeting held in Niagara
9 Falls, New York, the Board recommends that the
10 Special Exposure Cohort Petition be granted.

11 Enclosed is the documentation from
12 the Board meetings where the Special Exposure
13 Cohort Class was discussed. The documentation
14 includes transcripts of the deliberations,
15 copies of the petition, the NIOSH review
16 thereof, and related materials. If any of
17 these items are unavailable at this time, they
18 will follow shortly.

19 And, Mike, is that acceptable?

20 MEMBER GIBSON: Yes.

21 ACTING CHAIRMAN GRIFFON: Okay.

22 So we have the motion, the full motion now on

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1 the table. Any -- and we have some edits from
2 legal. I thought I captured most of them.

3 MS. HOWELL: You may have. I may
4 not have heard you. I know you changed the or
5 to an and, and then the third bullet, I know
6 you switched it to De Soto, but you also need
7 to put an at in. And you got the California
8 --

9 ACTING CHAIRMAN GRIFFON: Oh, I
10 actually said, I left Downey in there, but I -
11 - I put the at, but I left Downey in there.

12 MS. HOWELL: Of -- yes, yes,
13 switch that.

14 ACTING CHAIRMAN GRIFFON: So
15 you're right. It should be De Soto. I got
16 the at but not the right facility.

17 Okay, any discussion on this full
18 motion now? On the line, Paul or David, any
19 further discussion?

20 MEMBER ZIEMER: No comment right
21 now.

22 ACTING CHAIRMAN GRIFFON: Okay.

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1 Then we're ready for our roll-call vote. Ted?

2 MR. KATZ: I'll give this another
3 try.

4 Dr. Anderson.

5 MEMBER ANDERSON: Yes.

6 MR. KATZ: Ms. Beach.

7 MEMBER BEACH: Yes.

8 MR. KATZ: Mr. Clawson.

9 MEMBER CLAWSON: Yes.

10 MR. KATZ: Dr. Field.

11 MEMBER FIELD: Yes.

12 MR. KATZ: Mr. Gibson.

13 MEMBER GIBSON: Yes.

14 MR. KATZ: Mr. Griffon.

15 ACTING CHAIRMAN GRIFFON: Yes.

16 MR. KATZ: Dr. Lemen.

17 MEMBER LEMEN: Yes.

18 MR. KATZ: Drs. Lockey and Melius
19 are absent. I'll collect their votes
20 afterwards.

21 Ms. Munn.

22 MEMBER MUNN: Yes.

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1 MR. KATZ: Dr. Poston.

2 MEMBER POSTON: Yes.

3 MR. KATZ: Mr. Presley.

4 MEMBER PRESLEY: Yes.

5 MR. KATZ: Dr. Richardson.

6 MEMBER RICHARDSON: Yes.

7 MR. KATZ: Dr. Roessler.

8 MEMBER ROESSLER: Yes.

9 MR. KATZ: Mr. Schofield.

10 MEMBER SCHOFIELD: Yes.

11 MR. KATZ: Dr. Ziemer.

12 MEMBER ZIEMER: Yes.

13 MR. KATZ: So all present voted in
14 favor, fourteen ayes, and the motion passes.

15 ACTING CHAIRMAN GRIFFON: Thank
16 you. I think -- I do want to take a short
17 little coffee break, but I think we might want
18 to have LaVon's presentation first. I'm not
19 sure how the agenda's written, but --

20 MR. KATZ: That, that's the next
21 one --

22 ACTING CHAIRMAN GRIFFON: Okay,

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1 we'll do the SEC Petition review, which --

2 MR. RUTHERFORD: It's short. It's
3 short.

4 ACTING CHAIRMAN GRIFFON: LaVon
5 usually runs through this at lightning speed,
6 so --

7 MR. RUTHERFORD: Yes, and we
8 shortened, actually, the presentation, so
9 it'll be really quick.

10 ACTING CHAIRMAN GRIFFON: Okay.
11 Okay, and then we'll have a short break, and
12 we'll do our work time. We have just a few
13 items to finish up. I know people have
14 flights early, so we'll make sure we take a
15 short break.

16 Go ahead, LaVon.

17 MR. RUTHERFORD: All right. I'm
18 going to do the status of upcoming SEC
19 petitions. We have shortened this. Since
20 most of the Work Groups have already talked
21 and given updates, we've kind of left out the
22 -- a portion of it. We provide this update to

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1 the Advisory Board so the Advisory Board can
2 prepare for upcoming meetings, Work Group
3 meetings and upcoming Board meetings.

4 This is as of May 5th. We had 171
5 petitions. We now have 173 petitions. The
6 petitions in the qualification process says
7 zero at that time, however, we have two. We
8 recently received a petition for the INL,
9 Idaho facility and also for Norton. So we
10 have two petitions that are in the
11 qualification process now.

12 We've qualified 103 petitions. We
13 have six petition evaluations that are in
14 progress at this time, and we completed 97
15 evaluations. And then there were 21
16 evaluations that are with the Board for
17 recommendation, and 68 petitions that did not
18 qualify.

19 All right, these petitions are
20 currently in the evaluation process. Linde
21 Ceramics Plant -- this is for the operational
22 period 1947 through 1953. We had, actually

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1 had intended to complete this evaluation in
2 May. We were not going to present it at this
3 meeting, but we thought we would complete it
4 in May. However, there's further discussion
5 ongoing with the tunnel exposures that we have
6 pushed this out.

7 In addition, there are
8 documentation at the NARA College Park
9 facility. Some of it with -- has been
10 identified for Linde that we do want to review
11 that documentation before we issue our
12 evaluation report. However, we do plan to
13 issue that report sometime in late June.

14 Hanford petition -- we are in the
15 evaluation process. This petition qualified,
16 and we anticipate that, presenting this, or
17 actually, it would not be presented until
18 after the August meeting because completion is
19 not anticipated until September. This is for
20 some later years at Hanford.

21 Simonds Saw and Steel -- we are on
22 schedule to complete this evaluation in July

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1 of 2010. We did have an opportunity, and I
2 think some, SC&A participated as well to go up
3 to Simonds Saw and Steel and see the facility
4 and get some pictures. But we anticipate
5 completing this evaluation in July, and we'll
6 present that at the August Board meeting.

7 Sandia National Lab -- this
8 evaluation has been pushed out, and it's
9 because of -- we are -- the Department of
10 Energy has committed to providing us updated
11 personnel monitoring data information.
12 However, completion of that updated personnel
13 monitoring data information is not anticipated
14 until later this year. We are continuing with
15 our evaluation process. However, we cannot
16 complete it until December 2010.

17 Revere Copper and Brass -- we
18 anticipate completing this one in July of
19 2010. We are on schedule with that, and we
20 will present that evaluation at the August
21 Board meeting.

22 Ames Laboratory -- we are on

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1 schedule for completing this one in August.
2 It is kind of up in the air whether we'll be
3 able to present this at the August meeting. I
4 am trying to pull that in a little bit so we
5 can go ahead and get it done and get it
6 presented, but right now, our completion date
7 is scheduled for August 2010.

8 That's pretty much it for the --
9 what we've got ongoing. We are doing,
10 starting in June, we are going to do it more -
11 - as I had mentioned at a previous Board
12 conference call and Board meeting, we are
13 doing a review of our Class Definitions. We
14 are looking at how the Class Definitions were
15 defined from the earliest phases of the SEC
16 program and reviewing those to ensure that our
17 Class Definitions are catching the people that
18 we had intended to, and also that they are
19 defined as, as if we would define them today.

20 You know, I anticipate providing an update to
21 the Advisory Board on where we are with that
22 at the August Board meeting in 2010.

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1 That's about it.

2 ACTING CHAIRMAN GRIFFON: That was
3 -- actually the one question I have for you
4 was were you reconsidering the Rocky Flats
5 Class Definition.

6 MR. RUTHERFORD: Yes, we're --

7 ACTING CHAIRMAN GRIFFON: But I
8 guess that will --

9 MR. RUTHERFORD: Yes, we are --

10 ACTING CHAIRMAN GRIFFON: -- be
11 part of your review --

12 MR. RUTHERFORD: Yes.

13 ACTING CHAIRMAN GRIFFON: -- for
14 the August -- okay.

15 MR. RUTHERFORD: Yes.

16 ACTING CHAIRMAN GRIFFON: That's
17 fine.

18 Any other questions for LaVon on
19 the update?

20 (No response.)

21 ACTING CHAIRMAN GRIFFON: Dr.
22 Ziemer or Dr. Richardson?

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1 MEMBER RICHARDSON: No.

2 ACTING CHAIRMAN GRIFFON: Okay.

3 If we can, let's just do -- and try to keep it
4 to 10 minutes. We have a lot of people with
5 some early flights that have to get out, so I
6 do want to -- to be back in like 10 minutes.
7 All right.

8 (Whereupon, the above-entitled
9 matter went off the record at 9:34 a.m. and
10 resumed at 9:52 a.m.)

11 ACTING CHAIRMAN GRIFFON: Okay. I
12 think we're ready to convene, everyone.

13 MR. KATZ: Dr. Ziemer and Dr.
14 Richardson.

15 MEMBER RICHARDSON: Yes, I'm here.

16 MR. KATZ: Thanks, David.

17 ACTING CHAIRMAN GRIFFON: Okay.

18 We have some work time here for the Board and
19 several issues to go through.

20 I want to go through -- there's
21 two outstanding -- we have the full motions
22 for two of the sites that we dealt with

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1 yesterday that I think we need to get the
2 letter into the record and finalize that. So
3 I think we should do that first. One of them
4 is for the -- find my glasses -- one of them
5 is for Los Alamos, and I'll just read that
6 full motion into the record. Okay.

7 The Advisory Board on Radiation
8 and Worker Health, the Board, has evaluated
9 SEC Petition 00170 concerning workers at the
10 Los Alamos National Laboratory in Los Alamos,
11 New Mexico under the statutory requirements
12 established by EEOICPA and incorporated into
13 42 CFR Section 83.14.

14 The Board respectfully recommends
15 Special Exposure Cohort status be accorded to
16 all employees of the Department of Energy, its
17 predecessor agencies, and their contractors
18 and subcontractors who worked at the Los
19 Alamos National Laboratory in Los Alamos, New
20 Mexico, from March 15th, 1943, through
21 December 31st, 1975, for a number of work days
22 aggregating at least 250 work days occurring

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1 either solely under this employment or in
2 combination with work days within the
3 parameters established for one or more Classes
4 of employees included in the Special Exposure
5 Cohort.

6 This recommendation is based on
7 the following factors. People working at LANL
8 during the time period in question worked on
9 research and production activities related to
10 nuclear weapons production. The NIOSH review
11 of available monitoring data as well as
12 available process and source term information
13 for various nuclear research and production
14 activities at LANL found that NIOSH lacked
15 adequate information necessary to complete
16 accurate individual dose reconstructions for a
17 number of radionuclides during a significant
18 percentage of the time period in question.
19 The Board concurs with this determination.

20 NIOSH determined that the health
21 may have been endangered for these LANL
22 facility workers during the time period in

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1 question. The Board concurs with this
2 determination.

3 Based on these considerations and
4 the discussions held at our May 19th-21st,
5 2010 Advisory Board meeting held in Niagara
6 Falls, New York, the Board recommends that
7 this Special Exposure Cohort petition be
8 granted.

9 Enclosed is the documentation from
10 the Board meetings where the Special Exposure
11 Cohort Class was discussed. The documentation
12 includes transcripts of the deliberations,
13 copies of the petition, the NIOSH review
14 thereof, and related materials. If any of
15 these items are unavailable at this time, they
16 will follow shortly.

17 And I believe we voted on the
18 motion already, so it's just a matter of
19 making sure the letter is correct. Emily has
20 --

21 MS. HOWELL: I just had a couple
22 of suggestions. I think you may have caught

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1 switching the or to an and in the Class
2 Cefinition again.

3 ACTING CHAIRMAN GRIFFON: Yes.

4 MS. HOWELL: The other issues were
5 we were trying to make sure that this was
6 aligned with the language in the Evaluation
7 Report. And so in the bullets, it refers to
8 research and production, but the Evaluation
9 Report only refers to research and development
10 in the first and second bullets, so --

11 ACTING CHAIRMAN GRIFFON: Research
12 and development activities, then, is that --

13 MS. HOWELL: Yes. That's my
14 suggestion.

15 And the second bullet, I was just
16 going to suggest that in the second to last
17 sentence, the phrase a significant percentage
18 of be removed because that's not necessarily
19 --

20 ACTING CHAIRMAN GRIFFON: This
21 during the time period, you're saying. Yes, I
22 would agree with that. I was wondering what

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1 was in there.

2 Everybody agree, okay with those
3 changes?

4 (A chorus of yeses.)

5 ACTING CHAIRMAN GRIFFON: All
6 right. And that's all the edits for that?
7 Okay. And, again, we don't need to vote on
8 that, right?

9 MR. KATZ: That's correct.

10 ACTING CHAIRMAN GRIFFON: So we're
11 just going to -- we have one more of these.
12 It's the Bethlehem Steel motion.

13 Okay, this is for Bethlehem Steel
14 -- I'm sorry -- the Advisory Board on
15 Radiation and Worker Health, the Board, has
16 evaluated SEC Petition 00056 concerning
17 workers at the Bethlehem Steel Corporation
18 facility in Lackawanna, New York, under the
19 statutory requirements established by EEOICPA
20 and incorporated into 42 CFR Section 83.13.

21 The Board respectfully recommends
22 Special Exposure Cohort status be accorded to

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1 all atomic weapons employer employees who
2 worked in uranium rolling at the Bethlehem
3 Steel Corporation facility in Lackawanna, New
4 York, from January 1, 1949, to December 31,
5 1952, for a number of work days aggregating at
6 least 250 work days, occurring either solely
7 under this employment or in combination with
8 work days within the parameters established
9 for one or more other Classes of employees
10 included in the Special Exposure Cohort.

11 This recommendation is based on
12 the following factors. People working at this
13 facility during the time period in question
14 worked on the production of uranium metal
15 products related to nuclear weapons
16 production. The Board's review of available
17 data found that it lacked adequate source term
18 process or monitoring data in order to be able
19 to complete accurate individual dose
20 reconstructions for internal radiation doses
21 for employees at this facility during the time
22 period in question. The Board determined that

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1 the health may have been in danger for these
2 Bethlehem facility workers.

3 Based on these considerations and
4 the discussions held at our May 19-21, 2010
5 Advisory Board Meeting held at Niagara Falls,
6 New York, the Board recommends that this
7 Special Exposure Cohort Petition be granted.
8 Enclosed is the documentation from the Board
9 meetings where this special exposure cohort
10 class was discussed. The documentation
11 includes transcripts of the deliberations,
12 copies of the petition, NIOSH review thereof,
13 and related materials. If any of these items
14 are unavailable at this time, they will follow
15 shortly.

16 And I did make a couple edits
17 while I was, while I was reading. Obviously,
18 the one last line in the third bullet had to
19 be stricken.

20 Emily, any, any edits on this?

21 MS. HOWELL: No edits. I was just
22 going to make the suggestion that since the

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1 Board's recommendation differs from that of
2 the Agency that it might be helpful for the
3 Secretary to have a bit more information to go
4 on. This letter is a little bit thin on
5 details, so, but that's just a suggestion to
6 the Board.

7 ACTING CHAIRMAN GRIFFON: And I, I
8 did -- we were discussing this on the
9 sidelines earlier, and I had emailed Jim about
10 this since he drafted this. And he suggested
11 that the, you know, that he would rather stay
12 broad in this letter and rely on the
13 supporting transcripts from yesterday as well
14 as the SC&A report, you know, as our basis.
15 But certainly, that's something, I guess it's
16 something for discussion here.

17 The only other question I -- one
18 question I have, separate from the issue Emily
19 is raising, is that in the Class Definition,
20 we say -- and this may be consistent with
21 other wording we've used -- but we say,
22 "employees who worked in uranium rolling at

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1 the Bethlehem Steel Corporation," and I was a
2 little concerned about the, you know, question
3 and implementation of Class. We didn't say
4 "all workers" in this case. I just caught
5 that as I was reading aloud.

6 Any -- I guess I'm looking for
7 some guidance here. I don't know that we
8 could, we could distinguish whether someone
9 was, a claimant was at the Bethlehem facility
10 and actually worked in the rolling, you know,
11 operation.

12 MR. RUTHERFORD: Well, I mean,
13 typically, we would not use the class
14 definition, "who worked in." And if you look
15 at our model, our model does not, that we
16 used, even though the Board's decided it's not
17 feasible, that we could not distinguish
18 workers. So --

19 ACTING CHAIRMAN GRIFFON: Right.
20 So, I mean, I think we would be better off
21 saying "all workers" at the Bethlehem facility
22 during this time period if others agree with

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1 me on that because I think we've seen through
2 our review of the Site Profile and through
3 NIOSH's research that we just don't have the
4 information to be able to place the people
5 specifically at the rolling operation during
6 that time period. So I would suggest changing
7 that to "all workers" if people agree with
8 that.

9 MEMBER CLAWSON: Yes.

10 MR. KATZ: So, and specifically,
11 you mean all an atomic weapon employer
12 employees?

13 ACTING CHAIRMAN GRIFFON: Yes.

14 MR. KATZ: And then just scratch
15 who --

16 ACTING CHAIRMAN GRIFFON: Right.

17 MR. KATZ: -- through rolling?

18 ACTING CHAIRMAN GRIFFON: Yes.

19 MR. KATZ: Okay, just to be clear.

20 ACTING CHAIRMAN GRIFFON: Paul or
21 David, any comments on either of those items
22 that we just mentioned?

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1 (No response.)

2 ACTING CHAIRMAN GRIFFON: I guess
3 there's no comments.

4 Paul or David?

5 MR. ZEIMER: What did the original
6 petition say?

7 ACTING CHAIRMAN GRIFFON: Go ahead,
8 Paul. I'm sorry.

9 MR. ZEIMER: What did the original
10 petition describe? What was the Class that
11 was evaluated by NIOSH? What, what was it
12 defined as?

13 ACTING CHAIRMAN GRIFFON: Good
14 question. We're -- go ahead, LaVon.

15 MR. RUTHERFORD: I, I can look at
16 the -- I'm sure we have the Evaluation Report
17 out on the table probably.

18 MR. KATZ: We have it here, too.
19 One moment.

20 MR. ZEIMER: Well, the
21 presentation showed it, I think. I'm just
22 going to pull it up.

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1 ACTING CHAIRMAN GRIFFON: The
2 petitioner Class Definition was actually --
3 yes, it was millwrights, welders,
4 electricians, bricklayers, carpenters. It
5 laid out specific jobs. The proposed Class
6 Definition was "all atomic weapons employer
7 personnel at the Bethlehem Steel" --

8 MR. ZEIMER: Yes. That's, that's
9 what --

10 ACTING CHAIRMAN GRIFFON: Yes.

11 MR. ZEIMER: -- that's the
12 petition that was evaluated by NIOSH.

13 ACTING CHAIRMAN GRIFFON: But it --
14 yes, but it does have "who were monitored or
15 should have been monitored." It uses that
16 language, yes. So that's language I think
17 we're trying --

18 MR. ZEIMER: Well, that's all-
19 inclusive.

20 MR. KATZ: Right.

21 ACTING CHAIRMAN GRIFFON: Yes.

22 Yes. So I think -- you know, I still prefer

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1 to strike that be "worked at the rolling
2 operation" if that's agreeable with everyone.

3 (No response.)

4 ACTING CHAIRMAN GRIFFON: And on
5 the other item --

6 MR. KATZ: Just for the record,
7 there were some nods "yes."

8 ACTING CHAIRMAN GRIFFON: Yes.

9 MR. KATZ: No affirmative
10 statements, but --

11 (Chorus of yeses.)

12 ACTING CHAIRMAN GRIFFON: On the,
13 on the other item --

14 MEMBER FIELD: I have a specific
15 quick question.

16 ACTING CHAIRMAN GRIFFON: Yes?

17 MEMBER FIELD: What did we vote on
18 yesterday? Do we need a re-vote?

19 ACTING CHAIRMAN GRIFFON: No. We,
20 we voted on the --

21 MEMBER FIELD: Put it on hold?

22 ACTING CHAIRMAN GRIFFON: Yes.

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1 MR. KATZ: Well, the motion
2 wasn't, didn't have this specific language,
3 but the motion was to add the Class.

4 ACTING CHAIRMAN GRIFFON: To add
5 the Class; right.

6 MEMBER ANDERSON: Which is why we
7 needed this language.

8 ACTING CHAIRMAN GRIFFON: Right.
9 Right. Yes.

10 Are there any comments on Emily's
11 question regarding the additional -- you know,
12 I gave you Dr. Melius's feedback on that.

13 Henry.

14 MEMBER ANDERSON: Yes, I, I would
15 think as long as -- I mean, I think it does
16 reference the documentation, and as long as we
17 have the SC&A white -- or their review is part
18 of that package, I think that would, that
19 would cover it. I don't --

20 ACTING CHAIRMAN GRIFFON: Yes.
21 Anyone else --

22 MEMBER ANDERSON: I think to try

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1 to craft what ought to additionally go in or
2 not go in at this point would be -- this is
3 very consistent with what we've done.

4 ACTING CHAIRMAN GRIFFON: Right.
5 Go ahead, Brad.

6 MEMBER CLAWSON: I think -- this
7 is Brad. I think that there should be enough
8 in the transcripts and so forth. But you know
9 what? If they do, if he does require more
10 information, we could draft something, you
11 know, I guess. But I think it's all there.

12 ACTING CHAIRMAN GRIFFON: Yes, I'm
13 not --

14 MR. KATZ: Actually, procedurally,
15 we can't. We cannot.

16 ACTING CHAIRMAN GRIFFON: Yes.

17 MR. KATZ: This is, this is what
18 we --

19 ACTING CHAIRMAN GRIFFON: What's
20 there is there, yes.

21 MR. KATZ: What we've got here is
22 what will go forward.

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1 ACTING CHAIRMAN GRIFFON: So, yes.

2 MEMBER CLAWSON: So he can't ask
3 us any questions if he had a question on it?

4 MR. KATZ: You mean, she, the
5 Secretary of Health and Human Services?

6 MEMBER CLAWSON: Yes.

7 MR. KATZ: That -- no. That
8 wouldn't be part of the process for, for the
9 Secretary to come back to the Board, at least
10 -- but I'm not, I will not say that the
11 Secretary could not interrogate the Board
12 somehow, but it's not part of the process, as
13 it's laid out at least.

14 MEMBER CLAWSON: Okay.

15 MR. KATZ: Right.

16 ACTING CHAIRMAN GRIFFON: Any, any
17 other thoughts on that? I mean, my, my
18 leaning is to leave it broad. Jim, I actually
19 emailed, actually late last night, asking this
20 question because I was going to, originally
21 thinking of, you know, laying out bullets on,
22 you know, more specific bullet items. But I

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1 am leaning this way and relying on our
2 transcript from yesterday along with the
3 reports to support the case rather than lay
4 out specifics in this letter.

5 Do others agree? Disagree?

6 (Chorus of agrees.)

7 ACTING CHAIRMAN GRIFFON: All
8 right. Then we've voted on this already, so I
9 think with those edits we discussed, this will
10 go forward this way.

11 All right, thank you.

12 Now, to move on, I guess we just
13 have a few items for the -- where's my little
14 cheat sheet -- one item we needed to follow up
15 on from yesterday was the tasking of SC&A for
16 Site Profile Review. And if you recall, we
17 had a list of six sites that we were
18 considering, and we were all asked to do our
19 homework. I'm not sure how many of us did; I
20 must admit, mine was minimal. But thankfully,
21 NIOSH did help me with a little homework here.

22 Stu provided some information that

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1 we had asked yesterday, and I'll just offer
2 this to start the discussion. For Simonds
3 Saw, there were, submitted claims was 181, and
4 active claims were three. And I think the way
5 he's telling me is that that means most of the
6 claims have been, have gone through dose
7 reconstruction out of the full 181 that have
8 been submitted.

9 The Stanford Linear Accelerator,
10 there's 31 claims; the Pacific Proving Ground,
11 68 claims; Superior Steel, 34; TVA, seven
12 claims; and Allied Chemical has 101 claims.
13 So a piece of the puzzle, anyway, at least for
14 consideration -- I mean, Simonds had 181,
15 Allied Chemical was 101, and Pacific Proving
16 Ground, 68. Those were the three highest in
17 terms of number of claims submitted. It
18 shouldn't be our only factor of consideration,
19 but it might weigh into our decision here.

20 Any thoughts on -- I think we were
21 targeting assigning, tasking three sites.

22 Wanda.

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1 MEMBER MUNN: For a variety of
2 reasons after I looked at them, my three
3 choices would be Simonds Saw, and I personally
4 think TVA is very interesting. There are a
5 whole number of reasons why TVA is
6 interesting. It's another phosphate plant,
7 and that, I think, is why we still are
8 thinking about those things. It might be a
9 good time to look at it, and Allied Chemical.

10 ACTING CHAIRMAN GRIFFON: And for
11 a variety of reasons, I was thinking of
12 Simonds Saw and Allied Chemical also. I was
13 looking at Pacific Proving Grounds as a third.

14 But, Phil.

15 MEMBER SCHOFIELD: I'm going to
16 shock Wanda and agree with her about TVA there
17 because some of that information there was new
18 for some of the other facilities, we still
19 have to look at them.

20 ACTING CHAIRMAN GRIFFON: Okay.

21 Any other thoughts on this? I
22 think Simonds Saw is -- and I thank Josie for

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1 bringing this up -- that it is SEC, and it
2 looks like, based on LaVon's report, it's
3 coming out soon, so it would be probably good
4 to get that in the works and let SC&A begin
5 work on that. That would be timely. So I
6 definitely think that Simonds Saw makes sense.

7 Any other opinions on -- and
8 Allied Chemical for a number of reasons. I
9 think it was a pretty dirty operation, if I
10 recall, and it also has a fair number of
11 claims at that facility. But then, maybe the
12 third one is open for debate. TVA, I can --
13 you know, TVA and Pacific Proving Ground are
14 on the table. Any thoughts either way?

15 MR. HINNEFELD: Mark, I'll just
16 offer, you know, based on our discussion with
17 Bill, Pacific Proving Ground has been, there's
18 a Class for Pacific Proving Ground for the
19 entire covered, from '46 to '62.

20 ACTING CHAIRMAN GRIFFON: Oh,
21 okay.

22 MR. HINNEFELD: So, it is -- a

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1 Class has been added for that. That's for the
2 entire period.

3 ACTING CHAIRMAN GRIFFON: Okay.
4 So it's definitely not as big a priority;
5 right? So that may help us with our decision
6 here.

7 Paul or David, any thoughts on
8 either way?

9 MEMBER ZIEMER: I had -- this is
10 Ziemer. I was sort of interested in SLAC
11 partially because it's very different from
12 others. It's basically an accelerator
13 facility. I thought it might be of interest.

14 ACTING CHAIRMAN GRIFFON: So SLAC
15 or TVA maybe is, is there -- can we all sort
16 of agree on Simonds Saw and Allied Chemical?

17 (Chorus of yeses.)

18 ACTING CHAIRMAN GRIFFON: Yes. I
19 hear --

20 MR. KATZ: And the process is to
21 do these by voice votes, but there --

22 ACTING CHAIRMAN GRIFFON: Oh, so

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1 we do need to do them by voice vote?

2 MR. KATZ: -- but they're --
3 because they're site --

4 ACTING CHAIRMAN GRIFFON: No --

5 MR. KATZ: -- but there are no
6 conflicts of any Board members for these
7 facilities.

8 ACTING CHAIRMAN GRIFFON: So we
9 can take it by you doing this consent --

10 MR. KATZ: So we can do it by
11 unanimous consent.

12 ACTING CHAIRMAN GRIFFON:
13 Unanimous consent, okay. So, by unanimous
14 consent, we'll assign SC&A to do Simonds Saw
15 and Allied Chemical Site Profile Reviews.

16 And the third, you know, any
17 further thoughts on like -- I think it's down
18 to TVA or the Stanford Accelerator -- Linear
19 Accelerator. Any other thoughts either way?
20 We end up, we may end up getting both, you
21 know.

22 MEMBER MUNN: We'd be happy with

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1 either one, frankly.

2 ACTING CHAIRMAN GRIFFON: All
3 right, why don't we -- Stanford Linear
4 Accelerator, is that okay?

5 MEMBER MUNN: Sure.

6 ACTING CHAIRMAN GRIFFON: All
7 right. So there's the -- we'll task SC&A to
8 do the three Site Profile reviews for Simonds
9 Saw, Stanford Linear Accelerator, and Allied
10 Chemical. And I guess we're taking that by
11 unanimous consent.

12 All right?

13 (Chorus of yeses.)

14 ACTING CHAIRMAN GRIFFON: Okay.
15 The next item I have is the Dose
16 Reconstruction Subcommittee Report, which, the
17 chairman of that Subcommittee was deficient
18 yesterday. He didn't have his act together,
19 so I'll turn it over to me.

20 I passed out a -- and Paul and
21 David, you should have gotten this via email
22 -- the Dose Reconstruction Summary Report.

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1 And just as, for recollection for folks, this
2 -- we did the first hundred cases review. We
3 submitted a letter to the Secretary
4 summarizing our findings, and then it was a
5 request from the Board to the Subcommittee to
6 look further into those findings with regard
7 to what impact on the NIOSH program did these
8 findings have, and are we actually recommended
9 that NIOSH do, make any changes or, and also,
10 note whether they have made any changes as a
11 result of the first 100 case reviews.

12 So this is really a status report
13 back to the full Board. It's not intended to
14 go to the Secretary. It's just a status
15 report to the Board on what we've found so far
16 at the subcommittee level with regard to sort
17 of looking at those findings in aggregate.

18 And the only -- I guess one
19 significant part of it is that you'll note
20 that you got two documents. The second part
21 of it is that we've, on the Subcommittee,
22 decided that since there were a number of

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1 quality control/quality assurance findings, we
2 thought -- and NIOSH pretty much agreed with
3 this -- is that let's -- it's a worthwhile
4 task for SC&A to further pursue sort of the
5 root cause of some of these things; why did
6 some of these errors occur? Was it simply an
7 individual error by a dose reconstructor? Or,
8 yes, or systematic or -- you know, there's
9 definitely questions on, in some cases, errors
10 occurred where, and then there were two peer
11 reviews done, and it went through the entire
12 way without being detected, which seems a
13 little strange. But without, you know,
14 digging further for the facts, we're not
15 completely sure there's anything there.

16 So we from the Subcommittee
17 decided that it was worthwhile to select at
18 least some cases or some findings of this type
19 and task SC&A with looking into those findings
20 further. And we've done that. We're starting
21 on that process, but in the meantime, I
22 thought it was worthwhile bringing a status

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1 report back to the Board.

2 We can have some discussion of it
3 now. I know most people are just looking at
4 this. I meant to get it out a week ago or so,
5 but it didn't happen. The other option is, is
6 any, anything that you, any edits or any
7 thoughts that you have on this report that you
8 want to give back to the Subcommittee, you can
9 email it to me, and then the next Subcommittee
10 meeting I will bring them onto our, onto the
11 table for the Subcommittee to consider in that
12 way. It might be easier to deal with detailed
13 comments that way.

14 Paul and David, you have these
15 reports; correct?

16 MEMBER ZIEMER: This is Ziemer.
17 It has not popped up on either my NIOSH email
18 or my home email so far.

19 ACTING CHAIRMAN GRIFFON: Okay.

20 MEMBER RICHARDSON: Yes, mine
21 neither.

22 ACTING CHAIRMAN GRIFFON: Oh,

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1 really? Okay.

2 MEMBER RICHARDSON: It -- it was
3 dated today?

4 ACTING CHAIRMAN GRIFFON: It was
5 sent out yesterday around 7:00 p.m. our time.

6 Yes, and David, I may have sent it
7 to -- I think for both you and Paul, I sent to
8 the government, the CDC email.

9 MR. KATZ: David doesn't have a
10 CDC --

11 MEMBER ZIEMER: I've got my CDC
12 email open, but --

13 ACTING CHAIRMAN GRIFFON: All
14 right. David doesn't have a CDC, so I'm not
15 sure where yours went.

16 MEMBER ZIEMER: Well, you know,
17 sometimes it sits there for a while. I don't
18 -- nothing's popped in since yesterday on CDC,
19 and it's open right now.

20 ACTING CHAIRMAN GRIFFON: Okay, I
21 --

22 MEMBER ZIEMER: There's no

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1 Thursday emails or --

2 ACTING CHAIRMAN GRIFFON: There's
3 certainly no action we're taking here, but,
4 you know, we'll make sure you get those
5 documents. And then, you know, I'd love to
6 have -- input back to the Subcommittee would
7 be the best result of this process, I think.

8 MEMBER ANDERSON: You sent it at
9 6:02.

10 ACTING CHAIRMAN GRIFFON: 6:02 --
11 see that? I sent it out early.

12 Yes, Brad. Brad.

13 MEMBER CLAWSON: I don't, I don't
14 see Ziemer's, and --

15 ACTING CHAIRMAN GRIFFON: Oh, he's
16 not on -- okay, I was -- all right. All
17 right.

18 Paul, we'll get it to you. I
19 apologize.

20 MEMBER ZIEMER: Okay.

21 ACTING CHAIRMAN GRIFFON: So,
22 again --

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1 MEMBER RICHARDSON: If you could
2 resend it to me as well, that would be great.

3 ACTING CHAIRMAN GRIFFON: Yes, I
4 will, David. I apologize. And I was hoping
5 to have this out, like I said, a week or so
6 ago, and have a more full discussion at this
7 meeting. But you know, my feeling is that
8 individual Board members can certainly send
9 comments, and we will take them up on the
10 Subcommittee, and then also at future full
11 Board meetings.

12 You know, now that you've got
13 this, you know, you can look at it more
14 thoroughly, and we can come back to this
15 discussion at our future meetings. Either the
16 phone call or the next face-to-face meeting, I
17 think, would be the most useful. All right,
18 so there's no action to take; just really a
19 status report on that.

20 The only other item for the DR
21 Subcommittee was we did go -- I kind of
22 updated this two days ago -- we started a 13th

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1 set of case selections. We had a Subcommittee
2 phone call. We did our first -- we sort of go
3 in a triage phase on this. We preselected
4 cases, and then NIOSH is in the process of
5 looking at those preselected cases and giving
6 us more details on those cases. They actually
7 go back and open each case file to determine
8 if it was a full external, full internal,
9 neutron dose reconstructions involved, you
10 know, all those items that we want to see
11 before we actually select the cases.

12 They are going to come back with
13 that information to the, either the
14 Subcommittee or the phone meeting, the next
15 full Board meeting, via conference call, and
16 then we can make our final selection at that
17 point, so you know, we're moving that along.
18 We were hoping to finalize it today, but it
19 will move along soon.

20 John, I know you're -- yes.

21 Josie.

22 MEMBER BEACH: Mark, I noticed on

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1 this sheet that we got the PoCs aren't listed.

2 Don't we normally have that information when
3 you give it to the Board members?

4 ACTING CHAIRMAN GRIFFON: The PoCs
5 for which? For --

6 MEMBER BEACH: For all of it. For
7 the individual --

8 ACTING CHAIRMAN GRIFFON: This
9 spreadsheet is actually findings. They're
10 finding numbers from the --

11 MEMBER BEACH: Gotcha. Gotcha.

12 ACTING CHAIRMAN GRIFFON: They're
13 finding numbers from cases we've already
14 reviewed, so it's a different thing. Yes.
15 Yes, yes, yes. These aren't case selection
16 things, right. Okay, right.

17 Okay, so that's, that's sort of
18 the status from the DR Subcommittee. Any
19 other comments from Subcommittee members or
20 from, questions from the Board?

21 MEMBER MUNN: I'd just appreciate
22 an opportunity to work on the words.

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1 ACTING CHAIRMAN GRIFFON:
2 Language, yes, yes. Yep. It's gone through
3 probably three or four drafts already, but
4 we'll get there. Yes.

5 MEMBER MUNN: It's moving.

6 ACTING CHAIRMAN GRIFFON: Wanda
7 and I go back and forth on the language a lot,
8 yes.

9 Okay, and one more item we have,
10 and there may be others, but the one item I
11 have on my list is the item -- Mike's going to
12 tell us a little bit more about the Worker
13 Outreach. I didn't have the spreadsheet in
14 front of me yesterday; I don't know the others
15 did. But maybe you can just give us a little
16 update on that, and --

17 MEMBER GIBSON: Yes, the
18 spreadsheet that was sent out to you all is
19 basically, we just wanted you to look at it.
20 It's something that we've come up with that we
21 intend to use internally in the Work Group to
22 track worker comments, follow them through to

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1 make sure that they're handled appropriately.

2 And from time to time, we're going
3 to be reporting back to the Board, and we were
4 just going to forward the information to you
5 in this spreadsheet form, if that's acceptable
6 to you, if it's readable, if it shows you
7 enough detail. We just want to make sure that
8 we just don't need to make any changes to it.

9 ACTING CHAIRMAN GRIFFON: Well,
10 and I, and you mentioned that -- is this
11 information rolled into a database overall?
12 Or maybe --

13 MR. KATZ: So can I -- I'll be
14 glad to elaborate on this --

15 ACTING CHAIRMAN GRIFFON: Yes.

16 MR. KATZ: -- just while you -- I
17 don't know if you've all had a chance to look
18 at the spreadsheet, but it's pretty simple.
19 The spreadsheet gives the comments that were
20 made at the Board meeting, and the date of
21 those comments, and actually the reference in
22 the transcript so you can actually see

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1 verbatim because the summaries of the comments
2 are going to be very brief certainly going
3 forward, but you can go see the details in the
4 transcript.

5 They also, it also provides that -
6 - if there was a response given at the Board
7 meeting, it would indicate that. If there, if
8 there was a response given, these will be
9 provided. Part of the process will be to go
10 through the transcripts, find these comments,
11 and then DCAS -- some of these items are items
12 that are really appropriate for DCAS to
13 respond to, which doesn't preclude the Board
14 from also responding to any, but they're
15 something that they're going to want to
16 respond to in any event.

17 And so those will be indicated for
18 the next Board meeting, too, which -- which of
19 these comments that were received DCAS has
20 responded to or is planning to respond to and
21 just some indication of, you know, how that'll
22 work.

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1 The other -- the only other
2 element in this transcript -- I mean in this
3 spreadsheet is there's a categorization of the
4 types of comments. And right now, I think
5 there's something like 35 different, in that
6 ballpark, categorizations, or 35 different
7 natures, or 36 -- thank you, Mark -- comments.

8 And it's just sort of for starters. It can
9 get more complex.

10 And I've said to the Worker
11 Outreach Work Group during our meeting that I
12 don't recommend continuing this categorization
13 because it actually would be labor-intensive
14 and provide very little fruit on the tail end.

15 And we're going to have to, between DCAS and
16 my staff, we're going to have to do this work.

17 So I would prefer not to have a
18 categorization. It, it's quite a bit of work,
19 actually, just capturing the comment and
20 placing in the transcript where this occurred,
21 and to follow up with DCAS about which ones
22 they responded to, and so on.

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1 ACTING CHAIRMAN GRIFFON: Let me
2 get -- Josie.

3 MEMBER BEACH: Just, just a couple
4 of comments. On my first, I was going to
5 mention the category, but since you spoke on
6 the category -- there is a sheet that was sent
7 out that described what each category meant.
8 Has that been sent to the Board members?

9 MR. KATZ: Yes. That is -- if you
10 look at the spreadsheet, there's two, two sort
11 of sheets for the spreadsheet, and a second
12 sheet is that, is the description of each
13 category.

14 MEMBER BEACH: Then the other
15 comment I have is if we decided to keep the
16 categories, maybe make them more -- not so
17 many categories, but a technical side or
18 something that you could at least have some
19 type of category.

20 MEMBER ANDERSON: A broad --

21 MEMBER BEACH: Broad, yes.

22 MR. KATZ: I'd be glad to think

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1 about a relatively few bins that we might, if
2 that makes sense, but -- so I'll take a look
3 at that question. And, certainly, everyone on
4 the Board is most welcome to send me comments
5 about it. If they have an idea of bidding,
6 that's simple and can be done quickly, then I
7 wouldn't mind that at all. We could take care
8 of that.

9 ACTING CHAIRMAN GRIFFON: Yes. I
10 guess my thoughts is one of the most useful
11 aspects of this might be the categorization,
12 but we need to narrow the number of
13 categories, I think, yes, if it's possible,
14 you know. So, yes.

15 MR. KATZ: Well, just to remind
16 the Board, though, the whole purpose of this
17 tracking is just to ensure that the Board,
18 when it receives comments that really should
19 be responded to, that it does so. So it's not
20 really -- I mean, I think in our discussion in
21 the Worker Outreach Group, this got sort of
22 conflated a little bit with what the Worker

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1 Outreach Group will be doing in terms of
2 evaluation of, for example, of NIOSH
3 follow-up, how they integrate public comments
4 into their SEC evaluations, and so on.

5 But this is really -- this is not
6 the purpose of -- of this tracking. This
7 tracking is really intended --

8 MEMBER GIBSON: But the -- the
9 categorization in it, it kind of -- kind of
10 ran away from us, but it originally started
11 out, one reason was to try to track the, like,
12 reoccurring problems, you know. We wanted to
13 follow through with the worker and make sure
14 that the -- his comment was taken care of.
15 But then as we evaluated, we wanted to see if
16 there is reoccurring problems.

17 MR. KATZ: And that's correct, but
18 -- but the evaluation that you're doing is
19 also addressing reoccurring -- I mean, that's
20 the criterion for the Worker Outreach's
21 evaluation of outreach in general. I mean,
22 that's already captured in your evaluation

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1 plan entirely independent of this.

2 MEMBER GIBSON: This is a way to
3 track it, though.

4 MR. KATZ: But, okay.

5 ACTING CHAIRMAN GRIFFON: Well,
6 how can we, if we have any -- I mean, this is
7 just coming as a status report, kind of, to
8 the Board, or, I mean, if we have any thoughts
9 on categorization of other things, can we get
10 those to the Work Group? Is that --

11 MR. KATZ: Well, and to me, I
12 think, because we're going to have to do this
13 work, so it's, it would be -- I'll be glad to
14 have your recommendations --

15 ACTING CHAIRMAN GRIFFON: All
16 right.

17 MR. KATZ: -- so that I can
18 consider them.

19 ACTING CHAIRMAN GRIFFON: So if --

20 MR. KATZ: And then a timing thing
21 we could ask, we could talk about, too,
22 because what we have right now is this

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1 spreadsheet before you with the comments that
2 were submitted in February. And you'll notice
3 that a good number of them have been in one
4 way or the other responded to, but not all.
5 So you may want to take up, for example, at
6 the teleconference, this spreadsheet with the
7 details in there and consider whether there
8 are comments there that you would like to
9 pursue in one way or the other as a Board
10 responding to -- so I would suggest that it
11 come up for the teleconference -- I don't know
12 what Mike thinks -- but as an agenda item.

13 ACTING CHAIRMAN GRIFFON: We can
14 have this as a regular agenda item, I guess.

15 MR. KATZ: Right.

16 ACTING CHAIRMAN GRIFFON: An
17 ongoing agenda item.

18 MR. KATZ: And the idea was to
19 have a regular agenda item where the Board
20 would just consider any comments. I mean, as
21 you noted at this Board meeting and the prior
22 one, I think more and more, we're trying to

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1 address as many comments as possible in real
2 time at the Board meeting, but -- but there
3 will always be items that -- that don't get
4 addressed. I think it would be good.

5 ACTING CHAIRMAN GRIFFON: Any
6 other comments on this? I think we can -- you
7 know, we have an opportunity to weigh in on
8 this through the Work Group or through Ted --

9 MR. KATZ: Sure.

10 ACTING CHAIRMAN GRIFFON: -- on
11 the categorization.

12 Any thoughts now? Any comments?

13 MEMBER RICHARDSON: I -- this is
14 David Richardson.

15 ACTING CHAIRMAN GRIFFON: Go
16 ahead, David.

17 MEMBER RICHARDSON: I like it. I
18 think the idea is terrific that -- that
19 there's some sort of tracking of being
20 responsive to comments.

21 I thought the Significant Issues
22 column, Column D, could be, in some cases, it

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1 could be edited much more. There are some
2 examples -- Row 23, for example -- where this
3 is really running on fairly long, and maybe
4 you could bullet it down, and just -- just
5 include a reference to -- to page and line
6 number in the transcript.

7 The other thought I had was I
8 sometimes had the sense that during the Board
9 meetings, questions are posed by Board
10 members, and their response is, well, we'll
11 need to get back to you, and I don't know if
12 there's tracking of that. Could there be a --
13 or has there been a thought about having a
14 similar spreadsheet of -- of unresolved
15 questions that are posed by Board members and
16 their interest in --

17 ACTING CHAIRMAN GRIFFON: I'm
18 looking at Ted when you say -- yes.

19 MR. KATZ: We -- we certainly
20 haven't discussed that. It's not that -- not
21 that that's not a good idea.

22 MEMBER RICHARDSON: I mean, I have

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1 a question -- how many workers were actually
2 employed at GE Evendale -- I have in my
3 notebook here. I've got a page where I've got
4 questions which I haven't had responses to,
5 and am waiting for a response. But I -- you
6 know, I can do that tracking myself. But it
7 might be a stimulus to investigate and pursue
8 answers to those if they were, if there was
9 some way that they were systematically being
10 registered and logged.

11 ACTING CHAIRMAN GRIFFON: And
12 that's a good point. I think, in the past,
13 we've always operated by, if it was important
14 enough, we would bring it up again, you know.

15 MR. KATZ: Yes, I think -- I think
16 there is some effort at DCAS to review
17 transcripts and see what they have to follow
18 up on in general, and that certainly would
19 fall in -- fall in that category. I don't --
20 I don't mind actually capturing, I don't mind
21 capturing this. I mean, I like the idea of
22 that. The only problem is, then, you're

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1 having to really comb through the entire
2 transcript. It's quite easy to actually
3 capture the public comments because there's
4 limited opportunities for public comment.

5 But when we get to having to track
6 whenever a Board member might have raised a
7 question for follow up, it does get to be more
8 -- a lot more combing would have to be done of
9 the transcript to capture those.

10 MEMBER RICHARDSON: Could I
11 propose as a, like as a procedural suggestion,
12 that we, if we have a question that we want to
13 be answered, that you maintain a list of
14 those. And if we pose a question and say, I
15 would like that to be logged for answer and
16 have a response the next meeting, and some way
17 there would be a record-keeper who'd keep a
18 list of those questions?

19 MR. KATZ: Yes.

20 MEMBER RICHARDSON: And at least
21 making a good-faith effort to come back with
22 an answer at the next --

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1 MR. KATZ: I'd be happy to. For
2 example, at the end of each Board meeting or
3 however you want to do that, if you want to
4 submit the comments that you had raised that
5 weren't answered, each of your Board members,
6 just do that bit of due diligence to me, that
7 I would be happy to make certain that those
8 comments get addressed, those questions.

9 ACTING CHAIRMAN GRIFFON: Yes, I
10 think that's probably a workable -- a workable
11 way to do it. Yes.

12 MR. KATZ: That would be a
13 practical way to go. I think that's a good
14 suggestion.

15 ACTING CHAIRMAN GRIFFON: Henry --
16 or Wanda first, and then Henry.

17 MEMBER MUNN: During the words
18 that were being spoken five or so minutes ago,
19 there was a parenthetical expression about,
20 and of course, any issues that, that what was
21 being said was, we're tracking these so that
22 NIOSH can respond to them appropriately. And

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1 I think, Ted, you said, "And of course, the
2 Board may respond as well." And I blinked
3 because I don't recall the Board having taken
4 the responsibility in the past for responding
5 to public comment, and I'm not sure how we
6 could or should go about doing that. Did you
7 mean --

8 MR. KATZ: Let me clarify my
9 thought. I did mean what I said. I mean, the
10 Board does actually respond in real time to
11 people.

12 MEMBER MUNN: Oh, yes.

13 MR. KATZ: And there are some
14 issues that are more difficult to respond in
15 real-time. And I -- I think it was the intent
16 when we started this that we would think about
17 how the Board might respond, for example, on
18 the record at a future meeting about a more
19 complex issue that might have been raised in a
20 number of public comment sessions but had
21 never been directly handled because, you know,
22 at least not in full depth because it takes

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1 more to do that.

2 So the Board can have a session
3 where it says, you know, here's a comment.
4 And to Mike's point, it may be a comment that
5 we've heard in different ways in several Board
6 meetings, but here's a comment we received,
7 and here's what the Board's view is on this.

8 MEMBER MUNN: Just to be very
9 clear, this would be at a full Board meeting.

10 MR. KATZ: Yes.

11 MEMBER MUNN: My concern is always
12 that we not inappropriately contact claimants
13 who have issues outside this public forum.

14 ACTING CHAIRMAN GRIFFON: Right.
15 No.

16 MR. KATZ: Absolutely.

17 MEMBER MUNN: I just want to make
18 sure that any response we make must be made in
19 this venue here.

20 MR. KATZ: I think that was the
21 idea entirely.

22 MEMBER MUNN: Just checking.

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1 Thank you.

2 ACTING CHAIRMAN GRIFFON: Okay.
3 Henry, and then Brad.

4 MEMBER ANDERSON: Yes, I was only
5 going to say, sometimes we'll ask questions,
6 and it'll be, get back to you, but then --
7 that becomes moot if we vote on something and
8 pass it. So I think having a list of
9 questions at the end, if we still want to find
10 out that information, even though like some of
11 the questions on how many there, I mean,
12 that's just useful kind of background
13 information, even if we move forward on, on
14 approving an SEC, for instance.

15 But I think you could do some
16 searching pretty easily in, you know, in that
17 period to look to see, is there any, for those
18 that we've tabled, you know, or are still in
19 the development stage, that would be where I
20 would think there may be questions that we
21 need to have the answers.

22 ACTING CHAIRMAN GRIFFON: Yes, so

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1 --

2 MR. KATZ: I'm just, I'm not sure
3 I understood you entirely, but all I would say
4 is, again, if at the end of a Board meeting,
5 whatever outstanding questions you have that
6 you would like to see answered, if you provide
7 them to me, then I will -- I will do the
8 follow up with NIOSH and get answers.

9 ACTING CHAIRMAN GRIFFON: Yes. I
10 think I support Ted's notion because I know
11 that my experience is that I've raised
12 questions during our discussions, and then
13 during a break, I might see NIOSH, and they
14 might address it, and then, you know, it kind
15 of goes away for me as an issue. So I don't
16 need to, you know, officially follow up. So I
17 think each member can do due diligence and
18 submit their questions in writing. I think
19 that makes sense, yes.

20 Brad.

21 MEMBER CLAWSON: And I agree with
22 that, but also, as some of the Board members

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1 bring up some of these issues, it sparks an
2 interest in us, and I'd kind of like to see
3 the follow up of what's solved, what the
4 answer was on that --

5 ACTING CHAIRMAN GRIFFON: Right, I
6 know.

7 MEMBER CLAWSON: -- because like
8 Dr. Richardson had mentioned, you know, many
9 times a Board member will bring something up,
10 and you know, if we process it to you and
11 stuff like that, I'd just like to see it come
12 back to the whole Board because --

13 ACTING CHAIRMAN GRIFFON: But I
14 think that might be reasonable. I mean, that
15 Ted could get all the written questions and
16 then compile them in the same format and give
17 the response or action in writing.

18 MEMBER CLAWSON: Yes.

19 MR. KATZ: Oh, absolutely.

20 MEMBER CLAWSON: Yes, I just
21 wanted to make sure we saw because a lot of
22 times if I have a particular question, I know

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1 that it's focused to me --

2 ACTING CHAIRMAN GRIFFON: Yes.

3 MEMBER CLAWSON: -- and they take
4 care that -- but as many issues have been
5 brought forth by other Board members. I've
6 been interested in seeing how -- how it was
7 taken care of.

8 MR. KATZ: I meant -- what I meant
9 was that I would report back to the whole
10 Board. We don't have to do this right -- I
11 mean, I can send an email to everyone with the
12 responses to the questions that were raised
13 because you'll all be interested in many of
14 these.

15 ACTING CHAIRMAN GRIFFON: Yes,
16 that's fine.

17 Anything else on the spreadsheet
18 itself or our follow-up discussion here?

19 MEMBER ZIEMER: Mark?

20 ACTING CHAIRMAN GRIFFON: Yes,
21 Paul.

22 MEMBER ZIEMER: This is Ziemer. I

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1 just wanted to weigh in on a couple items.
2 Number one, I kind of like Josie's suggestion.

3 I think the categorizations are somewhat
4 important, and the problem is there's too many
5 of them right now, and our Designated Federal
6 Official may spend all his time making
7 decisions on which pot to throw something
8 into.

9 Initially, my thought on that was
10 we have a lot of issues that are very case-
11 specific. Individual claimants have
12 individual issues. And that's one whole
13 category, and those have to be handled pretty
14 much by NIOSH staff. The only thing to be
15 done there is to make sure that happens.

16 We have another sort of large
17 step, which are more sort of technical issues
18 or semi-technical issues. An example would be
19 public comment where the individuals have
20 said, well, I'm concerned about the validation
21 of the IREP model or something like that. And
22 in fact, we've had comments like that, and

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1 those are the kinds of comments which are more
2 dealing with the system.

3 So in my mind, I see at least two
4 sort of big silos, one of which is -- are the
5 public comments that deal with individual
6 cases. The other are comments which deal with
7 the system. Some of those system comments
8 might be the CATI interview process and that
9 sort of thing. So there's a couple of big
10 categories. There might be a couple subs
11 under those. But I think it's important to at
12 least make those kind of categorical
13 differences.

14 Then the other thing is that on
15 responding to Board questions, I think it's
16 one thing to ask for a clarification or, you
17 know, how many claims there are at a Site. We
18 have, in the past, had cases where Board
19 members have, in essence, seemed to task NIOSH
20 to do something fairly big for that individual
21 member. And in those kind of cases, at least,
22 it was -- I think it's important that if we

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1 ask NIOSH, for example -- if a particular
2 Board member said, you know, I'd like you to
3 go back and take this model and do the
4 following things to satisfy me, I think it's
5 important that there is a kind of consensus
6 from the Board that we would like that task
7 done by NIOSH.

8 ACTING CHAIRMAN GRIFFON: Paul?

9 MEMBER ZIEMER: -- in the larger
10 scheme. So that's a different kind of follow-
11 up bill.

12 ACTING CHAIRMAN GRIFFON: Yes,
13 Paul, I agree with that, and I think that we
14 can -- we can count on Ted as being the filter
15 for that kind of thing.

16 MEMBER ZIEMER: Right.

17 ACTING CHAIRMAN GRIFFON: So if
18 someone submits a question that Ted feels is
19 more broad and requires the full Board
20 decision, then he'll come back with that to
21 us, I guess.

22 MEMBER ZIEMER: Yes, and the only

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1 other thing on that, Mark, is if a member
2 raises an issue such as the information on a
3 number, and gets that in, you know, as you
4 described, between sessions, it nonetheless
5 may have been, once it's raised, it may be of
6 interest to all Board members. So simply
7 responding to the member who asked it is not
8 always the, I think, the response.

9 ACTING CHAIRMAN GRIFFON: Right.

10 MEMBER ZIEMER: Because sometimes
11 a question is asked and other people say, oh,
12 yes, I need that information, too --

13 ACTING CHAIRMAN GRIFFON: That's a
14 good point.

15 MEMBER ZIEMER: -- even though
16 they may not have thought of the question. So
17 somehow we need to distinguish between
18 questions raised by individuals that have
19 interest to the full Board versus those
20 questions which a single member -- you know, I
21 need this information for my comfort level,
22 everybody else is okay with it, or something.

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1 MR. KATZ: Paul? Paul, this is
2 Ted. I'm not even going to distinguish,
3 actually. I'm going to inform the Board of
4 the answers to questions that are raised
5 during Board meetings.

6 MEMBER ZIEMER: All right.

7 MR. KATZ: So if some of them are
8 not interesting to some Board members, that's
9 fine. Everybody will get all the answers to
10 all the questions.

11 MEMBER ZIEMER: Great.

12 ACTING CHAIRMAN GRIFFON: I hope
13 others are interested in my questions -- no.

14 (Laughter.)

15 ACTING CHAIRMAN GRIFFON: Anyway,
16 is there any further comments on this? And
17 those were good comments, Paul, that I really
18 appreciated. I'm sure Ted and the Worker
19 Outreach Group can take that into
20 consideration. I was planning on looking at
21 that list as well, and if others -- I think,
22 I'm sure we can still get comments in to Ted

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1 or Mike.

2 MR. KATZ: Absolutely.

3 ACTING CHAIRMAN GRIFFON: Yes. So
4 any other comments at this point though?

5 (No response.)

6 ACTING CHAIRMAN GRIFFON: Are
7 there any other items that we didn't -- that
8 we missed that people want to bring up now
9 before we adjourn?

10 (No response.)

11 ACTING CHAIRMAN GRIFFON: And we
12 did all the logistical stuff earlier, right?

13 MR. KATZ: We're all set.

14 ACTING CHAIRMAN GRIFFON: Okay, so
15 --

16 MEMBER ANDERSON: Airport
17 transportation.

18 ACTING CHAIRMAN GRIFFON: Airport
19 transportation -- I think we're --

20 MR. KATZ: As soon as we get off
21 the record I think.

22 ACTING CHAIRMAN GRIFFON: Okay, so

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1 our meeting here is adjourned. Thank you all,
2 and thank you on the phone.

3 MR. KATZ: Thanks, everybody, for
4 all the hard work.

5 (Whereupon, the above-entitled
6 matter was adjourned at 10:44 a.m.)

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