

UNITED STATES OF AMERICA
CENTERS FOR DISEASE CONTROL

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NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY
AND HEALTH

+ + + + +

ADVISORY BOARD ON RADIATION AND
WORKER HEALTH

+ + + + +

60th MEETING

+ + + + +

THURSDAY, DECEMBER 18, 2008

The meeting came to order at 9:00 a.m.
in the Oglethorpe Room of the Augusta Marriott
Hotel and Suites, 2 Tenth Street, Augusta,
Georgia, Dr. Paul L. Ziemer, Chair, presiding.

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PRESENT:

PAUL L. ZIEMER, Chair
JOSIE M. BEACH, Member
BRADLEY P. CLAWSON, Member
MICHAEL H. GIBSON, Member
MARK A. GRIFFON, Member
WANDA I. MUNN, Member
ROBERT W. PRESLEY, Member
JOHN W. POSTON, Member
GENEVIEVE S. ROESSLER, Member (via telephone)
PHILLIP M. SCHOFIELD, Member

TED KATZ, Acting Designated Federal Official

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1
2 REGISTERED AND/OR PUBLIC COMMENT PARTICIPANTS
3
4 ADAMS, NANCY, NIOSH CONTRACTOR
5 BRADFORD, SHANNON, NIOSH
6 BROEHM, JASON, CDC
7 CHEW, MEL, ORAU
8 DEGARMO, DENISE, SIUE/DOW
9 FITZGERALD, JOE, SC&A
10 HANSON, JOHN, SIUE
11 HINNEFELD, STU, NIOSH
12 HOWELL, EMILY, HHS
13 KOTSCH, JEFF, US DOL
14 MAKHIJANI, ARJUN, SC&A
15 MAURO, JOHN, SC&A
16 MILLER, RELADA, OCAS
17 MCFEE, MATT, ORAU
18 MORGAN, THOMAS
19 PARADISE, CAROLYN
20 SCOGGS, WILLIAM, DEPOT
21 SIMPSON, CHARLES, Retired DOE
22 VOLSCH, JOE, SIUE
23 WALK, JOHN, BNL
24 WREN, JERRY
25 ZIEMER, MARILYN

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

2 9:05 a.m.

3 CHAIR ZIEMER: Good morning,
4 everyone. We're going to begin Day 3 of our
5 deliberations for the Advisory Board on
6 Radiation and Worker Health. I must begin
7 with my usual comment to remind you to
8 register and in doing so, I remember that I
9 forgot to do that myself, so be sure to sign
10 the registration book before you leave today.

11 There is no public comment period today.

12 Mr. Katz, do you have any opening
13 remarks for the group?

14 MR. KATZ: Nothing, just for the
15 folks on the telephone, if someone could let
16 us know, can you hear this well? Gen, are you
17 there?

18 MEMBER ROESSLER: I'm here and I
19 can hear you well, it's very good.

20 MR. KATZ: Great, and otherwise,
21 everyone who is on the phone, please mute your
22 phones, *6, if you don't have a mute button,

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1 thanks.

2 CHAIR ZIEMER: And for the record,
3 again, Dr. Lockey is not with us today and Dr.
4 Melius is not able to be with us today. Dr.
5 Roessler is here by phone.

6 Today is devoted mainly to working
7 sessions of the Board and a variety of Board
8 reports, internal reports. It's the Chair's
9 intention that we try to get ahead of
10 schedule. In fact, normally, we allow about
11 15 minutes at the front end of each day's
12 agenda, something called welcome, which is
13 where you mingle and greet each other and
14 catch up on activities of the evening before
15 such as how many times you went on the
16 treadmill or whatever turned you on last
17 night. But in any event, we'll be a little
18 ahead of schedule to start and I hope we gain
19 on the agenda as we move along.

20 We'll try to be efficient. Many
21 folks are flying out yet today and we want to
22 make sure we get all our work done before

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1 people start leaving for the airport. First
2 of all, we have three SEC petitions whose
3 final wording needs to be examined. It's the
4 Chair's intention to sign those yet today and
5 submit them to the -- to NIOSH and in turn
6 they are transmitted to the Secretary.

7 Normally, we allow about a three-
8 week time period for all the odds and ends to
9 be taken care of but because there's a
10 transition going on and we'd like to come to
11 closure on these three items before Secretary
12 Leavitt leaves office, I'm hopeful that we can
13 get these out today. So if you would take the
14 drafts that were given to you yesterday
15 evening, and I don't know -- I believe that
16 counsel -- did counsel get copies of these and
17 also NIOSH and Labor because we always want to
18 make sure everybody agrees to what the wording
19 is; NIOSH to define the class and Labor to
20 understand if it's a class that they can
21 administer. Sometimes we have fine details in
22 the wording that can cause snags.

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1 But let's begin with -- we'll take
2 them in the order that we acted on them.
3 Let's begin with the Metallurgy Collaboratory
4 draft. Now, the part of the boilerplate that
5 you have before you, the first paragraph, is
6 not part of the letter that goes to the
7 Secretary. This is the normal instruction to
8 the Chair to submit the letter within 21 days.

9 I'm not going to ask you to examine that.
10 That's the same first paragraph we have every
11 time when we make these motions.

12 The second paragraph describes the
13 class. And it states in the usual way that
14 we've evaluated the petition, it numbers the
15 petition. It names the laboratory or the
16 facility, the Metallurgical Laboratory in
17 Chicago, Illinois. It refers to the statutes.

18 These are all standard wordings and then it
19 gives the statement that we recommend that
20 special exposure cohort status be accorded to
21 the -- to all AWE employees who work at the
22 lab between those specified dates, so here's

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1 the class.

2 It's all the employees and it's
3 August 13th, '42 to June 30th, '46 and the usual
4 statement about the number of work days
5 aggregating 250 either solely or in
6 combination with other eligible employment.
7 So that's all standard wording, but I want to
8 ask, are there any questions, Board members,
9 NIOSH, counsel or Labor on the description of
10 the class as given in that paragraph? If
11 there are none, I'd want to look at the last
12 sentence of that paragraph which -- where we
13 always describe what can be done for those for
14 whom partial dose reconstructions may be
15 needed if they have non-specified cancers. In
16 this case, the statement is that NIOSH
17 believes they are able to reconstruct portions
18 of the external and internal doses and the
19 occupational medical dose.

20 And I believe this is the
21 description that grows out of the evaluation
22 report that was presented to the Board. I

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1 want to make sure again, that NIOSH and Labor
2 and counsel are all in agreement with that
3 description. Okay. Then we always provide
4 several bullet points to describe or explain
5 the basis on which the findings were made.
6 And let us enumerate them here in case you
7 hadn't had a chance to look at them in detail.

8 One, the Metallurgical Laboratory
9 was involved in the earliest research and
10 development work for the manufacture of atomic
11 weapons. The second bullet point, NIOSH was
12 unable to locate sufficient monitoring data or
13 information on radiological operations at
14 these laboratories in order to be able to
15 complete accurate individual dose
16 reconstructions for the potential internal and
17 external exposures to plutonium, radium,
18 fission products, uranium and uranium progeny
19 to which these workers may have been
20 subjected. The Board concurs with this
21 conclusion.

22 I'm going to stop here just for a

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1 moment because there's one item in here that I
2 think may need clarification. It says
3 radiological operations at these laboratories.

4 This is collectively called the Metallurgical
5 Laboratory. I know it includes more than one
6 facility but that is not delineated in this
7 letter and I'm wondering and again, I ask
8 NIOSH and counsel as well as the Board, would
9 we not be better to say this laboratory
10 referring to the Metallurgical Laboratory and
11 it could be capitalized even?

12 Wanda Munn, you're one of our
13 experts on the king's English, not the
14 president's English, the king's English.

15 MEMBER MUNN: Regardless, in
16 current use. It would appear -- unless it
17 continues to be confusing for all concerned,
18 it would appear that we should either say
19 these laboratories -- these facilities rather
20 than laboratories or that we do as you have
21 suggested and use the name, Metallurgical
22 Laboratory.

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1 CHAIR ZIEMER: Or we could say this
2 facility I suppose.

3 MEMBER MUNN: Yes, we could say
4 this facility.

5 CHAIR ZIEMER: Counsel can help us
6 here.

7 MS. HOMOKI-TITUS: I just want to
8 clarify, facility is a term of art in this
9 law, so you shouldn't say these facilities
10 because we only do SECs for one facility. So
11 I would --

12 CHAIR ZIEMER: No, I was going to
13 use it as a singular, this facility.

14 MS. HOMOKI-TITUS: Yes, or use it
15 as a singular. Right, this facility is fine.

16 MEMBER MUNN: Which may leave a
17 question in minds somewhere with respect to
18 whether or not there is more than one physical
19 location for this facility but --

20 CHAIR ZIEMER: Well, I believe the
21 quote facility is described both in the
22 petition and in the evaluation report and it

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1 lists a number of laboratories.

2 MEMBER MUNN: Laboratories and
3 several --

4 CHAIR ZIEMER: Perhaps the word
5 facility would be preferable. Would there be
6 any objection to changing that to facility or
7 did someone have a better suggestion? Josie?

8 MEMBER BEACH: If you look at the
9 next one under Vitro, it does say this
10 facility, under the same description.

11 CHAIR ZIEMER: Yes, so perhaps if
12 no one objects, let's change that. I think
13 I'm looking for -- we have to -- we're going
14 to have to change something else anyway, so
15 let's change that. So it will say
16 radiological operations at this facility
17 rather than at these laboratories.

18 MEMBER MUNN: I'm still not sure
19 that's exactly what we want to do.

20 CHAIR ZIEMER: Well, I think
21 counsel told us that under the regulation --

22 MEMBER MUNN: We can't say --

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1 CHAIR ZIEMER: -- this item is a
2 facility. Yes. It's one facility. All the
3 buildings constitute a facility and that's the
4 wording that's used in the law itself. Is
5 that not correct, counsel?

6 Are you okay on that?

7 MEMBER MUNN: Right, my only
8 concern was a casual reader not grasping that
9 or the potential claimants not grasping it,
10 but that's fine. I have no objection.

11 CHAIR ZIEMER: And then we
12 referred -- well, let's see, did I read the
13 third bullet then? No, the third bullet says,
14 NIOSH determined that health may have been
15 endangered for the workers exposed to
16 radiation at this facility during the time
17 period in question. The Board concurs with
18 this determination. And then we have the
19 normal sentence referring to supporting
20 documentation which in this case includes the
21 transcripts of the meeting at which the
22 discussion took place as well as, I believe

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1 the petition and related documents.

2 Okay, any questions on this? We've
3 already approved the motion, so if there are
4 no other changes, that will be the document as
5 it goes forward. Any other changes or
6 questions? And again, as I understand it
7 then, NIOSH and Labor and counsel are all okay
8 on this. Thank you.

9 Let's to on to Vitro, the standard
10 starting paragraph instructing the Chairman,
11 and then the second paragraph describing this
12 facility, it says, Petition 00134 concerning
13 workers at Vitro Manufacturing Facility in
14 Canonsburg, Pennsylvania under the statutory
15 requirements, et cetera. Our recommendation
16 for providing SEC status and then the
17 description of the class. All AWE employees
18 who worked at Vitro Manufacturing, I think it
19 should say at the Vitro, shouldn't it,
20 Manufacturing Facility in Canonsburg,
21 Pennsylvania from August 13 1942 through
22 December 31st, 1957 for a number of work days

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1 aggregating at least 250, et cetera.

2 And then -- are we okay on that
3 class description, everybody? Okay.

4 MEMBER MUNN: You have verified
5 those dates, I wouldn't be that person, but
6 I'm assuming --

7 CHAIR ZIEMER: I believe that was
8 double -checked, yes. And then the sentence
9 dealing with partial dose reconstructions, the
10 Board notes that although NIOSH found that
11 they were unable to completely reconstruct
12 doses, radiation doses for these employees,
13 they believe they are able to reconstruct
14 portions of the external and internal
15 radiation doses and the occupation of medical
16 dose. Everything okay there?

17 And then the three bullets, The
18 Vitro Manufacturing Facility was involved
19 early uranium processing work for the
20 manufacture of atomic weapons. The second
21 bullet, NIOSH was unable to locate sufficient
22 monitoring data or information on radiological

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1 operations at this facility in order to be
2 able to complete accurate individual dose
3 reconstructions for the potential internal
4 exposures to uranium and uranium progeny to
5 which these workers may have been subjected.
6 The Board concurs with this conclusion.

7 The third bullet, NIOSH determined
8 that health may have been endangered for the
9 workers exposed to radiation at this facility
10 during the time period in question. The Board
11 concurs with this determination. Any
12 questions on Vitro?

13 If not, that will be the document
14 that goes forward, or the wording that goes
15 forward together with the supplementary
16 material.

17 Mallinckrodt -- Emily, you have a
18 comment on Vitro?

19 MS. HOWELL: No, Mallinckrodt.

20 CHAIR ZIEMER: On Mallinckrodt,
21 okay, thank you.

22 MS. HOWELL: The facility name is

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1 misspelled throughout the document. There's a
2 c, M-a-l-l-i-n-c-k-r-o-d-t.

3 CHAIR ZIEMER: Yes. And that
4 occurs several times, actually. The second
5 line of the second paragraph, line 7, and then
6 the first bullet. Yes, we'll globally correct
7 it, but I want to make sure that we -- those
8 corrections are going to be made here shortly.
9 Make sure out copy is marked up. Thank you,
10 Emily.

11 So the second paragraph identifies
12 Petition 00133 and the Mallinckrodt Chemical
13 Company, Destrehan Plant, St. Louis, Missouri
14 and the description of the class is, all
15 employees of DOE, its predecessor agencies and
16 their contractors and subcontractors who
17 worked in the Uranium Division at the
18 Mallinckrodt Chemical Company, Destrehan
19 Plant, in St. Louis, Missouri from January 1st,
20 1958 through December 31st, 1958 for a number
21 of work days aggregating at least 250, et
22 cetera.

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1 Any question or comment on that
2 class? We're okay, all agencies, counsel,
3 thank you.

4 The statement on partial dose
5 reconstruction, the last statement or sentence
6 of the paragraph, the Board notes that
7 although NIOSH found that they were unable to
8 completely reconstruct radiation doses for
9 these employees, they believe that they are
10 able to reconstruct the external and
11 occupational medical doses and portions of the
12 internal radiation dose. I'm looking at that.

13 The wording is a little different, but I
14 think the reason that was changed and Dr.
15 Melius did the editing for us on this, is that
16 the external and the medical were fully
17 covered and the internal is partial. I guess
18 that was the reason, yes. Are we okay on that
19 in NIOSH and Labor? Okay.

20 And then the factors, Mallinckrodt
21 Chemical Company, Destrehan Plant was involved
22 in early uranium processing work for the

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1 manufacture of atomic weapons. The Board had
2 already recommended that special exposure
3 cohort status be granted to employees in the
4 Uranium Division who worked there between 1949
5 and 1957 be added to the special exposure
6 cohort. Something is wrong with that
7 sentence. I'm going to return to that in a
8 minute.

9 NIOSH reported that there were no
10 substantial differences in site operations or
11 workplace monitoring practices at this
12 facility for 1958 as compared to the earlier
13 time period. NIOSH reported, the third
14 bullet, reported they were unable to locate
15 sufficient monitoring data or information on
16 radiological operations at this facility in
17 order to be able to complete accurate
18 individual dose reconstructions for the
19 potential internal exposures to uranium
20 progeny to which these workers may have been
21 subjected. The Board concurs with this
22 conclusion.

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1 The last bullet, NIOSH determined
2 that health may have been endangered for the
3 workers exposed to radiation at this facility
4 during the time period in question. The Board
5 concurrs with this determination. We're okay,
6 I guess, on the content of those. I believe
7 the first sentence of the second bullet is
8 grammatically wrong.

9 MEMBER MUNN: I think a line has
10 been left out. It seems that first sentence
11 should read, he Board had already recommended
12 that special exposure status be granted to
13 employees in the Uranium Division who worked
14 there between 1949 and `57, period.

15 CHAIR ZIEMER: I think the rest of
16 that sentence can probably be deleted because
17 it, in a sense, is redundant and it's dangling
18 in there by itself, be added to the --

19 MEMBER MUNN: That's why I think a
20 sentence -- a line of type has been --

21 CHAIR ZIEMER: Shouldn't the
22 sentence end after `57? Am I understanding

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1 that?

2 MEMBER MUNN: I suspect if you --

3 CHAIR ZIEMER: If we recommended
4 that special exposure status be granted to
5 those workers.

6 MEMBER MUNN: Period, after '57.
7 And then it appears a new sentence should be -
8 -

9 CHAIR ZIEMER: Or maybe it's -- and
10 they have been added to this -- well, I think
11 we can just leave the rest of that sentence
12 off. It just doesn't need to be there, does
13 it?

14 MEMBER MUNN: Well, I --

15 CHAIR ZIEMER: Does it add
16 anything? It's repetitious from the earlier
17 part of the sentence and it doesn't fit
18 grammatically into that sentence. Unless
19 somebody can convince me otherwise, I think we
20 should leave that out. It's grammatically
21 wrong and it doesn't tell us anything that the
22 first part of the sentence doesn't already

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1 tell us.

2 MEMBER MUNN: I still think that
3 part of the second sentence was left out. I
4 suspect that it should have read, as it does,
5 to 1957, period. And then I suspect a second
6 sentence was intended that says, this current
7 SEC is a recommendation that and additional
8 year be included or be added to the -- the
9 words need to be tweaked a little, but I think
10 it's trying to clarify that the SEC already
11 exists up to 1957. This simply adds --

12 CHAIR ZIEMER: Yes, but the
13 recommendation has already been given. This
14 is an explanation of why we are recommending
15 it, not that we recommend it. So again, I --

16 MEMBER MUNN: That can easily be
17 deleted.

18 CHAIR ZIEMER: Unless it was
19 intended to say that that recommendation had
20 already been acted on and the group had been
21 added, but I think that's immaterial at this
22 point. I want to ask NIOSH and counsel; do

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1 you see any reason for that phrase to be in
2 there? It's clearly grammatically wrong. If
3 we leave it out, does anything -- no, okay.

4 I'm striking it. Any other
5 comments on this one? Okay, that's how it
6 will appear. Is Nancy Adams still in the
7 assembly?

8 MS. ADAMS: Yes.

9 CHAIR ZIEMER: Okay, Nancy, did you
10 get all of those? Nancy is helping us get
11 the final drafts ready for the Secretary's
12 office. So I want to make sure that she got
13 all of those. I think that then, completes
14 the actions on the SEC Petitions and their
15 write-ups. Yes, Mark.

16 MEMBER GRIFFON: Paul, can I ask
17 one? I was catching up on my reading, I'm
18 sorry, but on the Met Lab, I know yesterday
19 during our discussion it was raised about the
20 incident, you know, or the experiments, I
21 guess, not really incidents, that were
22 criticality experiments and whether there

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1 could be something constituting a less than
2 250 day clause in this. And I know in the
3 past letters that we've written we've left an
4 opening that the Board would look into whether
5 a shorter time span is warranted for special
6 cases at this site and I wonder if we
7 shouldn't leave that place holder for the Met
8 Lab as well.

9 I don't have -- I was looking
10 through old letters where we've put that line
11 in and I think it might be warranted in this
12 case. It won't change the class or anything
13 at this point, but it would leave a
14 placeholder for us to consider that in the 250
15 day work group.

16 CHAIR ZIEMER: Yes, I think you're
17 saying if there was someone in that original
18 group during those weeks of the initial
19 experiments where we had the unshielded
20 critical facility --

21 MEMBER GRIFFON: Right.

22 CHAIR ZIEMER: Whether or not they

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1 would be included if they didn't accumulate
2 the --

3 MEMBER GRIFFON: If they didn't
4 accumulate, and likely, as we discussed
5 yesterday, likely most of those people
6 probably did accumulate, but I mean, we can't
7 be sure of that, I guess. So --

8 CHAIR ZIEMER: I don't think we
9 know that a priori.

10 MEMBER GRIFFON: Right, right.

11 CHAIR ZIEMER: It's fairly likely
12 that most of them continued in the project at
13 one of the succeeding facilities but --

14 MEMBER GRIFFON: Yes, yes, right.
15 But I know we've left that placeholder before
16 and I think it would be wise for us to do
17 that, that same sentence in.

18 CHAIR ZIEMER: So you're asking
19 about the wording that -- but, that still is
20 covered, whether we state it or not, I
21 believe, right?

22 MEMBER GRIFFON: I wish we could

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1 pull up a letter where we've done that. I
2 don't know if you have past letters.

3 CHAIR ZIEMER: I do have some of
4 them. Liz?

5 MS. HOMOKI-TITUS: You certainly
6 could leave that information in. I just want
7 to clarify for you that you need to be careful
8 about saying you are leaving it open for a
9 shorter time frame. The regulation says
10 presence or 250 days. So if you want to use
11 language that says we're leaving open the
12 option of considering an SEC presence, that's
13 fine.

14 MEMBER GRIFFON: Yes, that's why I
15 was asking for the specific because we labored
16 over those words and I think we should be
17 consistent with the way we phrased it in other
18 reports.

19 CHAIR ZIEMER: Do you remember
20 which facility we referenced that to before?

21 MEMBER GRIFFON: Somebody help me
22 out. Was Ames, what's the status on Ames?

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1 I'm trying to remember but I know Ames is one
2 of the ones we're considering in the 250-day
3 work group.

4 CHAIR ZIEMER: You're talking about
5 the blowouts at Ames, I guess.

6 MEMBER GRIFFON: Yes. I mean, I
7 think in the language on that one, we --

8 CHAIR ZIEMER: It was Ames? You're
9 thinking that the letter on Ames may have
10 stated that?

11 MEMBER GRIFFON: Right, or put
12 something in there.

13 CHAIR ZIEMER: Okay, I have the
14 Ames letter here. Let me pull it up.
15 Where's the speed when you need it, right?
16 Okay, I'm looking at the Ames letter from
17 August 2007. There is no statement in the
18 Ames letter to this effect.

19 MEMBER GRIFFON: I know I'm not
20 dreaming this. I know we put it in something.
21 The monitor should have been monitored.

22 MEMBER GRIFFON: Maybe it was

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1 Nevada Test Site, yes, the early years, yes,
2 it might have been Nevada.

3 CHAIR ZIEMER: Actually, we had a
4 couple of Ames.

5 MEMBER BEACH: There was two.

6 CHAIR ZIEMER: I wonder if it was
7 an earlier one.

8 MEMBER GRIFFON: It might have been
9 the earlier one.

10 CHAIR ZIEMER: I think August 2007,
11 was that the last Ames facility? Let's see,
12 I'm looking at the Wilhelm Hall Metallurgy
13 Building. Let's see. There's nothing in that
14 letter referring to the presence. It's the
15 usual statement about aggregating 250 days
16 either solely or under this appointment or in
17 combination. I'm looking at the end; I'm
18 looking at the bullets. Maintenance
19 activities, NIOSH reviewed all available
20 monitoring data and lacked adequate
21 information, determined health may have been
22 endangered. There's nothing that -- no,

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1 that's what I say, this is probably the wrong
2 one. This is the Wilhelm Hall Old Metallurgy
3 Building. Was it the other Ames petition?

4 DR. NETON: That one was for
5 cleaning up the thorium docks?

6 CHAIR ZIEMER: I think that's
7 probably true.

8 DR. NETON: That's the second Ames.

9 CHAIR ZIEMER: Let me see if I have
10 another Ames one? Just a second.

11 MEMBER BEACH: There's a July 5,
12 2006.

13 CHAIR ZIEMER: Do you have that?

14 MEMBER BEACH: Yes.

15 CHAIR ZIEMER: I think the earlier
16 one was on my old computer. Do you have that,
17 Josie?

18 MEMBER BEACH: Yes.

19 CHAIR ZIEMER: Okay.

20 MEMBER BEACH: Okay, so on this one
21 it does say, the Board will still evaluate
22 issues related to people who may have been

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1 exposed to radiation during the discrete
2 incidents that could have involved
3 exceptionally high exposures to radiation
4 while working at the Ames Laboratory. Those
5 who were present during explosions and fires
6 and some of the buildings and who may not meet
7 the 250-day requirement described above.

8 MEMBER GRIFFON: So those are the
9 presence of the --

10 MEMBER BEACH: That's July 2006.

11 CHAIR ZIEMER: Those are actually
12 incidents. The controlled chain reaction is
13 not really an incident, an unplanned event, so
14 I'm not sure how it fits into that description
15 in the reg.

16 DR. NETON: My recollection was
17 that at Ames there were some assertions that
18 these type of incidents may have occurred and
19 the Board allowed for an additional
20 investigation. In fact, those are still
21 ongoing with Dr. Melius' working group. In
22 this case, I think there's nothing been put

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1 forward that is sort of credible at this
2 point, I guess, but being silent on it doesn't
3 close the book on adding another class based
4 on presence down the line.

5 I mean, it would have to be an
6 additional class of workers at any rate. So,
7 you know, if you're silent on the presence for
8 this particular class does not mean another
9 class couldn't be added based on presence. So
10 I think this first two, the NTS and Ames had
11 some inkling that there may have been
12 something behind the scenes and the Board
13 reserved the right to go back and review
14 further for further examples of possible
15 presence. So I think it's a little different
16 in this case.

17 CHAIR ZIEMER: And even if we're
18 silent on the issue, it doesn't exclude us --

19 DR. NETON: No, it would have to be
20 --

21 CHAIR ZIEMER: -- adding a class at
22 some later time if that --

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1 DR. NETON: Exactly. It would have
2 to be a separate class anyways. You'd have to
3 identify those workers who were in a presence
4 at some event that occurred, you know, a
5 discrete event.

6 CHAIR ZIEMER: Right. This kind of
7 event looks a little more like the group in
8 one of the existing cohorts that, you know,
9 and it wasn't an accident, went into the
10 shafts after a weapons test in the sense that
11 you know, that was not an incident. That was
12 a planned event. But you know, if the Board
13 wishes to add wording, we can do that or again
14 --

15 MEMBER GRIFFON: Well, an incident
16 versus a planned event, I guess is one
17 question, and the other question is could --
18 you know, was it of the magnitude to receive a
19 significant dose in less than 250 --

20 CHAIR ZIEMER: Right, I think the
21 real issue is could there be significant dose.
22 I was raising that because I wasn't sure if

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1 the wording of the law specifically was
2 intended to refer to unplanned incidents
3 versus -- I mean, this was clearly a planned
4 event.

5 MEMBER GRIFFON: Right, I agree.

6 CHAIR ZIEMER: But nonetheless,
7 those who planned it had no idea what the
8 exposure rates were going to be.

9 MEMBER GRIFFON: I guess by
10 including it in the letter, it keeps us -- it
11 keeps it on our agenda as well, on the Board's
12 agenda, that we would task the 250-day work
13 group to look into this one as well or
14 whatever. I guess that's the one thing it
15 does, it keeps us -- keeps it on our, you
16 know, agenda.

17 MEMBER MUNN: If we have no
18 claimants, no, it's a moot point, unless
19 claimants come forward with those
20 circumstances.

21 MEMBER GRIFFON: Right, but we're
22 not sure in any of these ones that we've added

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1 on that we would have any claimants. I mean,
2 I think at Ames it was shown pretty clearly
3 that there was most of all the claimants they
4 had met the 250 anyway. So -- but we were
5 still investigating that one. So --

6 CHAIR ZIEMER: Well, we can
7 certainly add a sentence or two. I'm
8 concerned about trying to wordsmith a sentence
9 here in the group, but I guess we could do it
10 easily.

11 DR. NETON: My concern is what Mark
12 just said, though. This would add this to the
13 -- effectively add this to the Board's working
14 group on the 250-day requirement. Right now,
15 their task is looking at NTS and Ames and I
16 think that language was in both of those
17 write-ups.

18 CHAIR ZIEMER: Right.

19 DR. NETON: So if you add to this
20 one, it would effectively continue -- initiate
21 some sort of ongoing investigation into this
22 possibility and frankly, I'm not sure there's

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1 anything to investigate there. I mean, we
2 don't have any information one way or the
3 other, but it's certainly your call.

4 MEMBER MUNN: Since the absence of
5 language does not preclude any further action,
6 it would seem a gilding of the lily to try to
7 craft language that would meet the concern and
8 still make sense to people who are reading it.

9 We have nothing that would bar us from
10 considering new classifications.

11 MEMBER GRIFFON: Right. Well, I
12 don't think it would confuse the reader. I
13 think it just says we're going to look into
14 these, you know, known events that were less
15 than 250 days and like you said, for most
16 claimants, it's probably not going to be an
17 issue because they qualify on the 250 anyway.

18 MEMBER MUNN: Well, we try not to
19 second-guess what's coming down the pike at
20 us. It seems that if we say, and in the case
21 that anything else comes along, we're going to
22 look at that, too, or, no, we're going to keep

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1 this on our plate indefinitely just to see
2 what we might find out, it seems redundant.

3 MEMBER GRIFFON: I don't
4 necessarily see it as second-guessing. We're
5 just -- we're not second-guessing the science
6 here, we're --

7 MEMBER MUNN: No, but second-
8 guessing what might transpire with respect to
9 the claimants. We're not barring any
10 possibility.

11 MEMBER GRIFFON: Right, right.

12 MEMBER MUNN: That's just the way
13 it is. We're not barring anything at all.

14 MEMBER GRIFFON: Yes, right now
15 you're not including people that would be --
16 you know, that could have been in there for 50
17 days and they just happened to be there at the
18 right time, you know.

19 CHAIR ZIEMER: Well, you're not
20 suggesting that we put a statement in they be
21 included in this.

22 MEMBER GRIFFON: No, no, no.

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1 CHAIR ZIEMER: No, no, you're only
2 --

3 MEMBER GRIFFON: It's a place-
4 holder, really.

5 CHAIR ZIEMER: It would be a place-
6 holder, and it wouldn't even require
7 necessarily following up unless we had cases.

8 MEMBER GRIFFON: Right, right,
9 right.

10 CHAIR ZIEMER: Emily, did you have
11 an additional comment?

12 MS. HOWELL: I guess I would just
13 kind of second what Wanda has said. I mean,
14 what -- your concerns earlier Dr. Ziemer,
15 about whether or not the description of the
16 CP1 event would even qualify as it is free
17 incident as defined in the Act. That's
18 something that we can't offer an opinion on
19 right now and we would have to look into.
20 Since it doesn't foreclose you looking into
21 this anyways, if you don't leave it and if you
22 don't insert such language, you know, a new

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1 class could always be brought out. There's no
2 reason why you couldn't decide as a Board to
3 have that work group examine this. You don't
4 have to have it in this letter in order to
5 task your working group to do that.

6 So I'm just concerned that it might
7 muddy the waters because, you know, again, you
8 have to have presence or a discrete incident.

9 So this concern about people who are there
10 for 50 days, the only way that's going to be
11 resolved is with an additional class. So I'm
12 just not sure if you're actually gaining
13 anything.

14 MEMBER GRIFFON: The only thing we
15 clearly gain is that you said we can certainly
16 task this to a work group, but you know, et
17 cetera. The reality is we won't. I mean,
18 once it's voted on, it's done. It's off our
19 table. We've got so many work groups, we're
20 not going to go back to the Met Lab, you know.

21 So, I guess that's the reason I'm saying as a
22 place-holder it might be worth it. It's not a

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1 big item that I'm going to, you know, fight
2 long on here, but I think we've done it in the
3 past and --

4 MS. HOWELL: I guess my question
5 is, though, if putting it in this letter
6 basically tasks it to that work group but you
7 have less information than you did at NTS,
8 names which have been tasked to that work
9 group. It's not clear to me how the Board
10 then resolves that issue. Once it's tasked to
11 the work group, this doesn't seem to be quite
12 the same as those cases.

13 CHAIR ZIEMER: Well, I don't
14 believe it automatically tasks the work group.

15 MEMBER GRIFFON: Yes, it doesn't
16 necessarily automatically task it to them. It
17 just keeps it on the agenda for the Board, I
18 think, says that the Board will look into it.
19 It could be a separate effort.

20 CHAIR ZIEMER: I think the reality
21 -- I think what might happen, let's suppose
22 such a case actually came to NIOSH and you had

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1 an individual and you knew that they were
2 present in that -- at that first event and
3 that they didn't have the 250 days, would a
4 dose reconstructor -- no, would it even get --
5 it would not even get to NIOSH because it
6 wouldn't pass the bar at Labor.

7 MEMBER GRIFFON: That's DOL's
8 decision. It wouldn't be --

9 CHAIR ZIEMER: So if it wouldn't
10 pass the bar at Labor, we're not going to see
11 it in any event unless it's a class.

12 MR. ELLIOTT: No, we would get the
13 case because it's an eligible claim as a dose
14 reconstruction.

15 CHAIR ZIEMER: Oh, as a dose
16 reconstruction case, okay.

17 MR. ELLIOTT: It does not fit into
18 the class and needs a partial dose
19 reconstruction.

20 CHAIR ZIEMER: Okay, so you would
21 get it under those conditions.

22 MR. ELLIOTT: We would get it under

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1 those conditions.

2 CHAIR ZIEMER: Right, right, okay.

3 MR. ELLIOTT: Now, what we would do
4 with it, you know, I guess is another question
5 and in that instance, there would, I suppose,
6 be an attempt to do a partial dose
7 reconstruction with whatever information we
8 had at hand. So it doesn't appear back on the
9 Board's radar screen, per se, in a situation
10 where the person wasn't eligible for the class
11 because they didn't have enough days.

12 MEMBER GRIFFON: Yes, I guess what
13 I'm hearing is that if we don't put it in this
14 letter, if we just say if NIOSH gets some
15 unlikely case, I agree, where an individual
16 was, you know, less than 250 days but happened
17 to be present at this event we're talking
18 about, then you know, I would expect they
19 might investigate that further to see if that
20 event could constitute a -- under the clause
21 of a present at an incident kind of language.

22 CHAIR ZIEMER: Well, you would try

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1 to determine first if you could bound in it
2 because there would be no dosimetry. And if
3 you couldn't bound it, then what would happen?

4 Right, so it would --

5 MEMBER GRIFFON: Well, yes.

6 MEMBER MUNN: Any claimant that
7 would indicate presence at CP1, CP2, S01, you
8 know, that's a red flag that would go up to
9 any individual who had anything to do with
10 this program ever. You immediately recognize
11 that as requiring much further investigation
12 and probably an immediate class.

13 CHAIR ZIEMER: I'm wondering, in
14 the interest of making sure this moves
15 forward, if we perhaps, should leave it as it
16 is for now. Would you be comfortable with
17 that, Mark? I want to make sure that --

18 MEMBER GRIFFON: Yes, I mean, I
19 guess --

20 CHAIR ZIEMER: It would be somewhat
21 uncomfortable at that.

22 MEMBER GRIFFON: Somewhat

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1 uncomfortable, but I'm not going to -- you
2 know, I think its fine. I think that if these
3 claims -- I believe that NIOSH would identify
4 these if such a rare case came through and I
5 think at least if that did happen, it would be
6 nice that we get a report back from NIOSH that
7 we had a few of these cases and we are -- you
8 know, and this is what we did and maybe it --
9 you know, maybe the result is they don't
10 believe it constitutes an 8314, you know, but
11 I think we'd like to see a follow-up on that.

12 That's all. Otherwise, I guess I would drop
13 the issue of adding the language in.

14 CHAIR ZIEMER: Okay, other comments
15 then? Okay, thank you. And actually, this
16 discussion will be in the record, even the
17 record that goes with this, because that
18 transcript will go forward. So it will be
19 part of the content. Even if it doesn't
20 appear in the letter, it will be part of the
21 package that goes forward. So it will be, in
22 that sense, captured.

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1 Thank you for that discussion.
2 Then this will be the document as previously
3 approved to go forward.

4 Next item, if you have -- some of
5 the Board members have what's called an
6 annotated version of the agenda, where we give
7 some breakdowns of what will be under the main
8 topics. The next one is called Tracking Board
9 Actions, and awhile back I asked Nancy Adams
10 to take some early drafts that Lou and I had
11 developed to try to track all of the various
12 site profile work, the SEC work, and the
13 various activities of this Board into kind of
14 a master tracking list. Nancy has done that
15 and we have kind of a draft version of what
16 that looks like and Nancy, I guess I said I
17 would pass my flash stick around here and let
18 Board members look at it, but let me ask you
19 if you could describe for us what you have on
20 that and then I'm going to try to pull this up
21 quickly and pass it around so people can
22 download it.

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1 I guess I can project it if
2 somebody knows how to make the connection
3 between --

4 MS. ADAMS: Do you want to do that?

5 CHAIR ZIEMER: Shall we do that?

6 MS. ADAMS: It would probably make
7 it easier, since nobody has seen this.

8 CHAIR ZIEMER: Hang on just a
9 second here. Let me make sure I have it here.

10 Okay, Status Report on Board
11 Actions is what it's called. Okay. I do have
12 it on my flash stick, so do I need to hook my
13 computer to that or you just need the flash
14 stick up there? My computer? Okay. Let's
15 make it a little bigger and you can scroll
16 back and forth. Would that be readable?
17 Somewhat, just to give you an idea of what's
18 on there and then what we'll try to do at
19 future meetings is provide a current copy of
20 this for everybody at the front end of the
21 meeting which will just give you a summary of
22 where we are on every site profile, every SEC,

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1 who's done what, what SC&A has done, what
2 NIOSH has done, what the Board has done and so
3 on. So Nancy, can you give us a quick
4 overview?

5 There's two parts to this. One is
6 a site profile part and the other is an SEC
7 part. And I think they are two different
8 pages as I recall.

9 MS. ADAMS: Right.

10 CHAIR ZIEMER: It's an Excel
11 spreadsheet.

12 MS. ADAMS: As Dr. Ziemer said,
13 this was a spreadsheet that he and Lou started
14 working on a long -- quite awhile ago and what
15 I did was to go back and take the last version
16 of the spreadsheet that he and Lou had put
17 together and update it. They -- their headers
18 include this SEC petition number, and then the
19 next column is actually the DOE or AUA site,
20 AUE site, excuse me, the date the petition was
21 submitted, the date it qualified, the date the
22 evaluation report was completed, the date the

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1 evaluation report was presented to the Board,
2 okay, whether or not there was SC&A review,
3 which is this one, the date it was -- if there
4 was SC&A review, the date it was assigned,
5 dates of SC&A reports, Board meeting petition,
6 how many Board meetings petitions were
7 considered by the Board, date of the vote, the
8 final recommendation date and then the final
9 Secretary's date.

10 Actually John Mauro was also
11 instrumental in helping me get this all pulled
12 together here. And so this is the latest
13 version of it which all this is historical
14 information and then we get down to Petition
15 Number 43, which is Chapman Valve and what
16 I've done. And for this type of use, this is
17 not a good color choice. All the light blue
18 petitions, Chapman Valve, Blockson, Feed
19 Materials, Bethlehem Steel, are all petitions
20 that have been presented to the Board and are
21 sitting and waiting for final action.

22 And then as you go across, it gives

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1 you dates. There are a few fields on here
2 clearly that some more research needs to be
3 done. But this is the status of the
4 spreadsheet now. You go down further and you
5 get down to the bottom and we've got in the
6 darker green, petitions that are in progress
7 and then at the very bottom, 33, 34, and 35,
8 are the petitions that were presented to the
9 Board during this meeting.

10 So we will have some new
11 information to add to this part of the
12 spreadsheet before the next meeting in
13 February. So this is the page that just deals
14 with the SECs.

15 The other part of this spreadsheet
16 deals with site profile information. And here
17 it talks about the site profile when it was
18 assigned to SC&A for review, the year that it
19 was assigned or, I'm sorry, the first one is
20 actually the site for which a profile was
21 assigned to SC&A, the year it was assigned,
22 the date of the report, the response, was as

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1 matrix prepared? Was there a work group
2 established? The meeting dates of the work
3 groups, number of meetings, whether or not the
4 matrix is opened or closed, whether NIOSH
5 responses were included, dates of revisions,
6 and dates things were closed. And there's a
7 notes and a comments field here. This
8 spreadsheet was a little bit more difficult to
9 research and get some information in some of
10 the other columns and Dr. Ziemer and I haven't
11 had a chance to really sit down and talk about
12 how much of this we still need to update but
13 this is -- these are the two spreadsheets that
14 he thought would be beneficial for quick looks
15 to see where things stand with both the Board
16 and reports that are prepared for the Board's
17 consideration.

18 CHAIR ZIEMER: Okay, thank you,
19 Nancy. Now, what I'd like to get in terms of
20 feedback and it doesn't have to be today, but
21 particularly work group chairs, if there's
22 information in here that would be of help to

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1 you or if you can help fill in spaces, that
2 would be good. For example, is there some
3 information you'd like to see on a regular
4 basis that we've overlooked here? Again, this
5 is just to help us keep track of what we're
6 doing, kind of an overview big picture,
7 because you know what happens, we say, "Now,
8 let's see what did we do so far on Hanford?
9 Let's see, we have a work group? Have they
10 met? Where are they on things", so this will
11 help us all keep track. Some of us know,
12 because of our work groups, exactly what's
13 going on and we lose track of sort of each
14 other. So it's kind of an overview thing.
15 Josie.

16 MEMBER BEACH: How soon can we
17 expect a copy of it so we can look at it a
18 little closer?

19 CHAIR ZIEMER: You can have a copy
20 right away?

21 MEMBER BEACH: Today?

22 CHAIR ZIEMER: I can give you the

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1 flash stick, if you want to take this version
2 with you. And then, as I say, I think we can
3 have Zaida include it maybe each month with a
4 new flash stick when we come here or in
5 advance or something like that, or we can just
6 distribute it by e-mail before every meeting.

7 MEMBER BEACH: It would be great to
8 have it on our flash sticks at every meeting.

9 MS. ADAMS: Zaida and I can arrange
10 for that to happen. The other thing that I
11 would really appreciate if there's information
12 on here that's either incorrect or that you
13 have additional information that's not
14 included, you know, please type it in and then
15 e-mail it back to me and then I'll update it
16 so that it becomes a living document and it's
17 as current as we can possibly keep it.

18 CHAIR ZIEMER: And one of the
19 things we wanted to do also and this was for
20 the website, because Chris Ellison asked if we
21 could include the dates when all the work
22 groups started and I said, you know, I

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1 couldn't tell her that on all of them. We had
2 to go back into our records, but that will
3 emerge through this eventually. We have most
4 of them now, I think.

5 MS. ADAMS: Well, there's some. I
6 mean, it's really interesting. This allowed
7 me time to go back and read some of the
8 original transcripts of the Board and it's not
9 real clear from the transcripts because from
10 what I can surmise from reading them, is at
11 the beginning, the Board really was the work
12 group, too. And so sites were discussed and
13 things were done at the beginning, so there
14 really wasn't a definitive establishment of
15 some work groups. So it's difficult in the
16 early days to delineate that.

17 CHAIR ZIEMER: Yes, it was after we
18 got underway and realized we couldn't deal
19 with many of these issues in a big meeting
20 setting that we moved to the work group mode,
21 but in any event --

22 MEMBER GRIFFON: Even then, I think

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1 early on there was one work group that was
2 dealing with like Mallinckrodt and Y12 and we
3 had a couple overlapping things. So it wasn't
4 each site specified.

5 CHAIR ZIEMER: But in any event,
6 the intent is just to help us all keep track
7 of things and if there's other -- you know, if
8 you say you know we ought to have a column
9 that tells us this, let us know and we'll just
10 make this available. I think it will just be
11 helpful. This doesn't require any action.
12 The work in putting it together is pretty much
13 done and then it will just be a matter of
14 updating it after every meeting as we proceed.

15 MS. ADAMS: Right.

16 CHAIR ZIEMER: As a work group
17 meets, that will go on the record and show up
18 and it will just be a living document.

19 MEMBER CLAWSON: But you know what
20 they said about having to put on which site on
21 the flash drive, I think that's very
22 beneficial because I still catch myself going

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1 back two, three meetings because I download
2 everything because I have questions on certain
3 things.

4 CHAIR ZIEMER: And trying to
5 remember when something was done and --

6 MEMBER CLAWSON: Yes, and if we had
7 this on the flash drive when we download it,
8 it would be very beneficial.

9 MEMBER MUNN: There's no reason why
10 it can't be transmitted by e-mail.

11 CHAIR ZIEMER: Yes.

12 MEMBER MUNN: It could come with
13 the agenda when --

14 CHAIR ZIEMER: Sure.

15 MEMBER MUNN: -- we get our agenda.

16 CHAIR ZIEMER: If you'd like to
17 have it in advance, then it might be helpful
18 to work group people or whatever, we can do
19 that as well.

20 MEMBER MUNN: I would think it
21 would be helpful. It would be helpful to me
22 to have it in advance of the meeting.

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1 MS. ADAMS: Well, actually, we can
2 do both. We can e-mail it ahead of time and
3 then put it on the flash drive.

4 CHAIR ZIEMER: Yes, in case you
5 forget to bring it, we can have it on the
6 flash drive.

7 MS. ADAMS: Lord knows, with
8 technology, you're not always successful at
9 one.

10 MEMBER MUNN: No.

11 CHAIR ZIEMER: It doesn't take that
12 much memory, so we can easily do both.

13 MEMBER MUNN: Right, that's good.

14 CHAIR ZIEMER: Okay, any other
15 questions on this? Okay, thank you very much.

16 I appreciate all the time that Nancy has
17 taken to put this in shape. We had the rough
18 outline for it but the real work is filling in
19 the spaces. So that's been great.

20 Another item that I had and it
21 probably isn't on your annotated agenda and
22 that is something we kind of talked about

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1 before when we dealt with the discussion
2 yesterday about SC&A interacting with NIOSH on
3 issues where the Board has not yet had a work
4 group and so on. And we talked about the fact
5 that perhaps -- I think this was an open
6 discussion. I sometimes lose track of whether
7 I had a sidebar with the designated federal
8 official or if we talked about it openly, but
9 I think we talked about having the Chair at
10 times appoint an ad hoc work group if
11 necessary.

12 Ted thought that it might be worth
13 further this issue in terms of getting at
14 least a preliminary Board policy on how to
15 proceed on cases such as the one described by
16 John Mauro where NIOSH needed additional
17 information on the references and resources
18 that SC&A had used and Joe Fitzgerald
19 described some of the early efforts to do that
20 and then the concerns being raised about how
21 much time would be devoted to these kind of
22 efforts and billing.

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1 The question is, does the Board
2 wish to sort of officially bless a policy
3 where if such an arrangement occurred, that
4 the Chair would be empowered to, on a
5 temporary or ad hoc basis, appoint a working
6 group to facilitate that exchange between our
7 contractor and NIOSH at least until the full
8 Board met and could consider it as an
9 assembly, so that there would not be a delay
10 of three or four weeks that, in some case
11 where perhaps there was a level of urgency to
12 proceed on some issue.

13 And Ted, do you have any additional
14 comments? Did I describe that sufficiently?

15 MR. KATZ: Yes, the only, I guess
16 point to make is that, I mean, it would be
17 expected this would be a fairly rare case as
18 it is.

19 CHAIR ZIEMER: And, in fact, we
20 would not want this to be a regular thing. We
21 don't want to be appointing ad hoc committees
22 every other week and in fact, one might be

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1 concerned that if a lot of this was occurring
2 that the activities of this Board would
3 suddenly be more driven by NIOSH's agenda
4 rather than our own agenda, not that they are
5 different, but sometimes we have separate
6 priorities. But in any event, what is your
7 pleasure on this?

8 I think for the record, the Chair
9 would want some direction on whether the Board
10 is comfortable with such an action occurring
11 between meetings. I am authorized to appoint
12 working groups but this would be a case where
13 a working group would be appointed and there
14 would be -- the federal official, in essence,
15 would do some early tasking, at least for a
16 brief period before the Board in full assembly
17 could act. Wanda or Ted?

18 MR. KATZ: I was just going to say,
19 under the direction of the ad hoc committee of
20 course.

21 CHAIR ZIEMER: Yes. Wanda?

22 MEMBER MUNN: We, for a couple of

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1 years, operated very smoothly before we got
2 cluttered up with so many different sites to
3 be dealing with, with the assumption that the
4 Chair would always be our point of contact for
5 activities associated with the Board's
6 concerns and that worked very smoothly from my
7 perspective. It doesn't appear to be
8 reasonable for us to approach this any other
9 way. You certainly don't want to hold up the
10 process of investigations and evaluations that
11 are ongoing to wait until we have a formal
12 meeting.

13 I certainly consider the process of
14 bringing the matter to the attention of the
15 Chair, having the Chair deal with it by
16 notifying the Board and identifying
17 individuals on the Board to thoroughly review
18 it in a matter of hours or days rather than in
19 a matter of weeks, and suggest the appropriate
20 action to take until the full Board meets, it
21 seems reasonable to do that and I can't see
22 any other reasonable course of action,

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1 actually.

2 CHAIR ZIEMER: Other comments?
3 Brad?

4 MEMBER CLAWSON: I see no problem
5 with that either. It's a way of keeping the
6 Board advised and we know what's going on and
7 it's no question of the Chair or anything else
8 like that. It's just so we know what's going
9 on, too. So I see no problem with it
10 personally.

11 CHAIR ZIEMER: Well, if an ad hoc
12 committee is appointed, the full Board would
13 be apprised of that and both the membership of
14 the committee and its charge or the ad hoc
15 working group, I should not call it a
16 committee, a work group. Any other comments?

17 MEMBER BEACH: Does this require a
18 vote or can we just agree?

19 CHAIR ZIEMER: It doesn't require a
20 vote if I sense there's consensus. I'm really
21 -- if anyone thinks this is not a good idea
22 and it may not be but and if you believe it

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1 isn't, say so as well, but otherwise I would
2 proceed as I've described.

3 MEMBER GRIFFON: Yes, I think I'm
4 fine with it as long -- and you just clarified
5 that you would notify all Board members when
6 you appoint --

7 CHAIR ZIEMER: Oh, yes, yes. Any
8 time a session --

9 MEMBER GRIFFON: I think like you
10 said, we should keep track though, because if
11 this becomes a frequent thing, then something
12 is wrong.

13 CHAIR ZIEMER: If this becomes a
14 frequent thing, then we have to address it in
15 a different way. I'm thinking of this as an
16 infrequent, perhaps, rare occasion where we
17 need -- for some reason we have to do
18 something before an actual Board meeting, and
19 I don't know why there would necessarily be
20 such an urgency but one can -- sort of the
21 idea came up after our discussion yesterday
22 should we have the authority, if needed, to

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1 move in that direction.

2 So I will take it by consent that
3 that is what the Board wishes and certainly
4 will monitor it and the Board will have every
5 opportunity to modify that if it looked like
6 for some reason it was being abused in some
7 way.

8 Ted, did we have another item under
9 this -- we're going to continue with the work
10 group issues, but did you have another item
11 under this current category that I'm not aware
12 of?

13 MR. KATZ: No.

14 CHAIR ZIEMER: Okay. I'm looking
15 to see if I did. I always have this uneasy
16 feeling that I've forgotten something.

17 MR. KATZ: We have the issue of
18 possible new assignments for the contractor.

19 CHAIR ZIEMER: No, that's later,
20 okay.

21 I think what we'll do is we'll move into our
22 subcommittee and work group reports. It's

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1 just a little bit after 10:00 and we'll start
2 with the Dose Reconstruction Subcommittee.
3 Mark, can we have a --

4 MEMBER GRIFFON: Can I ask one
5 thing? I'll report on the subcommittee stuff
6 and this letter. Could we take a short break
7 before the work groups because I just have to
8 clarify some things before my work group
9 reports?

10 CHAIR ZIEMER: Yes, you want to
11 take a break, okay.

12 MEMBER GRIFFON: No, no, no, not
13 now. I mean, I could --

14 CHAIR ZIEMER: Oh, before the
15 other, oh, yes. Oh, yes.

16 MEMBER GRIFFON: All right.

17 CHAIR ZIEMER: So if you want to go
18 ahead with your subcommittee report.

19 MEMBER GRIFFON: Sure.

20 CHAIR ZIEMER: And everybody should
21 have the document that Mark distributed plus
22 the attachments, right, tables?

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1 MEMBER GRIFFON: Yes, this is a
2 letter. It's a summary report of the first
3 100 cases that we reviewed and it wasn't
4 provided to everyone because it has not been
5 privacy reviewed, although I don't anticipate
6 anything in there, but nonetheless, just the
7 Board members have it at this point. This
8 document --

9 CHAIR ZIEMER: Do all Board members
10 have a copy? And I'm wondering if Gen
11 Roessler has a copy of this? Was this
12 transmitted to Gen?

13 MEMBER ROESSLER: Zaida sent me
14 some attachments. Can you tell me what the
15 attachments say?

16 CHAIR ZIEMER: Okay, the main
17 document is called "Draft Summary Report of
18 the First 100 Cases", and then there are five
19 attachments called "Tables". The first table
20 is the breakdown of the 100 cases reviewed by
21 site. The second one is the 100 cases by
22 decade of employment. These are different

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1 sorts, in other words.

2 MEMBER GRIFFON: Yes, they're just
3 statistics of the first 100 cases.

4 MEMBER ROESSLER: Okay, they're not
5 in the list that Zaida sent. Would I have
6 gotten an e-mail of the --

7 CHAIR ZIEMER: They were only
8 distributed to the Board members yesterday, so
9 --

10 MEMBER ROESSLER: Okay, I don't
11 have them.

12 MEMBER GRIFFON: We might not have
13 got them to -- maybe --

14 CHAIR ZIEMER: Maybe we can -- do
15 we have them in the electronic form that Zaida
16 could e-mail them right away to Dr. Roessler?

17 MEMBER GRIFFON: They have them
18 actually. Zaida has them, so if they could e-
19 mail them to Gen, that would be great.

20 MEMBER ROESSLER: Okay, I'll look
21 for them.

22 MEMBER GRIFFON: All right, anyway

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1 --

2 CHAIR ZIEMER: Appreciate having
3 them sent right away. Okay, go ahead.

4 MEMBER GRIFFON: Anyway, I was
5 going to say, this letter comes as a
6 recommendation from the subcommittee. We went
7 through, I think this is Revision 3, so we
8 spent a couple meetings going through this and
9 at this point, it has the summary report and
10 as Paul just described, the other set of
11 documents are the attachments or the tables
12 that are referenced in -- went in the third
13 paragraph of the report.

14 And just before the meeting, Wanda
15 gave me several edits but I don't think they
16 really changed the intent. You know, it was
17 minor, mostly grammatical changes. I've made
18 all those already in the document but I see
19 those as friendly changes, grammatical
20 changes, you know. So this -- we're bringing
21 this before the Board for the full Board's
22 consideration now.

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1 CHAIR ZIEMER: This comes from the
2 subcommittee to the Board. It constitutes a
3 motion and since it comes from the
4 subcommittee, it does not require a second.
5 So, it's on the table for discussion. And I
6 have a few editorials as well, which I will
7 provide you.

8 MEMBER GRIFFON: Okay. Or you can
9 add in before you send -- you know, if we get
10 that far, yes.

11 CHAIR ZIEMER: Right. But I want
12 to ask -- and this is more of a main question,
13 the first paragraph spells out what the charge
14 is to the Board and it's the last sentence,
15 "To advise the President on the scientific
16 validity and quality of dose estimation and
17 reconstruction efforts." And my question to
18 the subcommittee is, there are six pointed
19 conclusions -- no, eight conclusions, but as
20 far as I can tell, unless I missed it, the
21 report does not specifically make a statement
22 about scientific validity and quality. It

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1 indirectly does but what I was looking for was
2 kind of what's the bottom line?

3 There are eight issues which raise
4 some concerns and I think the fair statement
5 is, do these concerns rise to the level where
6 we are saying the dose reconstructions lack
7 scientific quality or are we saying and this
8 is sort of a rhetorical question now, but I
9 think the reader would say, or are we saying
10 that we have identified some issues which need
11 correction but are we still saying that
12 there's some quality to what is being done?

13 It seems to me we have an
14 obligation to address the main issue of
15 scientific quality and validity. Understand
16 what I'm saying?

17 MEMBER GRIFFON: Yes.

18 CHAIR ZIEMER: And I don't mean
19 that as a criticism of the subcommittee. I
20 think the subcommittee has done a terrific job
21 of summarizing all this, but I think for the
22 Secretary or his staff, the bottom line

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1 question is, what does that mean when you give
2 me a list of eight issues? What does that
3 mean?

4 MEMBER GRIFFON: Yes. And I think
5 perhaps the --

6 CHAIR ZIEMER: If you had to
7 summarize them in a sentence and then --

8 MEMBER GRIFFON: Well, and perhaps,
9 we --

10 CHAIR ZIEMER: I'm the, you know,
11 New York Times or the Augusta what is it
12 Sentinel or whatever it is here?

13 MEMBER GRIFFON: Perhaps we, at the
14 subcommittee level or maybe I'm guilty of
15 this, to get consensus, we might have dodged
16 that question because I think lack of what's
17 the words, lack of scientific validity is
18 pretty subjective language and to get
19 consensus on that you know, it might have been
20 a little difficult. So I think maybe that's
21 something that the Board -- you know, if we
22 want to write something in the front

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1 overarching, I think that might be for a full
2 deliberation here.

3 CHAIR ZIEMER: Yes.

4 MEMBER GRIFFON: You know, we laid
5 out, yes, there's some problems. I think some
6 on the subcommittee would characterize them as
7 much less significant than others and, you
8 know, so that might be something we have to
9 debate here.

10 CHAIR ZIEMER: Right. I'm trying
11 to determine whether or not -- I think we have
12 to say something about that this means. I
13 mean, if you go to the Secretary and he says,
14 "This is your charge, what have you told me" -
15 -

16 MEMBER GRIFFON: Right, this is
17 really more of --

18 CHAIR ZIEMER: I mean, the
19 subcommittee has not said to NIOSH, "You've
20 got to stop doing these dose reconstructions
21 because there are all these problems.

22 MEMBER GRIFFON: Right, right,

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1 right, but this is really also more of a roll-
2 up report than a conclusion, you know, and --

3 CHAIR ZIEMER: I understand, I
4 understand that but actually, the individual
5 reports didn't really address that either.

6 MEMBER GRIFFON: I know, I know.

7 CHAIR ZIEMER: Because they were
8 more like incremental reports, "Here's what we
9 found in this set, here's what we found in the
10 next set", and in each case, we've identified
11 issues and what we think the impact is
12 individual cases and all cases, sort of the
13 significance and the level of impact. And I
14 think that's completely fine, but now here's
15 the roll-up now.

16 Now, we've done this, well, in this
17 case five times 20 cases here. We've done
18 this now five times. What can we conclude
19 beyond simply saying there's this many
20 findings of this sort and it's sort of -- I
21 think it's like the auditor who says, "Okay,"
22 I don't know how many of you have seen

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1 Deloitte and Touche's audit statements and
2 they'll list all of the findings, but then
3 they will say, "You know, this company's
4 records meet some level of requirement".

5 MEMBER GRIFFON: Right, right, but
6 also --

7 CHAIR ZIEMER: But they need to
8 correct this, this and this.

9 MEMBER GRIFFON: But also that's
10 usually their final report, correct? I mean -
11 -

12 CHAIR ZIEMER: Yes, yes.

13 MEMBER GRIFFON: -- we said we want
14 to -- this is part of my dilemma is that we've
15 --

16 CHAIR ZIEMER: Well, this can be
17 interim, though. We can make an interim
18 statement.

19 MEMBER GRIFFON: Yes, yes. But I
20 mean, we've --

21 CHAIR ZIEMER: And I don't know
22 what that statement is. I don't have a

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1 statement in mind. It may be something --

2 MEMBER GRIFFON: We've put all
3 these caveats in this report for this reason
4 because I think you know, my opinion which
5 will probably differ than other Board members,
6 but you know, really, the best estimate type
7 cases I think we have five out of 100 so we
8 looked at a lot of cases that were very high
9 and very low and, you know, did we get a good
10 -- you know, would we expect you know, to have
11 problems that would effect the outcomes of the
12 cases, you know --

13 CHAIR ZIEMER: Right.

14 MEMBER GRIFFON: -- on the types of
15 cases we reviewed? Now, as we're going on
16 with the sets, I think we're getting you know,
17 into more of the best estimate cases and they
18 might be more reflective of the -- you know,
19 of being able to address that question. So
20 that was sort of my hesitancy to conclude much
21 out of this. The sampling might be a little
22 skewed.

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1 CHAIR ZIEMER: Well, for example,
2 though, let me say and I would ask you as
3 Chair and the other members, maybe it's three
4 statements. What can we conclude about the
5 over-estimates? Is that doing the job? What
6 can we conclude about the under-estimates?
7 Maybe there's a third statement about the best
8 estimates that we haven't seen enough cases
9 yet to -- you know, maybe it's not one
10 overarching statement. I'm just trying to
11 push -- I want to push the subcommittee on
12 this because you guys have spent more time on
13 it. I think the Board is certainly willing to
14 adopt an overarching statement, but you know,
15 I'm glad to hear the Chair's view on it.

16 I think the Chair should say what -
17 - you know, you should tell us your view and
18 others as well. They may not be all the same,
19 but --

20 MEMBER GRIFFON: Yes.

21 CHAIR ZIEMER: -- you know, I think
22 we can be pointed. For example, if you say,

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1 the over-estimate procedure is not useful or
2 should be modified or it's good or whatever,
3 or they underestimated, whatever it may be.
4 So I'm just pushing us to -- because I think
5 we have to be able to say that. Somehow as a
6 Board, what's the bottom line? Is there
7 something we can agree on and maybe there's
8 different levels. We think it's really good
9 or sort of good or not so good or whatever it
10 may be.

11 MEMBER GRIFFON: Right.

12 CHAIR ZIEMER: Wanda?

13 MEMBER MUNN: I was a little
14 concerned at the time that we were working on
15 the language and putting this together that
16 there did not seem to be in my mind a clear
17 conclusion either, but I think Mark's right,
18 that we may -- that may be a really difficult
19 task given the varying perspectives of the
20 members of the subcommittee to come up with a
21 statement, but your suggestion is certainly
22 well-received here and understood. I agree

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1 with it very strongly. I don't believe that
2 the statement needs to be long. I don't
3 believe that it needs to be a Merrill Lynch,
4 Pierce, Fenner and Bean statement, but it
5 certainly would be helpful, I think, to the
6 administrative reader of this to see that
7 there is some sort of conclusion, even if it
8 is limited pretty much to a statement that
9 this process is without question, an
10 evolutionary one and that each evolution makes
11 an attempt to improve the validity of the
12 calculations that are done as we narrow more
13 and more to the best estimate cases and that
14 will be the case.

15 But we really don't say in this
16 letter that the validity of the material and
17 the approach appears to be scientifically
18 acceptable and accurate. We haven't met any
19 of those specific criteria.

20 CHAIR ZIEMER: Okay, thank you.
21 Mike?

22 MEMBER GIBSON: I think it's going

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1 to be hard to get a consensus to make one
2 clear statement because of the different
3 opinions of the subcommittee. You know, the
4 science that is used, you know, appears
5 correct but there's still questions in some of
6 our minds about the data that that science is
7 gathered from and the discrepancies that could
8 come from that. So you know, I don't want to
9 send a letter to the Secretary saying this
10 thing is broken and I don't believe it yet,
11 but in my mind I'm not convinced that the
12 validity of the data used to bound this is --
13 the junk in could effect the overall outcome.

14 So it's just a work in progress, I think, and
15 it's -- that's about all we can say, you know.

16 We've done this many and here's
17 kind of what we found but I'm like Mark, I
18 don't think there can be any statements made
19 that the subcommittee would agree on.

20 CHAIR ZIEMER: Well, it's possible
21 we could even indicate that there's some mixed
22 evaluations on what the meaning of these

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1 things are or it could be broken down maybe --
2 it may help to look at the -- for example, the
3 over-estimates and the under-estimates and the
4 best estimates separately and say what we can
5 about those. For example, the under-estimate
6 -- I think most Board members would agree that
7 the under-estimate procedure, which virtually
8 always compensates a person, seems to work
9 pretty well.

10 MEMBER GRIFFON: Well, by
11 definition, it has to --

12 CHAIR ZIEMER: Yes, it has to and
13 it is -- it's an efficiency procedure and --

14 MEMBER GRIFFON: It's an efficiency
15 approach.

16 CHAIR ZIEMER: -- but if we don't
17 think that's a good procedure but I think both
18 --

19 MEMBER GRIFFON: Yes, even that,
20 even that. I think I agree, Paul. I think --

21 CHAIR ZIEMER: Well, you get what
22 I'm getting at.

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1 MEMBER GRIFFON: There are some
2 multiple statements but I -- as I start to
3 write multiple statements, I almost start to
4 say, well, you know, I'm relisting the
5 findings here. You know, so I don't know
6 that, you know, one -- I don't have a one-line
7 answer to this but even the non- -- the under-
8 estimate cases, I'll give you an example where
9 that's been a problem and that's the under-
10 estimate approach is used and then the person
11 goes back -- has another cancer and has to
12 resubmit and then the DR report comes back to
13 them and there's -- no, the under-estimate is
14 for compensable, I'm sorry.

15 CHAIR ZIEMER: No, no, that
16 wouldn't happen. They would --

17 MEMBER GRIFFON: I'm thinking of
18 over, I'm sorry.

19 CHAIR ZIEMER: Yes, the over-
20 estimate.

21 MEMBER GRIFFON: So the under-
22 estimate is probably okay.

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1 CHAIR ZIEMER: Yes, the over-
2 estimate where it changes. It causes problems
3 sometimes for the claimant, certainly, because
4 the number changes, it goes down and doesn't
5 make sense.

6 MEMBER GRIFFON: Yes, I'm sorry. I
7 was thinking of the over-estimated, but anyway
8 --

9 CHAIR ZIEMER: Well, another way to
10 think about this might be and if we have to
11 say it, if you have to say we've not sampled
12 enough cases yet to make a conclusive
13 statement on the quality, we could even say
14 that, although I would -- you know, we've been
15 at this several years and I sort of feel like
16 we owe something to --

17 MEMBER GRIFFON: Yes.

18 CHAIR ZIEMER: I mean, this is the
19 charge to the Board, so I think we have to
20 struggle with this. If we don't agree on it,
21 we've got to figure out a way to express that
22 and maybe, you know, and I don't have a good

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1 solution to that. I'm simply concerned about
2 sending this forward without addressing the
3 primary charge to the Board.

4 MEMBER GRIFFON: Right. Well, we
5 can -- I mean, I think -- I'm not prepared
6 here to come up with something but we could
7 take it back and -- I think you're right, that
8 is our charge and it might just take us a
9 little longer to hammer it out.

10 CHAIR ZIEMER: Now, if the Board
11 wishes -- I mean, I'm just giving my opinion.

12 This Board can say, "No, let's send it the
13 way it is and let it be", and I will do that.

14 I'm just trying to push you because at some
15 point, I think we have to say something. We
16 have -- you know, if we don't send this today,
17 almost, then it's -- I mean, if you have
18 another subcommittee, then it stretches into
19 the next Secretary, although that's not as
20 critical as the SECs because it doesn't effect
21 claimants in any direct way.

22 MEMBER GRIFFON: Right, right.

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1 CHAIR ZIEMER: So that's not an
2 issue from sort of a pressuring point of view.

3 I don't want to prolong it in that sense, but
4 I feel somehow we're going to have to come to
5 grips with the main question. And I don't
6 know, Board members, if you -- or
7 subcommittee, if you guys can struggle with
8 that, and I think -- Mike, I think it's all
9 right if you guys don't all agree on the
10 bottom line. You might be able to craft
11 something that says that.

12 MEMBER GRIFFON: Right, right.

13 CHAIR ZIEMER: I don't know. I
14 know it's harder to do it if we don't all see
15 things the same way. It's very hard to craft
16 what you would call a consensus statement.

17 MEMBER GRIFFON: But at some point,
18 we have to --

19 CHAIR ZIEMER: But sometimes the
20 consensus is to agree to disagree also, and I
21 think it's all right. It's not always as
22 helpful to our administrators or it doesn't

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1 always address our charges well, because
2 everybody wants a yes or no answer. And we're
3 already dealing with uncertainties and that's
4 a difficult thing anyway, but I think it's all
5 right to say that there's some level of -- we
6 see this in different ways and that a lot of
7 that is built into what we're looking at.
8 It's also built into do we have different sort
9 of views on this and that's fine. There's
10 nothing wrong with that, you know.

11 And my view is not the best view
12 and yours isn't the best view. We all have a
13 good view and somehow we need to bring those
14 together and paint the picture in a way that
15 is -- expresses that and still is sufficiently
16 helpful to those who administer this so that
17 they can understand what it means. And I
18 don't even know what I just said, what that
19 really means either except that I just feel
20 like we have to do something to be responsive
21 to our charge.

22 MEMBER GRIFFON: No, I agree. I

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1 would like to have some sort of more
2 conclusive statement or statements, you know,
3 in the front end and almost an executive
4 summary sort of thing.

5 CHAIR ZIEMER: And I think you
6 know, your subcommittee you have talented
7 folks who are creative and you know where you
8 are on the view point spectrum.

9 MEMBER GRIFFON: I'm certainly
10 willing to bring it back and rework and take
11 and add this to our agenda for January, yes.
12 All I would ask is that --

13 CHAIR ZIEMER: Let's see how the
14 other Board members, Board members, if you
15 want to go forward with this, say so.

16 MEMBER PRESLEY: No.

17 CHAIR ZIEMER: Okay.

18 MEMBER ROESSLER: Paul, this is
19 Gen.

20 CHAIR ZIEMER: Gen.

21 MEMBER ROESSLER: Yes, thank Nancy,
22 I did get the report and I've looked at it

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1 very, very quickly. I agree with what you're
2 saying. I think that if I were receiving this
3 report, the thing I'd want to know, right at
4 the top is what was the value of having done
5 all of this work and what are the implications
6 for the future? And I don't -- in my quick
7 look at it; I don't see anything like that.

8 CHAIR ZIEMER: Okay, well, it's a
9 bottom line issue. Everything else in the
10 report, I think, you know, it's a good report.
11 Wanda.

12 MEMBER GRIFFON: That would be my
13 question, too, to Board members; if -- I'm
14 willing to take it back but I would also ask
15 at this point, does anyone have any input on
16 the findings themselves.

17 CHAIR ZIEMER: Any input?

18 MEMBER GRIFFON: Right, right,
19 because that would be helpful, too.

20 CHAIR ZIEMER: Wanda, did you have
21 an additional comment?

22 MEMBER MUNN: My comment was with

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1 respect to the current topic which is if we
2 don't decide to do this now, then at what
3 juncture in following cases, in following
4 reports would we decide to do it. So since
5 we're going to have to grapple with this
6 entire language --

7 CHAIR ZIEMER: Well, you'll have to
8 grapple with it at some point.

9 MEMBER MUNN: Yes, yes, we'll have
10 to do it. We're set up for January.

11 CHAIR ZIEMER: We're never going to
12 have -- I mean, we can do another hundred
13 reports and I can just predict it's going to
14 look sort of similar.

15 MEMBER GRIFFON: Yes.

16 MEMBER MUNN: Yes.

17 CHAIR ZIEMER: We'll have more
18 cases, but we will have various levels of ease
19 and unease with the final result. We might as
20 well try to grapple with it.

21 MEMBER GRIFFON: And it's going to
22 have more value to NIOSH if we say some sort

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1 of conclusive language up front, too. You
2 know, if we -- depending on what that is, it
3 may have more -- so, you know, I think you're
4 right, we have to try to answer the questions.
5 We'll grapple with it.

6 CHAIR ZIEMER: Right, and it may be
7 that you'll, you know, end up very frustrated
8 and you'll say --

9 MEMBER GRIFFON: Yes, that's right.

10 CHAIR ZIEMER: But let's give it a
11 try, if that's agreeable with the Board
12 members. And it will delay it a little bit
13 going forward. I think it's all right. Maybe
14 it will be fine to go to the new Secretary of
15 Health and Human Services as a picture of
16 what's happened so far. We have a new group
17 coming in. The previous Secretary has all the
18 other reports. Maybe the new folks would
19 appreciate getting a roll-up of what's
20 happened up to date and it would be helpful to
21 them to get up to speed anyway. So I'm not
22 that concerned that it goes to the next group.

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1 MEMBER GRIFFON: No, I'm fine in
2 taking it back. I don't know how the others
3 feel. It's fine with the Chair.

4 CHAIR ZIEMER: Are we okay with the
5 Board. We don't need to vote if --

6 MEMBER GRIFFON: We'll further
7 consider it.

8 CHAIR ZIEMER: Okay, I sense
9 there's a consensus here. Appreciate the
10 subcommittee and you guys have worked hard and
11 we appreciate all the work that you've done.
12 It's been a good committee and they've -- I
13 think they've done us well in evaluating all
14 of these cases and not just the subcommittee,
15 because all of you have worked on the
16 evaluation teams for all of these cases, not
17 just this 100 but all of the previous ones as
18 well. So it's been an excellent effort.

19 I think the feedback to NIOSH has
20 been useful, so the efforts have been very
21 useful in the total picture. So we do thank
22 you for all of that.

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1 Okay, so do we need a little break
2 then before we go to the subcommittee reports?

3 Okay, comfort break. Now, the break effects
4 when we finish this morning, so that will be
5 incentive for you to come back in about 10
6 minutes if possible. Okay?

7 (Whereupon, the above-entitled
8 matter went off the record at 10:37 a.m. and
9 resumed at 10:50 a.m.)

10 CHAIR ZIEMER: Okay, let's
11 reassemble and we'll get underway again.
12 Board members, if you want a copy of that
13 Excel spreadsheet that Nancy Adams described,
14 the flash stick is being circulated. I think
15 Phil has it right now. Phil, if you'll give
16 it to Wanda when you're done, and then Wanda
17 can pass it over to Mr. Presley. Okay, and
18 Josie has a copy already, so just make sure
19 everyone has a copy of they want it.

20 Okay, we're going to move to the
21 subcommittee -- or continue the subcommittee
22 report and then proceed with the work group

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1 reports and that will pretty much complete our
2 business for today. We've already had the
3 report from Mark on the 100 case roll-up.

4 Mark, also you're going to speak
5 about the path ahead on the next set of
6 reviews. What do you have for us there?

7 MEMBER GRIFFON: Just an update on
8 the -- where we're at so far. We had a
9 meeting recently in Cincinnati and we
10 continued on our work with the sixth and
11 seventh set of cases. We had the eighth set
12 of cases on the agenda but that was a little
13 too optimistic. We're continuing on the
14 finding resolution process on the sixth and
15 seventh and the next meeting, I anticipate
16 we'll get into the eighth.

17 The sixth, we have almost reached
18 resolution on almost all the findings. The
19 seventh set is not quite as complete and then
20 like I said, the eighth set we have NIOSH
21 responses, but we have not gone through those
22 with a first pass, so that will be our first

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1 time to discuss those. We're going to have
2 another meeting in January of the subcommittee
3 in Cincinnati. And then we also want to
4 select the next set of cases for SC&A to start
5 working on and as -- if I'm remembering it
6 correctly, I don't know if Stu's in the room,
7 it will be our eleventh set of cases and Stu
8 assembled a file for the subcommittee and if
9 you're a member, just to refresh all of us,
10 we're doing this like in a two-step process,
11 so we're going to take a look at the files
12 that Stu pulled, both best estimate and
13 random, I think is the way he's done it again,
14 and go through those for potential cases of
15 interest and then ask him to take that sub-
16 list, that smaller list and go back and get
17 more information such as did it involve
18 neutron doses, pre, post-70 I think we asked
19 and did it -- several other factors are in
20 there, best estimate for internal, external.

21 So we get more information for the
22 cases, then we make a final selection and

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1 bring it to the Board for a final -- so it's
2 going to be a two-step process. We're not
3 going to be ready to put sort of work in the
4 hopper for SC&A yet, but we are starting that
5 and we'll start that in January and I would
6 hope some time -- the next Board meeting is in
7 February. I think we'll be ready for a full
8 selection at that point for the eleventh set
9 of cases. So that's where we stand.

10 CHAIR ZIEMER: And just for the
11 record and for clarity, the ninth set of
12 cases, have all of the teams finished their
13 work with SC&A on the ninth set?

14 MEMBER GRIFFON: Yes, I'm seeing
15 from the audience that that has happened.

16 CHAIR ZIEMER: That has happened,
17 so that is complete. And my understanding is
18 SC&A is completing or will complete their
19 review of the tenth set. They will not have -
20 - by the end of January at least because the
21 contract is being extended by David Staudt
22 through January. My understanding from John

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1 Mauro was that at least SC&A's part of the
2 tenth set would be completed. They probably
3 would not have the Board's review teams in
4 place and that part done, but at least the
5 deliverable will be in place is my
6 understanding. So SC&A will have completed --

7 MEMBER GRIFFON: I would think so,
8 yes, yes.

9 CHAIR ZIEMER: -- the tenth set.

10 MEMBER GRIFFON: And on the ninth
11 set, I don't think we -- SC&A has yet
12 submitted a matrix to NIOSH but Doug can speak
13 to that.

14 CHAIR ZIEMER: But the teams have
15 met but perhaps we don't have a matrix yet on
16 that.

17 MEMBER GRIFFON: Yes.

18 MR. FARBER: We have completed all
19 conference calls. We have made all the
20 corrections from the conference calls and now
21 it's a matter of putting together the summary,
22 executive summary.

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1 CHAIR ZIEMER: Okay, so that will
2 complete the --

3 MR. FARBER: That should be out
4 shortly.

5 CHAIR ZIEMER: -- initial work on
6 the ninth set ready for the matrix.

7 MR. FARBER: On the ninth set.

8 CHAIR ZIEMER: And then the tenth
9 set will have the SC&A report but not the team
10 reviews.

11 MR. FARBER: Right, that is our
12 plan to have that completed.

13 CHAIR ZIEMER: Thank you very much.
14 Now, just for the record, and Mark, you
15 talked really about the eleventh set that
16 you'll be looking at. And I think it would be
17 appropriate if the Board actually -- and maybe
18 we don't need to do it today but in case
19 you're ready with the eleventh set, we can
20 officially task and I will describe it as
21 task, the contractor --

22 MEMBER GRIFFON: Right, right.

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1 CHAIR ZIEMER: -- to proceed as
2 soon as the work group has identified the
3 eleventh set. Will that occur before the next
4 meeting?

5 MEMBER GRIFFON: I don't think --
6 we've always brought the list, our list, back
7 to the full Board.

8 CHAIR ZIEMER: Okay, so we won't
9 have an eleventh set before our next meeting
10 anyway.

11 MEMBER GRIFFON: Right.

12 CHAIR ZIEMER: So we don't have to
13 task today. Okay.

14 MEMBER GRIFFON: Right, we can't
15 really. I mean, we were hoping to, but I
16 don't think we can do it to stick with our
17 procedure.

18 CHAIR ZIEMER: No, I wanted to make
19 sure that our quote contractor which currently
20 will be unnamed for -- after January, at the
21 moment is unnamed, would -- if necessary,
22 would be in place to do the work but it won't

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1 be ready in any event till our next meeting
2 and hopefully, we will know the name of the
3 contractor at the next meeting.

4 MEMBER GRIFFON: Right.

5 CHAIR ZIEMER: Okay, so we don't
6 need to task that. Any questions for the Dose
7 Reconstruction Subcommittee? Okay, then let
8 us proceed to the Work Group reports. And
9 what I'd like to ask you to do -- well, first
10 of all, we won't repeat reports of groups that
11 we've already covered, such as Blockson.

12 Also, if your work group has
13 nothing new to report, you either haven't met
14 or there's no new issues or updates for the
15 Board, simply indicate no report and we'll
16 move onto the next one. So let's go down
17 through the list.

18 MR. KATZ: Okay, so the first that
19 hasn't already met or discussed its work is
20 Chapman, John, Dr. Poston?

21 MEMBER POSTON: No report.

22 MR. KATZ: Right, no report. And

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1 the next is Fernald, Brad.

2 MEMBER CLAWSON: We've had a work
3 group since then. We're still chasing some of
4 the issues we raised on the K-25 silos and so
5 forth, but we're just proceeding on K-65.

6 MR. KATZ: The Chair for the next
7 is not here. It's Dr. Melius, does someone
8 who's-- that's Hanford Site Profile, so
9 there's Brad and --

10 MEMBER POSTON: Yes. He did, in
11 essence, report that Hanford has not met.
12 They were awaiting the documents. So we're
13 aware of that, right.

14 MR. KATZ: That's right, thank you.
15 So the next is INL. Phil?

16 MEMBER SCHOFIELD: Well, there's a
17 -- my designee is working on the -- SC&A has
18 worked on the text basis document, going over
19 it. I haven't seen what they've come up with
20 yet. Neither has anybody else that I know of.

21 CHAIR ZIEMER: The work group has
22 not met yet.

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1 MEMBER SCHOFIELD: No, we have not.

2 MR. KATZ: Los Alamos, Mark.

3 MEMBER GRIFFON: No progress -- we
4 haven't met, no progress. I think we have --
5 the evaluation report is still being worked
6 on, is that correct? LaVon has been updating
7 me in between, but there's been some delays on
8 it, some -- is it similar to Savannah River or
9 different? Anyway, it's been delayed a little
10 bit, and we're not going to meet until we have
11 the evaluation report for the later years of
12 the petition.

13 MR. KATZ: Mound, Josie?

14 MEMBER BEACH: I have nothing new
15 to report than what I reported on our November
16 6th conference call for the Mound Work Group.

17 MR. KATZ: NTS.

18 MEMBER PRESLEY: We met on October
19 the 29th. We have not had a meeting since, but
20 at this meeting, SC&A and NIOSH and myself
21 have got together and ironed out some of the
22 problems that we had on getting some of the

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1 information back and forth, and hopefully
2 something will be forthcoming at our next
3 meeting on the site profile.

4 MR. KATZ: And we have Pantex,
5 Brad?

6 MEMBER CLAWSON: Nothing to report.
7 We haven't met yet. SC&A has delivered a
8 matrix to us, and we're trying to set up a
9 meeting as we speak.

10 MR. KATZ: Pinellas, Phil?

11 MEMBER SCHOFIELD: We had a work
12 group scheduled, but we've had to cancel it
13 because of some new information that we
14 haven't seen yet on the depleted uranium and
15 give everybody a chance to look at the
16 Revision 66.

17 MR. KATZ: Right, so we've
18 postponed that. Procedures we've done-- and
19 the next is Rocky Flats. Mark?

20 MEMBER GRIFFON: Yes, we haven't
21 had a work group meeting, but there has been
22 some -- and I think Larry on the first day

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1 gave an update, sort of a news update of some
2 stuff that's going on with regard to Rocky
3 Flats. There's still this question of whether
4 people qualify for the class based on, you
5 know, it should have been monitored for
6 neutrons, and Larry indicated in his remarks
7 on Tuesday that they are still working with
8 the University of Colorado to try to get this
9 database, and we're hoping that that happens
10 sooner than later.

11 I know Larry is hopeful as well.
12 As soon as that is available, Larry indicated
13 that NIOSH will put it on the O Drive for the
14 work group's consideration. I will commit to
15 looking at that. There's some questions
16 raised about whether this University of
17 Colorado database has different information
18 than what NIOSH had.

19 We had been under the understanding
20 -- right now, we're just not sure. It seemed
21 all along that it was from the same source
22 data, so discrepancies seemed to -- I mean, we

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1 couldn't understand why there might be
2 discrepancies, but there appear to be some
3 concerns about it, so we want to follow up on
4 that, and I know NIOSH wants to follow upon
5 this, too, and resolve it. So we're just
6 hoping that the database can be obtained
7 quickly and we can move on this, but I will
8 commit as a work group to follow this and make
9 sure we do look at the database once it's
10 available.

11 MR. KATZ: Great, and Santa Susana,
12 Mike.

13 MEMBER GIBSON: We're still working
14 on trying to get a possible combination
15 meeting with our work group and a worker
16 outreach type meeting out in the area near the
17 site, but we haven't done it yet.

18 MR. KATZ: Thank you. Savannah
19 River Site we have covered. And exposure
20 cohort issues, that's Dr. Melius. Maybe --
21 did Jim speak with Josie or Mark? Did one of
22 you want to give a brief -- this is 250-day

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1 and preliminary.

2 MEMBER GRIFFON: We did meet.

3 MR. KATZ: You did meet, yes.

4 MEMBER GRIFFON: I'm -- we did have
5 a meeting. I think -- I'm not exactly sure
6 where we left it, so I'd be reluctant to give
7 an update. We did discuss the aim situation
8 fairly extensively, and some on the NTS, but
9 I'm not sure where it stands at this point, so
10 I'd hate to --

11 MR. KATZ: You discussed Dow as
12 well, I think, right?

13 MEMBER GRIFFON: Yes, and we did
14 discuss Dow, right, and the procedure that
15 went along with Dow, the technical information
16 bulletin that went along with Dow. So I know
17 we had a meeting and we did discuss those
18 items, and I don't have any conclusions to
19 report. I didn't know I'd be speaking for
20 Jim's work group.

21 CHAIR ZIEMER: Well, I was involved
22 in that, too, and we didn't come to closure.

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1 It appeared that most of the cases we
2 discussed, which were the Aims cases-- it
3 ended up being in order to discuss them, they
4 were bounding the doses. It appeared that
5 they could be bounded, I think in every case--
6 but I'm trying to remember if there was still
7 an open issue, and I didn't bring my notes
8 with me. I wasn't planning to report, and I
9 was looking to see if Jim Neton was still here
10 because Jim may remember, because we were
11 talking about that, but the group did meet and
12 they're still trying to address those issues
13 of the blow-outs and so on, and the Dow issue
14 is still on the table as well.

15 MR. KATZ: Then we have Dr. Ziemer,
16 TBD-6000.

17 CHAIR ZIEMER: Yes, TBD-6000's work
18 group had its initial meeting November 10th,
19 and so we were starting basically from
20 scratch, but we inherited some material from
21 the procedures work group, so at the meeting
22 on November 10th we reviewed the SC&A findings

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1 from TBD-6000. There were seven main
2 findings, and we reviewed those and the
3 initial SC&A-- or the initial NIOSH responses,
4 mainly to become familiar with the material.
5 We didn't take any actions on those because it
6 was new material to the work group. We also
7 then focused on Appendix BB, which is the
8 General Steel Industry's appendix for which
9 there are 13 findings, and there are responses
10 from NIOSH on those-- and we did an initial
11 review of those to become acquainted with the
12 issues and the responses, but then the focus
13 was on the NIOSH White Paper, which dealt with
14 the General Steel Industry's film badge
15 results which had been obtained from the R.S.
16 Landauer Company.

17 So we had just received that
18 initial White Paper, and that's being looked
19 at also now by SC&A as well. But we're kind of
20 in the middle of things, and are underway. We
21 have a number of tasks that were assigned.
22 NIOSH is putting on the O Drive the film badge

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1 data that they received so that there's some
2 differences between what the petitioners have
3 found in their film badge searches through
4 Personal Identifier redacted and what we got
5 from Landauer, so we're trying to resolve some
6 of those.

7 NIOSH is in the process of
8 responding to some of the matrix findings on
9 TBD-6000 itself, and on the White Paper
10 dealing with film badges, there's some issues
11 on the modeling, to establish and confirm that
12 the film badge data indeed supports the issue
13 of whether the model that NIOSH is using is
14 bounding.

15 NIOSH is also addressing some other
16 issues on unmonitored exposures to the 250 KVP
17 x-rays and the cobalt sources at General Steel
18 Industries. We have to confirm some high dose
19 values that come out of some of the personal
20 identifier redacted data, so there's a number
21 of open issues that are being looked at, and
22 hopefully we'll be able to meet again shortly

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1 after the new year and pursue many of these
2 open issues. But there's much to be done yet
3 both -- well, right now the priority item is
4 the General Steel Industries' appendix and of
5 course, there will be other appendices that
6 will be looked at following that as well. So
7 that is our report.

8 MR. KATZ: The next group is
9 surrogate data. Dr. Melius leads that. It
10 hasn't met. Josie's on that group. Is there
11 anything else to say?

12 CHAIR ZIEMER: Well, I will report
13 one thing and remind the Board members that
14 Dr. Melius did distribute the draft criteria
15 for how surrogate data should be used. The
16 work group had identified I believe it was
17 four criteria, and it asked the Board for
18 comments, and we're actually using those
19 criteria. It sort of worked out this way, I
20 think.

21 Originally, we thought perhaps the
22 Board would adopt criteria, then apply them to

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1 a site, but as it worked out, we ended up
2 using Texas City site to sort of determine how
3 well these criteria worked. It certainly
4 appears to me-- and I've given some comments
5 to Dr. MeliusB- I believe there's at least a
6 fifth criteria that need to be added and some
7 modifications of the other criteria, and I
8 think Dr. Melius was seeking input from other
9 Board members as well, so if you would go back
10 and find the five criteria -- or the four
11 criteria that were distributed. If you have
12 comments, feed that back to the work group and
13 the work group needs to sort of settle on
14 those and also address how well they work with
15 -- and I think the Texas City facility is
16 probably a good site to try that out on, so
17 it's going to work out well, I think, to see
18 whether the criteria are useful and meaningful
19 and whether they cover what needs to be done--
20 but in any event, if you could take a look at
21 those criteria and not just in terms of Texas
22 City, but think about them in terms of how

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1 they might apply in any case where surrogate
2 data are used in kind of a generic way, and
3 feed your comments back because there may be a
4 number of sites where the surrogate data issue
5 arises. Well, there are some already, and we
6 need to establish the ground rules for that.

7 So the issues are important, and
8 we're still sort of in the draft stage.

9 MEMBER MUNN: Paul, you mentioned
10 that you had provided some suggestion with
11 respect to a possible fifth. Does anyone
12 other than the work group CHAIR have those
13 comments?

14 CHAIR ZIEMER: I think that I made
15 copies of my comments to the other members of
16 the work group but I'd have to go back and
17 check. Did you get --

18 MR. KATZ: You copied them in the
19 e-mail.

20 CHAIR ZIEMER: Okay.

21 MEMBER MUNN: I guess I didn't save
22 it in the right place then.

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1 CHAIR ZIEMER: Well, if you'll
2 remind me, I'll resend them. Mine are not so
3 profound, and actually I must give credit, I
4 think, to SC&A because I think the fifth
5 criteria is one that they suggested and I
6 thought it was such a good suggestion, I tried
7 to modify it a little bit and take partial
8 credit for it. But I believe it actually was
9 a criteria that SC&A may have raised, is my
10 recollection.

11 MEMBER MUNN: Thank you.

12 MR. KATZ: I mean, I might just --

13 CHAIR ZIEMER: In connection with
14 Texas City, I believe, but go ahead.

15 MR. KATZ: I might just mention,
16 SC&A has done -- I'm not clear, maybe Joe can
17 clarify exactly where it is, but I think SC&A
18 has completed a review of the NIOSH procedure
19 with respect to surrogate data which I think
20 is IG 004 or -- and anyway, it's not quite
21 delivered yet, but I think it's largely
22 completed work, and to do that will be

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1 information that will be useful to the
2 subcommittee. That was just my main point.

3 CHAIR ZIEMER: Right, Joe
4 Fitzgerald, repeat what you said.

5 MR. FITZGERALD: Yes, it's in
6 draft. I don't know exactly where it is from
7 out standpoint to the Board. So I think it
8 probably is on our side still.

9 MR. KATZ: Yes. Okay then, the
10 last work group so far is worker outreach.
11 Mike?

12 MEMBER GIBSON: We have a meeting
13 scheduled in Cincinnati on January the 12th,
14 2009.

15 MR. KATZ: Just freshly scheduled.

16 MEMBER GIBSON: Yes.

17 CHAIR ZIEMER: Okay, thank you.

18 MEMBER GRIFFON: Can I ask one
19 thing? I've asked this before but -- and
20 maybe it was never a work group. It might
21 have been this broader group that we had-- but
22 Y-12, it's not like we had a meeting, but Y-12

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1 has still outstanding site profile issues that
2 we've never gone back to. So I just don't
3 want to lose it. At one point, I was -- I
4 chaired the process for the Y-12 SEC. I
5 forget if that was a separate work group or if
6 it was combined with Mallinckrodt. You know,
7 I don't know if it was one big work group at
8 that point. I can't remember, but I think we
9 need to --

10 CHAIR ZIEMER: And we may need to
11 have Nancy Adams go back and help us remember
12 what we did in the past on Y-12. But in any
13 event, I think --

14 MEMBER GRIFFON: Yes, but I know
15 there are outstanding issues on the site
16 profile.

17 CHAIR ZIEMER: -- the reminder that
18 Y-12 is still something that we don't want to
19 lose. If we need to reappoint a -- I guess we
20 don't currently have a Y-12, do we?

21 MR. KATZ: We do not currently have
22 a Y-12.

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1 MEMBER GRIFFON: It's not listed, I
2 know, but I know -- I mean, I can't remember
3 who was on --

4 CHAIR ZIEMER: Well, and we may
5 have done that in the days when we were kind
6 of working as a full group.

7 MEMBER GRIFFON: It was a larger
8 group, right. It wasn't a full group. It was
9 a sub-group.

10 CHAIR ZIEMER: We may need to go
11 back and pick that up with a separate Y-12
12 work group.

13 MEMBER BEACH: Is that the only
14 work group that's in question? It might be
15 handy to put all the closed work groups on
16 that one close-out sheet that we now have.

17 CHAIR ZIEMER: Well, actually, in
18 the work group -- the website listing, we have
19 included all work groups that existed as far
20 as we know, and including those that are no
21 longer active. So I think -- I believe that's
22 the only one that -- it sort of didn't have --

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1 it may not have had an official status.

2 MEMBER GRIFFON: Yes. Was
3 Mallinckrodt on that?

4 MR. KATZ: There was no work group.

5 MEMBER GRIFFON: Yes, I think it
6 was kind of the --

7 CHAIR ZIEMER: It was indicated in
8 some of the earlier days.

9 MEMBER GRIFFON: There was a work
10 group. It wasn't the full board, I know that,
11 but it wasn't a site specific work group.

12 CHAIR ZIEMER: But we hadn't
13 formalized things in the way we do now. We
14 just had a subgroup work on an issue.

15 MEMBER GRIFFON: Yes, I know,
16 right, right.

17 CHAIR ZIEMER: And we've become a
18 little more formal on work groups since then.

19 So I believe there may not have ever been an
20 official Y-12 work group, just a subset of --

21 MEMBER GRIFFON: I think you're
22 right, yes.

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1 CHAIR ZIEMER: -- the Board that we
2 said, "Examine this and report back to us", or
3 something. That completes our work group
4 reports, does it not?

5 MR. KATZ: It does.

6 CHAIR ZIEMER: Thank you very much.

7 MR. KATZ: Thank you.

8 CHAIR ZIEMER: Now, we also need to
9 look at where we -- this is not really on the
10 agenda as an annotated item, but we need to
11 look at the tasking issues in terms of both
12 completing work that's on the docket for our
13 contractor and then looking ahead for future
14 work, and I indicated earlier in this meeting
15 it may be important for us to task whoever it
16 may be-- "the contractor"-- as we move ahead.

17 Now, SC&A has been willing to help
18 us think about that, because in terms of what
19 they've done-- and John Mauro and his folks
20 have helped us think about what's already been
21 done and what's coming on the horizon.

22 And John, before he left today, did

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1 jot down some ideas, and I think Joe
2 Fitzgerald is here to represent that in terms
3 of what SC&A thought might be of value for our
4 consideration on site profile reviews-- SEC
5 reviews-- and of course, dose reconstruction
6 we've already talked about doing the eleventh
7 set, so -- and we won't task that until the
8 next meeting, in any event. And then,
9 perhaps, even some PER work.

10 So I think if it's agreeable, I'd
11 like to ask Joe Fitzgerald: Joe, if you
12 wouldn't mind first giving us your -- I'm
13 calling it your-- SC&A's recommendation on
14 what might be the next group of site profiles
15 that we should think about reviewing, from
16 your perspective.

17 MR. FITZGERALD: Right. Actually,
18 we're looking downstream at some of the, you
19 know, upcoming SEC ERs. I think a lot of the
20 value we've gained in the recent past has been
21 to get ahead of the curve in looking at site
22 profiles for which an SEC is -- an Evaluation

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1 Report-- is expected, and I think one of those
2 is Brookhaven. The last status report, I
3 think, LaVon put out that was briefed to the
4 Board had the ER for Brookhaven I guess
5 earmarked or tentatively scheduled for maybe
6 the May meeting.

7 So this gives about six months
8 before that. That would be an appropriate
9 time for us to, you know, be able to review
10 the existing site profile, perhaps be in a
11 better position if, in fact, the Board would
12 want to charter a contractor next year to look
13 at the Evaluation Report, starting from zero.

14 The other site, I think, that was
15 on John's list as an idea was Lawrence
16 Berkeley, only because I think we're now
17 getting to the point where most of the major
18 sites have been covered. I think this was
19 perhaps one of the few major sites that has
20 not been addressed in terms of site profile
21 review. So those are the two, I think, for
22 the coming year that were, you know, more

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1 obvious, I guess, from the standpoint of being
2 of some value to look at.

3 CHAIR ZIEMER: Okay, thank you.
4 I'm going to stop at this point and I'll call
5 you back in a minute, but let's talk about
6 site profiles. Keep in mind that at the time
7 that a new contractor-- or a continuing
8 contractor, as the case may be-- is
9 identified, the contract includes or
10 identifies tasks and it -- under the site
11 profile task, it has funding for a certain
12 number, I forget what it is, but it's not that
13 critical at the moment. But within that task,
14 it's the Board's prerogative to assign the --
15 or do the tasking for which site profiles we
16 wish to have done.

17 Now, what I'm suggesting is that it
18 would seem appropriate, since we're expecting
19 the contractor identity to be revealed within
20 the next few weeks, hopefully-- or sooner,
21 maybe the next few days-- but in any event,
22 soon, as we were told by David Staudt, that

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1 the identities of the site profiles that the
2 Board wishes to put on first priority also be
3 readily available to the contractor, so once
4 the contract is awarded, that work can get
5 underway.

6 So you've heard the recommendation
7 from SC&A regarding Brookhaven and Lawrence
8 Berkeley, and I'd like to ask the Board
9 members if you agree that these are of high
10 priority, or are there other sites that you
11 would add or substitute for these? And so
12 let's discuss that.

13 Brookhaven is recommended, and
14 Lawrence Berkeley as the next two site
15 profiles for the contractor to review. Yes,
16 Mr. Presley?

17 MEMBER PRESLEY: What are we doing
18 about Sandia, Albuquerque and Sandia
19 Livermore?

20 CHAIR ZIEMER: Okay, Sandia,
21 Albuquerque and Livermore. I believe there are
22 site profiles for both of those. I don't

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1 think -- we've not done Sandia, have --

2 MR. FITZGERALD: I can say safely
3 that we've completed that review, and it
4 hasn't --

5 CHAIR ZIEMER: Albuquerque?

6 MR. FITZGERALD: Yes, it hasn't
7 been forwarded to the Board. It had to go
8 through DOE review, so that's held it up a
9 little bit, but it's finished. We did do the
10 review. Sandia, Livermore, no.

11 CHAIR ZIEMER: Now, that's not been
12 delivered, but will be by -- before the end of
13 the contract.

14 MR. FITZGERALD: Shortly, very
15 shortly, right, by the end of the year.
16 Sandia Livermore, no, we have not done that
17 component of Livermore. We did do the
18 Livermore-- you know, the full lab, but not
19 that component.

20 CHAIR ZIEMER: And that might be
21 also a high priority item as well, and could
22 be yet a third one on such a list or could be

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1 -- you know, the order may not be so critical
2 now, but we do want to identify several high
3 priority ones, at least two and maybe more.
4 Thank you. Others?

5 If there aren't any others, I think
6 just for the record I would ask for a motion
7 from the Board to task the Board's contractor
8 to identify as its first priorities under the
9 new contract, the site profile reviews for
10 Brookhaven, Lawrence Berkeley and Sandia
11 Livermore. I'm not sure if the order is
12 critical here. If you wish to order them, we
13 can do that.

14 MEMBER CLAWSON: I move that we
15 task the Contractor.

16 CHAIR ZIEMER: Okay, is there a
17 second?

18 MEMBER BEACH: I'll second it.

19 CHAIR ZIEMER: It's been seconded.

20 Any discussion? What about priority? Do you
21 wish to put one or the other at the top of the
22 list?

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1 MEMBER PRESLEY: Do we know how
2 many cases we have at Berkeley versus Sandia?

3 CHAIR ZIEMER: We do know that
4 there are some activities coming up on
5 Brookhaven, do we not? What are we
6 anticipating there? It seems to me that
7 Brookhaven may be fairly high on the list in
8 terms of what we may need to do as a Board.

9 MEMBER MUNN: Brookhaven would be
10 my suggestion for the first priority, yes.

11 MEMBER BEACH: With a second of
12 Lawrence.

13 CHAIR ZIEMER: Okay, Lawrence and
14 then Sandia, okay. Is that agreeable? So the
15 motion for these three will include as
16 priority, Brookhaven, one, Lawrence Berkeley,
17 two, Sandia Livermore as three. Okay, let's -
18 - we'll just voice vote. All in favor "Aye".

19 (Chorus of Ayes.)

20 CHAIR ZIEMER: Opposed?

21 (No verbal response.)

22 CHAIR ZIEMER: Gen Roessler?

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1 MEMBER ROESSLER: Aye.

2 CHAIR ZIEMER: Okay. With your
3 vote, Gen, it carried the say.

4 MEMBER ROESSLER: Oh, good.

5 CHAIR ZIEMER: And that will get us
6 underway on site profiles. Let's talk about
7 SECs. Again, Joe, I'm going to ask for the
8 SC&A on SEC.

9 MR. FITZGERALD: Okay.

10 CHAIR ZIEMER: Isn't it great to
11 talk in acronyms?

12 MR. FITZGERALD: Yes, there's been
13 a lot of news in SEC. This is Special
14 Exposure Cohorts. There's several, I think,
15 categories on the SECs. We have the existing
16 work that we're doing on the SECs: the Fernald
17 SEC, the Mound SEC-- let's see if I can
18 remember them all-- Hanford, you know. So
19 that grouping would need to continue,
20 obviously.

21 CHAIR ZIEMER: Right, and you also
22 have been tasked I think on Savannah River.

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1 Have we or not?

2 MR. FITZGERALD: No, no.

3 CHAIR ZIEMER: Okay, the paper
4 review, okay, yes. Right.

5 MR. FITZGERALD: Right, there's a
6 second grouping. That's the first group that
7 we're working on now. We've already been
8 authorized and there's work groups. The
9 second grouping is the so-called paper
10 studies, the ones that were authorized because
11 of the end of the contract back at Redondo
12 Beach in that meeting. That's where we have
13 Pantex, Savannah River and Santa Susana,
14 right. So those three would need, I think,
15 authorizations from the Board to in fact do a
16 full traditional ER evaluation. And that's
17 pretty much the two groupings.

18 CHAIR ZIEMER: Yes and actually, we
19 have another meeting in February, but to cover
20 us between now and then, probably to task
21 these three would be plenty for a contractor
22 to get those underway.

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1 MR. FITZGERALD: Right.

2 CHAIR ZIEMER: And Board members,
3 if you agree with that, let's have a motion to
4 officially task. Yes.

5 MEMBER GIBSON: So moved.

6 CHAIR ZIEMER: Okay, Mike has moved
7 that we task our contractor to do the SEC
8 work, and seconded by Poston for Savannah
9 River, Santa Susana and Pantex. And again, I
10 think, you know, others will come along, but
11 we will be meeting again in February. Are you
12 ready to vote on that tasking? All in favor,
13 "Aye"?

14 (Chorus of Ayes.)

15 CHAIR ZIEMER: Opposed?

16 (No verbal response.)

17 CHAIR ZIEMER: Abstentions? Dr.
18 Roessler?

19 MEMBER ROESSLER: Aye.

20 CHAIR ZIEMER: Thank you. So the
21 SECs -- we don't need to do anything today on
22 dose reconstructions. We may wish to do some

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1 tasking on reviews of PERs. There have been
2 at least a couple PERs that are substantial,
3 and I know that -- I know that SC&A has also
4 thought about this a bit. Joe, do you want to
5 comment on that at all? I have some
6 suggestions, but --

7 MR. FITZGERALD: Well, you know, I
8 think the only comment is --

9 CHAIR ZIEMER: There's a couple
10 PERs.

11 MR. FITZGERALD: -- there's a
12 couple PERs, in confirming with Larry, that
13 have reached a point where it would be, in
14 fact, useful to review those and provide some
15 feedback in support of the Board, so certainly
16 a future contractor would have at least the
17 two, I think, that were identified on your
18 idea list, which is Blockson and high fired
19 issues that came about from Oak Tip 49. So
20 those are the two, I think, key ones that have
21 come up.

22 CHAIR ZIEMER: And there may be

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1 some others that NIOSH would recommend, but
2 those are certainly high on the list. Larry?

3 MR. ELLIOTT: I'm fairly certain
4 that the Blockson PER has been completed but
5 we're not -- I'm awaiting an e-mail
6 confirmation that the high fired plutonium is
7 not a completed PER. We're still getting
8 cases back to finish that one out. So I don't
9 believe that that one is a finished PER of
10 cases that have been treated.

11 CHAIR ZIEMER: Right, right, but we
12 could still do the tasking. I mean, it
13 wouldn't -- yes, I guess you could or maybe we
14 should --

15 MR. ELLIOTT: Well, I think we've
16 agreed that you review a completed effort, not
17 an in progress effort. So --

18 CHAIR ZIEMER: No, no.

19 MR. ELLIOTT: -- you could task,
20 but --

21 CHAIR ZIEMER: Nothing would happen
22 until it's completed, right.

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1 MR. ELLIOTT: -- you couldn't pick
2 it up.

3 CHAIR ZIEMER: I mean, even if we
4 tasked-- and I honestly don't know whether
5 it's better to wait until the document is on
6 the street and do the tasking or task in
7 advance, understanding that nothing will
8 happen until the --

9 MR. ELLIOTT: On the street. PERs-
10 - there are 32 PERs that have been issued, but
11 the PERs, as you know, prescribe how to screen
12 cases that might be effected, and then the
13 next step in the process is that we work with
14 DOL to see those cases returned to us for
15 examination and rework. And in that instance,
16 in this high-fire plutonium situation, I don't
17 believe we've completed all those cases. We
18 have issued the PER, but we haven't completed
19 the cases.

20 CHAIR ZIEMER: The Blockson is
21 complete, and we can certainly task that at
22 the moment. A motion to do that?

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1 MEMBER CLAWSON: Move to perform
2 Blockson for the PER.

3 CHAIR ZIEMER: PER review for
4 Blockson. Second?

5 MEMBER BEACH: Second.

6 CHAIR ZIEMER: Discussion? All in
7 favor, "Aye".

8 (Chorus of Ayes.)

9 CHAIR ZIEMER: Opposed? Aye, okay,
10 thank you. I'd like to ask Ted, do we need to
11 authorize close-out for any existing reviews
12 or --

13 MR. KATZ: No, we do not. It's
14 already authorized.

15 CHAIR ZIEMER: Okay, so old work
16 will continue under the contract, which is the
17 continuation of the close-out for the tasks
18 that are underway. And the only caveat would
19 be there -- I think John has told us that not
20 everything can be closed out either in the
21 time available or within the resources
22 available, but the close-out process is

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1 underway. I think the only question would be
2 if there's something that the Board feels has
3 highest priority that needs more attention
4 than something else we can so identify that.
5 Otherwise it will continue as it is.

6 Okay, unless there's any direction
7 --

8 MR. KATZ: I guess a question which
9 arises from the whole discussion yesterday,
10 but it all arose out of the special case at
11 Lawrence Livermore. What's going on with
12 Lawrence Livermore? I don't know whether there
13 needs to be a work group and work done in that
14 area or --

15 CHAIR ZIEMER: It appeared to me
16 that it is not necessary at the moment. Is
17 that -- is that Lawrence Livermore issue taken
18 care of, or is that ongoing?

19 MR. FITZGERALD: Yes, no, I think
20 it's fine. I think if anything develops, we
21 owe it to you to come back and report that.

22 CHAIR ZIEMER: Right now it's not

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1 an issue, okay, thank you. Ted, we need a
2 report on status of IT arrangement.

3 MR. KATZ: Right, that's
4 Information Technology-- to get out of
5 acronyms-- but that's all the Board members
6 getting on line with the government computers
7 and so on, and the computers haven't come in
8 yet, but the security folks at CDC seem to be
9 working well with people. I'd be happy to
10 hear any feedback for anybody who might have
11 any issues with that. It seems like they're
12 making reasonable progress in getting people
13 lined up.

14 There are a few Board members, it
15 seems, who will require fresh fingerprinting.

16 It's a minority of Board members, and they're
17 going to do their best to arrange that so that
18 either you can do it when you're already
19 visiting Cincinnati and go out to the facility
20 and get your fingerprints, or even possibly be
21 able to get it at a local facility near where
22 you live.

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1 CHAIR ZIEMER: But they will let
2 each person know.

3 MR. KATZ: They will, and I think
4 some --

5 CHAIR ZIEMER: If you have any
6 fresh fingers that need printing --

7 MEMBER ROESSLER: I've been talking
8 with Personal Identifier. He's already sent
9 me a package, so I can get the fingerprinting
10 locally.

11 CHAIR ZIEMER: Okay, so apparently
12 they can arrange for that as needed.

13 MR. KATZ: Yes. The other piece is,
14 everybody needs to complete their -- who
15 hasn't-- complete their IT training and send
16 in their tests showing that --

17 CHAIR ZIEMER: Right. And you
18 should have all received a disk with the
19 training and the form in it, right?

20 MR. KATZ: Everybody should have a
21 disk, that's correct.

22 MEMBER POSTON: I just got mine

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1 this week.

2 CHAIR ZIEMER: I did too, just
3 received it this week.

4 MR. KATZ: Yes, and some of you may
5 find that you can take the test without taking
6 the training and pass. It would be very quick
7 then.

8 MEMBER CLAWSON: There's a through
9 the whole thing or refresh or -- if we can go
10 through the refresher and test out, then we're
11 all right or --

12 MR. KATZ: Yes. Anyway, you take
13 the test and pass and that's good enough for
14 them. They're not concerned with whether you
15 read the materials leading up to that, the
16 training.

17 CHAIR ZIEMER: As long as you know
18 it.

19 MR. KATZ: As long as you get the
20 right answers.

21 CHAIR ZIEMER: Okay, any other
22 questions on that at this time?

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1 MR. KATZ: No, none others. I
2 still expect some time early January we'll be
3 wrapping this up, and everybody will be
4 getting computers. But there's a little bit
5 of a question with that, just because of the
6 holidays, and I know how government works over
7 the holidays when everybody has leave and so
8 on.

9 CHAIR ZIEMER: Okay. And then
10 future meetings. Ted, you were looking forward
11 to October 2009 and wanting recommendations on
12 where to meet, is that correct?

13 MR. KATZ: Right, exactly.

14 CHAIR ZIEMER: Let me ask a
15 question. Let's see, that's a ways off.
16 Should we think about meeting in the
17 Brookhaven area by then?

18 MR. KATZ: I mean, that was a
19 thought I had, but I'm not sure what sort of
20 in the schedule in terms of, for example, SECs
21 and so on that might also make sense.

22 MEMBER GRIFFON: Yes, another

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1 option might be Cincinnati or Dayton, because
2 we have --

3 MR. KATZ: We have a meeting in
4 Cincinnati already so --

5 CHAIR ZIEMER: Brookhaven is a
6 logistical problem. And I don't know if
7 anyone at Brookhaven can advise us. Is there
8 any site that's a little more convenient that
9 would still be suitably convenient for the
10 workers to get to?

11 MR. KATZ: Nancy, I think, has
12 lived near there and could probably give us
13 some guidance.

14 MS. ADAMS: There's -- from a hotel
15 perspective, Port Jefferson has got a nice
16 hotel with conference facilities.

17 CHAIR ZIEMER: How far from
18 Brookhaven and how far from the nearest
19 airport?

20 MS. ADAMS: It's 35 miles from
21 LaGuardia and closer to Islip, although
22 getting into Islip-- in and out of Islip-- is

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1 not necessarily the best in terms of
2 schedules. And I think LaGuardia, there's
3 even a shuttle type thing.

4 CHAIR ZIEMER: A shuttle?

5 MS. ADAMS: And it's only 25 miles
6 at max from the site.

7 CHAIR ZIEMER: Okay, so that's
8 probably doable, yes. So that's one
9 possibility. When do we have to lock this in,
10 fairly soon?

11 MR. KATZ: Fairly soon. I mean,
12 you tend of have to go out pretty far to get
13 suitable hotel accommodations and so on. So
14 that's why I keep trying to raise these seven,
15 eight months in advance.

16 CHAIR ZIEMER: Are there any other
17 suggestions at the moment?

18 MEMBER PRESLEY: I'm holding out
19 for the Bikini Atoll.

20 CHAIR ZIEMER: Idaho is fine. Will
21 we have any sort of actions that are pending
22 for Idaho that would --

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1 MEMBER CLAWSON: I don't think so.
2 I think we're okay.

3 MEMBER PRESLEY: The Bikini Atoll.

4 CHAIR ZIEMER: Okay, any other
5 frivolous remarks?

6 MR. KATZ: With respect to Idaho, I
7 think there are a couple things going on.
8 SC&A I think is doing a refresher review,
9 isn't it, of the site profile? So that's one
10 thing that's going on and another is that we
11 did form a work group that hasn't met yet and
12 probably won't meet in the near future but so
13 there's a little bit of action going on.

14 MEMBER CLAWSON: I have to hold out
15 on for better months or whatever, but I would
16 like to see one there.

17 CHAIR ZIEMER: Yes, we have met
18 there in the past a couple of times, but we're
19 due to come back there. Well, shall we go
20 ahead and recommend Brookhaven at the moment?

21 I suppose if something occurred that was an
22 urgency to move the meeting, I suppose that

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1 could happen in February, but are we agreed
2 that we will think about the Brookhaven area?

3 Very good.

4 Is there any other business to come
5 before us? Anything for the good of the
6 order? If not, we stand adjourned. Thank
7 you, everyone.

8 (Whereupon, the above-entitled
9 matter went off the record at 11:41 a.m.)

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