US Department of Health and Human Services
Centers for Disease Control
National Institute for Occupational Safety and Health
Advisory Board on Radiation and Worker Health
129th Meeting
Tuesday June 25, 2019

The meeting convened telephonically at 11:00 a.m., Eastern Time, Ted Katz, Designated Federal Official, presiding.

Present:

Josie Beach, Member
Bradley P. Clawson, Member
R. William Field, Member
David Kotelchuck, Member
James E. Lockey, Member
Genevieve S. Roessler, Member
Phillip Schofield, Member
Loretta R. Valerio, Member
Paul L. Ziemer, Member

Also Present:

Ted Katz, Designated Federal Official
Adams, Nancy, NIOSH Contractor
Barrie, Terrie
Barton, Bob, SC&A
Buchanan, Ron, SC&A
Calhoun, Grady, DCAS
Crawford, Chris, DOL
Fitzgerald, Joe, SC&A
Lewis, Greg, DOE
Rafky, Michael, HHS
Rutherford, Lavon, DCAS
Stiver, John, SC&A
Taulbee, Tim, DCAS

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(11:01 a.m.)

Opening Statement

Mr. Katz: So, welcome everyone. This is the Advisory Board of Radiation and Worker Health.

The purpose of the teleconference is to plan the future Board meetings and this is our planning for the August Board meeting, August 21.

The agenda for the meeting is posted on the website. But it's so simple that no one needs to go there to look at it. I think you can follow what we have today and there are no documents posted there, so there's nothing to read along with. So, there's no need for that.

Let me begin by doing roll call for the participants to this meeting. And there's no conflict of interest, so I don't need to address that for those matters that are up for today.

Roll Call

Mr. Katz: Okay then, very good. So let me just remind everyone to mute your phone until you're speaking to the group. It will help everybody out.

Press *6 if you don't have a mute button, to mute your phone. And *6 to come off of mute.

And let's go from here. So, let's just go right to them, we have the first item on the agenda. It is LaVon Rutherford for the SEC Petition status update.

Welcome

Mr. Rutherford: All right, thanks Ted. NIOSH will be presenting two new Special Exposure Cohort Petition Evaluations at the August Board Meeting.

Special Exposure Cohort (SEC) Petition Status

Update

We will present a new Y-12 Petition Evaluation that evaluates the period January 1977 through December 1994. This Petition actually covers the period after the class recently added for Y-12 that went up to 1977.

The Petition qualifies on the same basis as that Petition as well. We will also be presenting an 83 --

Mr. Katz: Excuse me, Bomber.

Mr. Rutherford: Yes?

Mr. Katz: Before you go on, can you address, this is only for a couple of years, I believe. Is that correct?

Mr. Rutherford: Actually the committee is researching and it will -- it's been addressed. The Petition was for January 1977 through December 1994.

We are in final review of the -- of -- actually, we're in initial review of the evaluation itself.

So I don't want to say, you know, whether we're going to recommend anything at this time. But, it is an 83.13.

It's going to cover that entire period. So, --

Mr. Katz: Okay. I didn't realize that. I thought it was only addressing a couple of years at this point.

But okay. Fine, thanks.

Mr. Rutherford: Yes. Okay. And we'll also be presenting an 83.14 evaluation from the West Valley Demonstration Project that recommended the class from January 1966 through December 1973.

So those two reports are it. The Y-12 report, 83.13 that was qualified for 1977 through December 1994.

And then the West Valley Demonstration Project,

83.14 where we will recommend a class from January 1966 through December 1973.

And that's all I have. Questions?

Mr. Katz: Okay. Thank you LaVon. And sorry for the interruption.

Mr. Rutherford: No problem.

Mr. Katz: So, Board Members? Any questions for LaVon?

(No response.)

Mr. Katz: All right then. Let's move on to, this isn't required, but any updates from Work Groups and Subcommittees?

Member Kotelchuck: Hey, this is Dave for LaVon. I started speaking before I went off of mute.

Mr. Katz: Oh, okay. Go ahead Dave. Go ahead.

Member Kotelchuck: LaVon, you sent us an email about your work looking at the Rocky Flats files and the Los Alamos and you said that there were one or two that were still being reviewed for, I guess, classified, you know, that there were classified documents that were being checked out for our use, or for your use I should say. Is there any update on that? You said it might be done in May or June.

Mr. Rutherford: Yeah. Actually I'll kind of give a little more detail than that.

There were five or six boxes, actually five boxes that the Petitioner for Rocky Flats had identified. And since she's on the phone, Terrie Barrie, that she felt that we should go back and take a look at. These are classified documents at Rocky Flats. I mean, that Los Alamos had of Rocky Flats documents.

We were going out to Los Alamos to do some additional data capture effort for that project. And we were able to work in the review of those five boxes

as well during that time period. Those five boxes had ultimately been broken down into 14 small boxes. And just over time they had been updated and kind of changed the packaging on the boxes.

But anyway, I specifically was the one that reviewed all of the Rocky boxes. And of those -- most of the documents, approximately 60 percent of the documents were not Rocky. I mean, they were documents that Rocky Flats had, classified documents. But they pertained to other sites. They did not pertain to Rocky Flats. About another, you know, a large portion of the documents were work plans for D&D efforts that, you know, that were submitted to DOE ahead of time.

I identified two documents that I felt that should be retained. One of those was a Rocky document, and it's in classification review. And the other one is an ORNL document that's in classification review. Both of those documents still have not been released at this point. But I do expect them to be released soon.

Member Kotelchuck: Okay. Very good. I really appreciate your following through on those. When we had the discussion on the Board there were issues about, it seems to me about those boxes. And I'm very glad that you're following through, DCAS is following through on those. So thank you.

Mr. Katz: Yeah. Thank you LaVon. Okay, so David got us started with updates from Work Groups. That was the Rocky Flats Work Group update. But do I have a any other Work Groups, Subcommittees who want to update the Board?

Member Beach: Ted, this is Josie. I'll just give a quick on LANL. We do have a Work Group call set for July 25. It's going to be a brief call for status updates. The path forward basically for that Work Group.

Mr. Katz: Thanks Josie.

Member Clawson: Ted, this is Brad.

Mr. Katz: Okay. Go ahead.

Member Clawson: Again, just to talk about Savannah River. We finally got the coworker models that we're working at with now. And I believe SC&A has got that at this time. And I just got a message from Mark Rolfes on 0091, and it was for Savannah River, too.So, we're making a path forward there.

Mr. Katz: Thanks, Brad. And let me -- I'll just take this moment, I was going to address this later, but I can address it now.

SRS, there's a lot of material that's out from DCAS related to the modeling and the data underlying the modeling, which is related, and is gladly received. SC&A is reviewing those materials. And given the status, this timing, I'm hoping for a joint meeting of SRS Work Group and the SEC Issues Work Group, which is the one that's charged with dealing with the modeling. The SRS models serve as examples of the modeling to test whether the modelling guidelines are appropriate for DCAS. And we're expecting those two Work Groups to meet jointly in September. And I haven't scheduled that yet.

But I will be scheduling that once SC&A has a good grip on its timing with getting materials out and responses. So, I'll probably schedule that in early August. But that will be for a September meeting. And that, I think I've heard from staff enough to know that they would like it to be an in person meeting. So that would be in Cincinnati for those who can make it from the two Work Groups. So, more about that later. But, I just wanted to give this account.

Member Kotelchuck: Very good. Two issues on DRRSC, those were -- Dose Reconstruction Review.

First, we had a tentative date for our next meeting on September 12. I -- you were, Ted, according to my notes, were going to check with people to make sure -- a couple of people who weren't at the meeting

to check whether that date was okay. Are we confirmed on that date at this point?

Mr. Katz: Hold on a second. Let me tell you in a second. Yeah, I have it for September 12. I didn't necessarily get confirmation from who was missing. But I didn't get a response either, I think. So, we can count on that.

Member Kotelchuck: Okay. Good. Good. The other aspect of this is, of course, the Secretary's Report for 2019.

The other Board Members should know that I sent a first draft to Ted. And Jenny reviewed it for legal things. There were a number of changes that needed to be made. I have made all of the changes. I've got the -- updated some of the data. I've got material from Grady yesterday on that blind case number three. And so I'm ready except for -- I'm sorry, for blind case number 28. For blind case number three, that was the Allied Chemical and Dye. And it had to go to the Surrogate Working Group. So, I'm waiting on that. Although I have had some second thoughts on it.

And maybe this is the time for that. The -- on case number three, the Allied Chemical, this is the first time that we had to send -- there were sharp disagreements in approach in the review of that blind by NIOSH and SC&A.

So, it has never been reviewed by a Working Group. And it was to be sent back to the Working Group. And Ted, you sent out material on that to Paul and the other members of the Surrogate Working Group.

Thinking about it though further, this is the first case where we've had to send back a blinds case for instruction from the Work Group as to what is the proper approach. If the Working Group has to decide between two approaches, then how can we say later that this is a blinds case? That is to say, have we abrogated the independence of the blind reviews by

having to send it back to the surrogate group?

Mr. Katz: I can answer that David.

Member Kotelchuck: Okay. Please do.

Mr. Katz: It does not take anything away from the blindness. The blindness in review is they're reviewed by SC&A. So that's what was required to be blind. And the issue that the Surrogate Data Work Group is addressing is not a case review. It's simply addressing the question of whether there is a surrogate data matter that needs to be evaluated as to whether it passed surrogate data criteria. Whether -- that was not necessarily even in play for this case. But that was why it was being referred. And I will be scheduling that.

I'm glad you brought it up, because that was another note I was going to make. I will be scheduling that Work Group. NIOSH was -- the DCAS group was ready to address this several years ago, and things occurred with respect to the Board and its Chair and timing and so on, that got in the way. And now we're --

Member Kotelchuck: Absolutely.

Mr. Katz: But it will be scheduled. And I will -- I'm hoping to get that also done, so that's, I think can be done by teleconference, but sometime in September.

Member Kotelchuck: But the two groups, NIOSH and SC&A have already done their reviews. Which led to different approach, a different approach.I'm not quite clear, Ted, if they decide to do the -- if they decide that SC&A has to use a different approach.

Mr. Katz: Well, SC&A, I mean, SC&A is not the actor in this case. It's only DCAS, right. These are DCAS dose reconstructions. SC&A was the first line reviewer. So, what the Work Group will decide is whether the surrogate data requirements are met in this case. And it's not what might have been required to be done here.

But, you know the SC&A approach is really not the subject matter. The subject matter is the NIOSH surrogate data use.

And referring the case -- the blindness is already taken care of. SC&A already did this review blindly and came up with its suggestions.

Member Kotelchuck: That's right. And so did SC&A.

Mr. Katz: I'm saying SC&A did its blind review, yes. And then came up with its findings. But it will be up to the Board to decide what would be a correct, what they believe the correct approach is in terms of the surrogate data matter that it's addressing.

Member Kotelchuck: And that's -- it's appropriate if you will, that this was an issue that came up before us, before us say in a, one of the, in one of the cases, one of the review cases. But that would be perfectly fine. But, this is only to determine if the approach that NIOSH used is correct, right?

Mr. Katz: Right.

Member Kotelchuck: If the Work Group -- and if it -- but there's nothing further that either group, well, -- oh, then NIOSH --

Mr. Katz: Well, we just have to wait and see what the Work Group says about the surrogate data approach. And if the Work Group has recommendations related to that, those will be considered by NIOSH and addressed, you know, independently of all this. And at that point, you will know what to say in your dose reconstruction review report.

Member Kotelchuck: Yes.

Mr. Katz: Your Secretary's draft report with respect to, you know, how the Board found on this blind case.

Member Kotelchuck: Oh, I see. Okay.

Mr. Katz: Yes.

Member Kotelchuck: Good.

Mr. Katz: I think we're good. I think we're good. All of the blindness remains, because that's SC&A's work.

Member Kotelchuck: Yes.

Mr. Katz: Yes.

Member Kotelchuck: All right. Well, those are my questions about that. So, and you're going to have a surrogate -- the surrogates will be meeting at some point.

Mr. Katz: Right. I'm just waiting for the NIOSH folks to be ready again, because personnel have changed since then. Jim Neton, who was leading this response is gone, is retired and so on. Although he's actually available by contract. So whether he's brought back in or not, we'll have that Work Group meeting just as soon as the DCAS folks are ready to do so.

Member Kotelchuck: Okay. Good enough. We will --

Mr. Katz: Okay.

Member Kotelchuck: We may or may not have it done by the time of our August meeting.

Mr. Katz: Right. Right. Well, our meeting isn't until early September our Subcommittee meeting, so probably not by the time of the August Board meeting.

Member Kotelchuck: Yes.

Mr. Katz: It will get, it should get done before we have our September Subcommittee meeting. And even if it doesn't, you know, the Secretary's Report, we have all the way to December before we're presenting that to the Board.

Member Kotelchuck: Right. Okay. That's right. We'll do -- we will do that. We will present it to the Board. We need to present that to the Board in December.

Mr. Katz: Right. Right, so I'm pretty hopeful that this will be a settled matter by that point at least.

Member Kotelchuck: Very good. Very good. And I have -- I have made the changes that were recommended by yourself and Jenny. And that I on the whole agreed with and accepted. So, we're just waiting on this piece. But that's the important piece.

Mr. Katz: Yes. For sure.

Member Kotelchuck: Okay.

Mr. Katz: Okay. Thank you David. Are there other chair's reports?

Member Roessler: This is Gen. Am I off mute?

Mr. Katz: You are. You are.

Member Roessler: Okay. I couldn't remember which way I'd gone. Okay. I'd like to report on Carborundum.

Mr. Katz: Yes. Go ahead.

Member Roessler: Okay. There's a little noise in the background.

Okay. The Carborundum Work Group, we held a conference call on June 13 to discuss three open site profile findings. These all were associated with the NIOSH dose estimates using a computer code MCNP. As you probably recall, MCNP is used to calculate dose rates from fuel pellets fabricated at Carborundum.

On the three findings, number one took the most time. This concerned the use of dose conversation coefficients from ICRP 74. This report provides two sets of coefficients for calculations. NIOSH used coefficients from Table A.1. SC&A performed an independent analysis using coefficients from Table A.21. It turns out, the SC&A dose estimates are approximately 2 percent higher.

NIOSH has used Table A.1 values and other site profiles. And because of that plans to retain the use of these values until updated coefficients are published by ICRP. ICRP is expected to publish updated coefficients in the coming months.

The Work Group had a lot of discussion about this. And since we could reach no conclusion, we agreed at this point, and you know, any definite conclusion we unanimously agreed to table this finding until the ICRP issues with new guidance. At that time, if it's necessary, NIOSH can update the site profile dose estimates. That's finding one.

So finding two dealt with an overestimated dose that resulted from a computational glitch SC&A found with the NIOSH calculations using MCNP Version 6.1. NIOSH resolved this issue by switching to MCNP Version 6.2. Our Work Group agreed with this resolution. So this one was closed.

Finding three was an issue SC&A identified in the MCNP glove box model that NIOSH used to simulate worker exposure. And this was related to source dosimeter locations. NIOSH corrected the geometry. And our Work Group agreed with the resolution to finding three.

So, except for finding one, which we still have to discuss, and we've got to await new guidance from ICRP, all site profile issues are resolved.

Mr. Katz: And thank you Gen. That was a nice recap. Do we have any questions from Board Members for Gen?

(No response.)

Mr. Katz: Okay. Not hearing any. And I'll just remind everyone else, the Board has already closed its involvement with this review. And so that last item we had -- these last items we said that the Work Group would continue following them until they were resolved. And if there was anything difficult that

arose, it would bring it back to the Board. But, so far that hasn't been necessary.

Okay. Thank you Gen. And any other chairs?

(No response.)

Mr. Katz: Okay. Not hearing any. And the next and last item on the agenda is to talk about August. Which I'll do.

Plans for the August 2019 Board Meeting

So, we have -- I have it now, and I'll talk about how I got here, I have it down to a day. I think I've already addressed a lot of questions.

So one day. One fairly full day. In the morning we start before the meeting, the public sessions, with your annual ethics training. We normally do these in February. But we passed this up on February this past year. So, we're doing this in August. HHS will take care of that. And we will have the usual update sessions.

And then we have a special session which is the Board's review of 42 CFR Part 81, which is, as you know, the Probability of Causation Guidelines, HHS Probability of Causation Guidelines under EEOICPA. And this amendment strictly relates to making the conversion from ICD-9 to ICD-10 codes. So that will be coming out in an interim final rule, which means that it's immediately effective and able to be used.

That will be coming out, I'm thinking some time in July. And I'll be sending that to all the Board Members with a note, because we'll want you to review those carefully in advance and individually. I'm going to ask that you comment, you know, any comments you may have on those materials. Because during the Board meeting, we have 45 minutes for this. If we have all of your comments and we know what issues there might be, I think we can get through this session pretty easily.

But so that will be coming to all of you at some point in July to have a look at. Because the Board is required to comment on the regulations. And so that's a special session.

Also, as LaVon noted, we have the West Valley SEC Petition as well as he noted, the Y-12 SEC Petitioners. So we'll be addressing those.

And the third Petition that we should be ready to address, because the Board had some follow-up items for SC&A, which should be done well enough in time for that, is the Area IV Santa Susana.

So, that covers the items that I have on the draft agenda for the meeting. And let me just see, I -- before you have questions, let me just see if I have others on this note about -- that are not on the agenda.

Okay. So one that I've talked, spoken with you about possibly being on the agenda for August was Metals and Controls SEC Petition. It's just not, it's not going to -- things aren't going to be ready in time to have any confidence that that should be on the agenda.

We should have a Metals and Controls Work Group meeting, you know, somewhere around the time of the Board meeting. Or closely thereafter. But, we won't have that sort of back up research done in time to schedule this.

Let's see if there's other items that I -- but, I've already talked about SRS, so you know where that stands.

De Soto is not going to be ready in time either. So that will not be on the agenda. And LANL you heard about. We'll have a Work Group, but we're not ready to have that on the agenda.

Nor Sandia, but the Work Group can move things forward. We hoped Superior Steel might have been ready. But it's not going to be quite ready for this meeting as well.

And then as I -- as Dave mentioned, the Dose Reconstruction Secretary's Report, we'll be addressing that. But that will come in for the December meeting, not this upcoming meeting.

If we have time, we may address procedures review there for X-10 that had been completed. But I'm just leaving that on hold for now. But depending on how the meeting goes, we may have time. Do I have any questions from my Board Members on the agenda?

Member Roessler: So Ted, is the meeting on the 21st?

Mr. Katz: Yes, it is. It's only -- it will be solely on the 21st, right.

Member Ziemer: And that's still in Oak Ridge, right?

Mr. Katz: And that still is. Yes, it will be in Oak Ridge. And I believe it will be at the same hotel as last time.

Any other questions?

Ms. Adams: Ted, this is Nancy. Just to let folks know that the Secretary signed the designation for INL.

Mr. Katz: Oh, yeah. Thank you Nancy. Thanks for reporting that.

Member Ziemer: Ted, I have a question on unfilled Board slots as well as the Chair issue.

I know that the -- I know that recently the White House has indicated that all of the agencies should cut back on the advisory boards. I don't think that applies to agency boards per se. But, will that impact on our ability to identify individuals for this Board? As well as will it have any impact on finally designating a permanent Chair?

Mr. Katz: Right. So, let me take those in separate parts. First of all, the executive order that the President signed, it applies to basically all FACA committees. So, it applies to this one. And all of

them. In other words, they're all being reviewed for their continuance.

As it were, our Board is reviewed every two years anyway under another existing executive order that President Obama started. So, ours is currently under review anyway with respect to continuance. And that should be completed some time in August, I'm thinking, because otherwise the Board would expire in September, late in September.

But they've already, this administration renewed this Board two years ago. So I expect that it will -- it shouldn't be a problem, it will be renewed again.

Note -- right now they haven't sorted out implementation of the new executive order. So I'm not sure whether there will be yet another review of this Board over that. But it's basically being addressed already.

And then about appointing, appointment of the permanent Chair or you said empty seats or missing seats for the Board. There are no missing seats.There is no requirement for --

Member Ziemer: No, I understand that. I understand that.

Mr. Katz: Nothing -- right. And there's no expectation to add numbers to this Board at this point.

And as far as designation of a Chair, a permanent Chair concerns, I raise this issue as a matter of form every two months, with every agenda that goes up.

Member Ziemer: Very good.

Mr. Katz: So, that still sits with the White House.

Member Ziemer: Okay. I appreciate that, the update.

Mr. Katz: You're welcome. Very welcome. Any other questions?

(No response.)

Adjourn

Mr. Katz: All right then. Well, I'm going to end. Thank you everybody for your attendance. And I look forward to seeing as many of you as possible in August in Oak Ridge.

So be well and thank you again. You have a good day.

(Whereupon, the above-entitled matter went off the record at 11:36 a.m.)