

UNITED STATES OF AMERICA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR DISEASE CONTROL AND PREVENTION

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NATIONAL INSTITUTE FOR OCCUPATIONAL
SAFETY AND HEALTH
ADVISORY BOARD ON RADIATION AND WORKER HEALTH

+ + + + +

61st MEETING

+ + + + +

THURSDAY, FEBRUARY 19, 2009

+ + + + +

The meeting came to order at 9:00 a.m., in the Coral Room of the Doubletree Hotel Albuquerque, 201 Marquette Avenue Northwest, Albuquerque, New Mexico, Paul L. Ziemer, Chairman, presiding.

PRESENT:

- PAUL L. ZIEMER, Chairman
- JOSIE M. BEACH, Member
- BRADLEY P. CLAWSON, Member
- MICHAEL H. GIBSON, Member (via telephone)
- MARK A. GRIFFON, Member
- JAMES E. LOCKEY, Member
- JAMES MALCOLM MELIUS, Member
- WANDA I. MUNN, Member
- ROBERT W. PRESLEY, Member
- JOHN W. POSTON, SR., Member
- GENEVIEVE S. ROESSLER, Member
- PHILLIP M. SCHOFIELD, Member
- THEODORE M. KATZ, Acting Designated Federal
Official

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REGISTERED PARTICIPANTS

ADAMS, NANCY, NIOSH CONTRACTER
BRADFORD, SHANNON, NIOSH
BREYER, LAURIE, NIOSH
BROEHM, JASON, CDC
DEGARMO, DENISE, SIUE/DOW
EVASKOVICH, ANDREW, LANL
FITZGERALD, JOE, SC&A
HANSON, JOHN, SIUE
HINNEFELD, STU, NIOSH
HOMOKI-TIDUS, LIZ, HHS
HOWELL, EMILY, HHS
JACQUEZ-ORTIZ, MICHELE, SENATOR UDALL
KINABREW, CLIFF
KOTSCH, JEFF, DOL
LEWIS, MARK, ATL
MAKHIJANI, ARJUN, SC&A
MAURO, JOHN, SC&A
MCFEE, MATT, ORAU
RUTHERFORD, LAVON, NIOSH
WADE, LEWIS, NIOSH
ZARCHERO, MARY JO, ORAU

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*note: Throughout the transcript, AFDTPCO shall indicate an audio failure due to phone connection outage

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

2 (9:04 a.m.)

3 CHAIRMAN ZIEMER: Good morning,
4 everyone. We are going to get underway here.

5 I know that some of you have plane flights
6 scheduled for midday, so we are hoping to
7 conclude our agenda by that time.

8 We have a number of items that on
9 paper look like they might go until 4:00, but
10 some of them have already been covered, so we
11 will be able to shorten things a bit and add
12 some efficiency factors, and we will shoot for
13 completing by the noon hour.

14 Usual reminder. Register your
15 attendance with us, if you haven't already
16 done so.

17 Mr. Katz, do you have any
18 announcements or other business items for us?

19 MR. KATZ: Let me just ask the
20 people on the telephone if you can hear us
21 now. And when we start the first
22 presentation, if you would just let me know if

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1 it's audible to you, that would be great.

2 And the other thing to note is just
3 please to mute your phone while you are
4 listening, and use the *6 button if you don't
5 have an actual mute button on your phone.

6 Much thanks.

7 PARTICIPANT: I have a lot of audio
8 feedback.

9 CHAIRMAN ZIEMER: Okay. I think
10 it's the same problem with this phone line.
11 Unfortunately, we are not able to remedy that
12 at this time, and I regret that. We will do
13 the best we can.

14 Our first speaker this morning will
15 be LaVon Rutherford. LaVon is going to give
16 us the petition update for the various SEC
17 petitions, and basically a summary of where we
18 are in the SEC petition process, an overview.

19 LaVon?

20 MR. RUTHERFORD: Let me see if I
21 can get this up there.

22 CHAIRMAN ZIEMER: And I'm

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1 wondering, you may want to come over here. Do
2 you have to click something there? Oh, you do
3 have to click that. Okay.

4 MR. RUTHERFORD: Yes. I've got --

5 CHAIRMAN ZIEMER: Get close to the
6 mic.

7 MR. RUTHERFORD: Yes.

8 CHAIRMAN ZIEMER: Perhaps even hold
9 it up. Is that removable from the stand? Get
10 it right up there, right against your --

11 MR. RUTHERFORD: Now I'm going to
12 feel like I'm singing or something.

13 CHAIRMAN ZIEMER: That's what we
14 want you to do. Get it up there as close as
15 you can, so the folks on the phone can hear
16 you.

17 MR. RUTHERFORD: Okay. I am LaVon
18 Rutherford, and I am the Special Exposure
19 Cohort Health Physics Team Leader for NIOSH.
20 I am going to talk about the status of
21 upcoming SEC petitions.

22 We do this normally at the Board

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1 meetings to provide the Board and the public
2 an update. It also allows the Board a chance
3 to prepare for upcoming work group meetings
4 and Board meetings.

5 As of February 5, 2009, we have had
6 137 petitions. We have 12 petitions that are
7 currently in the qualification process. We
8 have 72 petitions that have qualified. Of
9 those 72, 67 we have completed our evaluation,
10 and five are in the evaluation process. We
11 have 53 petitions that did not qualify.

12 We have a number of petitions that
13 are with the Advisory Board for
14 recommendation. I am not going to go through
15 every step of this, but what you will see in
16 the presentation is a chronological order of
17 all of the events that have occurred. I am
18 going to try to hit some of the highlights of
19 that so we can move through this.

20 Chapman Valve, the evaluation
21 report, was approved and sent to the Advisory
22 Board and Petitioners on August 31, 2006. And

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1 we presented our evaluation at the September
2 2006 Advisory Board meeting. And the Advisory
3 Board established the work group at that
4 September meeting, and the work group
5 presented its findings at the May 2007
6 Advisory Board meeting.

7 A number of events occurred. The
8 Advisory Board voted in a six-six tie on a
9 motion to deny the class. There was some
10 discussion, over time, of whether the Dean
11 Street facility should be added or not. So we
12 had some correspondence back and forth with
13 Department of Labor and Department of Energy.

14 NIOSH issued a revised evaluation
15 report on February 5, 2008, that included the
16 Dean Street facility, but it did not change
17 NIOSH's findings.

18 The Advisory Board decided to
19 reconvene the work group to discuss the path
20 forward. The work group met on May 1, 2008,
21 and there was still some concern by the work
22 group because of issues surrounding a slightly

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1 enriched uranium sample that was discovered
2 during a survey, during decommissioning
3 activities.

4 The Advisory Board voted again on a
5 motion to deny any class to the SEC at the
6 June 2008 Advisory Board meeting. However,
7 the vote ended in a six-six tie again.

8 The Advisory Board asked that NIOSH
9 contact the Department of Defense about any
10 radiation-related contracts for Chapman Valve
11 to try to explain the enriched sample. NIOSH
12 made those contacts. The Department of
13 Defense responded with no confirmation that
14 Chapman Valve did or did not work for DoD.

15 And on January 6th -- and that
16 should be 2009, not 2008 -- NIOSH sent a
17 letter to the Advisory Board's Chairman
18 summarizing the results of the NIOSH's follow-
19 up activities related to Chapman Valve. And
20 the current status is the petition evaluation
21 report is with the Advisory Board for
22 recommendation.

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1 Blockson Chemical. Again, I am not
2 going to go over everything. There was a
3 lengthy discussion yesterday on Blockson
4 Chemical. I will hit a few highlights. We
5 did initially approve an evaluation report on
6 September 5, 2006, and presented our report in
7 December of 2006. However, we withdrew that
8 report because it was recognized that we did
9 not address all covered exposures. We issued
10 a revised evaluation report on July 3, 2007.

11 A number of work group activities,
12 public meetings were held over a period during
13 2007. And on January 2008, Dr. Melius
14 indicated he wanted to review the pedigree of
15 bioassay data, and he wanted to discuss the
16 radon model with Mark Griffon.

17 The work group met on June 5th,
18 June 24th, and June 25th, to discuss
19 resolution of the radon model and any
20 outstanding issues.

21 The work group -- or SC&A issued a
22 draft report on the evaluation of radon levels

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1 in Building 40 on August 12, 2008. A number
2 of discussions were -- again, the work group
3 met on October 15th. We had a technical call
4 on December 3 and December 12, 2008. And
5 there was also a teleconference meeting on
6 January 23rd.

7 Again, the petition evaluation
8 report is with the Advisory Board for
9 consideration, and it was discussed at this
10 meeting.

11 Feed Materials Production Center --
12 the evaluation report was approved and sent to
13 the Advisory Board and the Petitioners on
14 November 3, 2006. We presented our evaluation
15 report at that February 2007 Advisory Board
16 meeting, and a work group was established.

17 In May 2007, SC&A provided a draft
18 review of the evaluation report, and then the
19 work group has met August 8, 2007,
20 November 13, 2007, March 26, September 15, and
21 October 28, 2008. The current status is
22 research and discussion on the petition

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1 continues among the work group, SC&A, and
2 NIOSH.

3 Bethlehem Steel. The evaluation
4 report was approved and sent to the Advisory
5 Board and the Petitioners on February 27,
6 2007. We presented that evaluation report at
7 the May 2007 Advisory Board meeting.

8 The Advisory Board ended up tabling
9 the discussion on Bethlehem Steel SEC
10 evaluation report until the surrogate data
11 work group had a chance to look at the use of
12 the surrogate data for that report. And the
13 current status is the petition evaluation
14 report is with the Advisory Board for
15 recommendation.

16 Hanford. Evaluation report was
17 approved and sent to the Advisory Board and
18 the Petitioners on September 11th.

19 PARTICIPANT: I can't hear any of
20 the speaking.

21 MR. RUTHERFORD: I've got it pretty
22 -- I can bring it in closer. Can you hear

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1 that?

2 MR. KATZ: How is that? How is
3 that on the telephone?

4 PARTICIPANT: I can hear you, but
5 not the speaker.

6 (Audio failure due to phone
7 connection outage.)

8 CHAIRMAN ZIEMER: We are going to
9 move the speaker here to see if we can at
10 least get it a little better. There must be
11 something about the echoes in this room,
12 because it is very loud here in the room. But
13 this device doesn't seem to be picking it up
14 well. So we're going to bring LaVon over here
15 right adjacent to the phone monitor.

16 MR. RUTHERFORD: All right. Is
17 that better?

18 CHAIRMAN ZIEMER: Go ahead, LaVon.

19 MR. RUTHERFORD: All right. We are
20 going to talk about Hanford. The evaluation
21 report was approved and sent to the Advisory
22 Board and the Petitioners on September 11,

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1 2007. We prepared our evaluation report at
2 the October 2007 Advisory Board meeting.

3 The Advisory Board sent the report
4 to their contractor and the work group, and
5 the Advisory Board's contractor issued a white
6 paper questioning whether additional buildings
7 should be included in the proposed class
8 definition. In March of 2008, NIOSH issued a
9 revised evaluation report with a modified
10 class definition.

11 NIOSH presented the revised class
12 definition at the April 2008 Advisory Board
13 meeting, and the Advisory Board concurred with
14 NIOSH's recommendation. The current status is
15 research and discussion on the petition
16 continues among the work group, SC&A, and
17 NIOSH.

18 Nevada Test Site. The evaluation
19 report was approved and sent to the Advisory
20 Board and the Petitioners on September 2007.
21 We presented our evaluation report at the
22 January 2008 Advisory Board meeting. The

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1 Advisory Board sent the report to their
2 contractor and the work group for review.

3 The work group met on October 29,
4 2008, and the current status is research and
5 discussion on the petition continues among the
6 work group, SC&A, and NIOSH.

7 Mound Plant. The evaluation report
8 for Mound was approved and sent to the
9 Advisory Board and the Petitioners in December
10 of 2007. NIOSH presented that evaluation
11 report at the January 2008 Advisory Board
12 meeting. The Advisory Board concurred with
13 NIOSH's recommendation to add a class for the
14 early years, but sent the report to their
15 contractor for review and established a Mound
16 work group.

17 The work group has met on a number
18 of occasions -- April, July, and October of
19 2008 -- and the current status is research and
20 discussion on the petition continues among the
21 work group, SC&A, and NIOSH.

22 Texas City Chemical. NIOSH

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1 completed their evaluation report and sent it
2 to the Advisory Board and the Petitioners on
3 January 18, 2008. We presented that
4 evaluation report at the April 2008 Advisory
5 Board meeting, and the Advisory Board gave the
6 petition evaluation report to the surrogate
7 data work group for review.

8 SC&A completed a focused review of
9 the Texas City Chemical evaluation report in
10 July of 2008, and the current status is the
11 petition evaluation report is with the
12 Advisory Board for recommendation.

13 Area 4, Santa Susana Field
14 Laboratory. The evaluation report was
15 approved and sent to the Advisory Board on
16 February 15, 2008. We presented our
17 evaluation report at the April 2008 Advisory
18 Board meeting. The Advisory Board indicated
19 they would not take action on this petition.
20 We had recommended a class from early years,
21 but there were issues with that class
22 definition. So they wanted until SC&A

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1 completed the review of the site profile.

2 SC&A issued their draft review of
3 the Santa Susana site profile on August 5,
4 2008, and the work group had their first
5 meeting on August 26, 2008. The current
6 status is the petition evaluation report is
7 with the Advisory Board for recommendation.

8 Dow Chemical. We issued an
9 addendum. We had completed an evaluation, an
10 83.14 evaluation, some time ago. There were
11 issues that -- for the residual period. That
12 residual period only addressed uranium. At
13 that time, thorium was not considered a
14 covered exposure with respect to AWEs, atomic
15 weapons employers.

16 However, after review by Department
17 of Energy and Department of Labor, it was
18 determined that the thorium exposure should be
19 included. So we went back, issued an addendum
20 to our report, which is Addendum 2, to address
21 the thorium exposures during the residual
22 period.

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1 We issued that to the Petitioners
2 on June 3, 2008, and the Advisory Board. And
3 we presented that addendum at the June 2008
4 Advisory Board meeting. The Advisory Board
5 asked the procedures work group to review the
6 recently approved dose reconstruction
7 procedure for residual contamination, and
8 assigned the addendum evaluation to the work
9 group on SEC issues.

10 In September of 2008, SC&A
11 completed a focused review of the addendum.
12 And on November 17, 2008, the work group met
13 and discussed the report. The general
14 conclusion from the work group was NIOSH's
15 dose model was bounding, but NIOSH needed to
16 verify a couple of numbers for the work group.

17 On January 12, 2009, NIOSH sent the
18 work group written comments to issues on the
19 report. Current status is the evaluation
20 report addendum is with the work group for
21 recommendation.

22 Pantex. The evaluation report was

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1 approved and sent to the Advisory Board and
2 Petitioners on August 8, 2008. We presented
3 that evaluation report at the September 2008
4 meeting, and the current status is the
5 petition evaluation report is with the
6 Advisory Board for recommendation.

7 Savannah River Site. The
8 evaluation report was approved and sent to the
9 Advisory Board and Petitioners in November of
10 2008. We presented that evaluation report at
11 the December meeting, and the current status
12 is the petition evaluation report is with the
13 Advisory Board for recommendation. And there
14 is the Savannah River Site work group that is
15 reviewing that.

16 General Steel Industries. We
17 approved the evaluation report and sent it to
18 the Advisory Board and Petitioners on October
19 2008, and we presented that at this meeting.
20 And the Advisory Board determined that there
21 will be continued review of that petition.

22 Tyson Valley Powder Farm. The

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1 evaluation report was approved and sent on
2 January 20th to the Advisory Board and the
3 Petitioners. And, actually, it was approved
4 on January 20th and sent to the Advisory Board
5 and Petitioners on February 3rd. You will
6 notice the difference in the following
7 evaluation reports. There are additional
8 reviews that are now required that we will
9 approve it, but we can't release it until a
10 little time after that.

11 So that report, again, was approved
12 on January 20th, and then issued on February
13 3rd. And we presented that evaluation report
14 at this meeting, and the Advisory Board
15 concurred with our recommendation to add a
16 class.

17 Westinghouse Atomic Power
18 Development. We approved the evaluation
19 report on January 21st, and the report was
20 issued on February 6th to the Advisory Board
21 and the Petitioners. We presented that
22 evaluation report at this meeting, and the

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1 Board concurred with our recommendation to add
2 a class.

3 Los Alamos National Lab. The
4 evaluation report was approved on January
5 22nd, and it was sent to the Advisory Board
6 and Petitioners on February 5th. NIOSH
7 presented that evaluation report at this
8 meeting, and the evaluation report has been
9 turned over to the LANL work group, the Los
10 Alamos National Lab work group.

11 Linde Ceramics. The evaluation
12 report was approved and sent to the Advisory
13 Board and Petitioners on November 6, 2008.
14 The Petitioner asked that we not present that
15 evaluation report at the December or the
16 February Board meeting, because of preparation
17 issues that they had. They asked that we do
18 our presentation at the May meeting, which we
19 are scheduled to do.

20 All right. We have SEC petitions
21 currently in the evaluation process.
22 Brookhaven National Lab, we received that

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1 petition on May 9, 2008. We have had a
2 lengthy evaluation with this one because of
3 issues we have had with data capture, and not
4 all of the issues are associated with the
5 Department of Energy. And issues with that
6 are more -- a lot of the issues are associated
7 with the site records management has not been,
8 I would say, very cooperative and very good at
9 times.

10 We continue to do that evaluation.

11 We plan to have that evaluation report
12 complete in April and present at the May
13 meeting, but we are still retrieving data at
14 this time.

15 United Nuclear Corporation. We
16 received that petition on June 19, 2008. We
17 plan to have that complete -- the evaluation
18 report complete in March and present at the
19 May meeting.

20 Standard Oil. We received that
21 petition on September 18, 2008, and we
22 anticipate completing that report in March and

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1 presenting at the May meeting.

2 Piqua Organic Moderated Reactor. We
3 received that petition on August 21, 2008, and
4 the anticipated completion is May of 2009.
5 However, we don't believe we will have that
6 completed in time to present it to give the
7 Board and Petitioners enough time to review
8 that for the May meeting.

9 Bliss and Laughlin Steel. We
10 received that petition on October 14, 2008,
11 and we anticipate completion on July of 2009.

12 Just a final thing, we have had
13 some changes in our processes and reviews that
14 have pushed our completion of reports. The
15 Board received the reports for this meeting
16 only a week or two prior to the meeting. We
17 have made adjustments in our project plan to
18 address future reviews that will get us back
19 on schedule to get the reports to the Board in
20 a period of time for them to review them prior
21 to the meeting.

22 And that's all I have.

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1 CHAIRMAN ZIEMER: Thank you, LaVon.

2 We did receive an e-mail note while
3 you were speaking from one of the phone
4 listeners, and there apparently is a terrible
5 roar on the line. They are still having a
6 great deal of difficulty hearing.
7 Unfortunately, we are not able to correct that
8 for some reason. I think it must be in the
9 lines. The landlines here at the hotel are
10 either defective or have some sort of
11 interference, but it is not something we are
12 going to be able to correct readily.

13 So our apologies to those on the
14 line if they can even hear the apology.

15 Okay. Questions for LaVon? Dr.
16 Melius.

17 MEMBER MELIUS: Yes. You mentioned
18 the change in review processes. What were
19 those? You make it sound so mysterious.

20 MR. RUTHERFORD: Well, we have had
21 additional review requirements from the
22 Department of Energy for all our documents.

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1 In the SEC world, in our process, we always
2 have a detailed project plan that we set up
3 for us to complete our evaluation reports
4 within the 180-day criteria.

5 Back in the September/October
6 period, we had changes in that process that
7 forced us to add additional reviews during
8 that period that, at that time, we were well
9 along in our evaluations, and so it forced us
10 into a position where current petitions that
11 were under evaluation we lost some time in
12 completing them. And so that ultimately ended
13 up with the Board not getting the reports
14 until a few weeks prior to that.

15 We have made adjustments in that
16 project plan for all petitions from this point
17 forward, that that issue should not be a
18 problem.

19 MEMBER MELIUS: I have a follow-up
20 question. I don't remember all of the dates,
21 but it appeared as if you were not making the
22 180-day requirement most of the time. You

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1 were missing that.

2 MR. RUTHERFORD: We actually did,
3 and we did send a letter to the Advisory
4 Board, and we actually mentioned it actually
5 at the last Advisory Board meeting. We had a
6 number of petitions over a period of time, due
7 to not one issue, there were four or five
8 different issues that caused us to exceed the
9 180 days.

10 We had changes in how data captures
11 were going to occur with points of contact
12 from the Department of Energy that we lost
13 some time on some evaluations. We had some
14 additional reviews that cost us some time in
15 evaluations.

16 Also, a couple of the petitions
17 were just very large petitions with, you know,
18 40-year timeframes, 50-year timeframes, that
19 it was just not reasonable for us to complete
20 within 180 days those evaluations.

21 We also had petitioner issues, with
22 one petition, the Linde Ceramics petition. We

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1 received the petition, went through
2 qualification. Ultimately, in the end we were
3 not going to qualify the petition, and the
4 petitioner changed the basis of the petition,
5 recognized, and provided new information that
6 allowed us to qualify that petition. But if
7 you look at that, you're 80 days into the
8 process at that point. So --

9 CHAIRMAN ZIEMER: Other comments?
10 Questions?

11 (No response.)

12 Okay. Thank you very much, LaVon.
13 We have already had our Science
14 Update from Dr. Neton. So let us proceed to
15 Subcommittee and Work Group Reports, and we
16 will go down through the list, although those
17 that have already reported out previously in
18 this meeting, I think, Ted, we can probably
19 skip over, unless the chairs have anything
20 additional to add.

21 Hold on. We are determining a
22 procedure here. Okay. Go ahead, Ted.

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1 MR. KATZ: Sorry about the
2 interruption.

3 Okay. So we are just doing these
4 more or less alphabetically. Blockson
5 Chemical, that we have already covered. So
6 the next is Chapman Valve. Dr. Poston?

7 CHAIRMAN ZIEMER: Let me repeat it.
8 I'm not sure that carried. No report from
9 Chapman.

10 MR. KATZ: Yes. I'll repeat it, I
11 guess, so that people can hear.

12 MEMBER MELIUS: Can I ask a
13 question? LaVon mentioned in his, and I
14 should probably have asked this of LaVon
15 earlier, but in his report on Chapman, he
16 mentioned the letter from Larry that we
17 received in January updating on their search.

18 And there is one point in that
19 letter where trying to locate records and
20 working with the Defense Department, there is
21 a limited computer search that you can do. I
22 think I've got that correct. But there are

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1 original contracts from a prior time period,
2 which may very well be the time period of
3 interest for the Chapman site.

4 That could be accessed.
5 Apparently, you have to go to the National
6 Archives. There are a lot of logistical --
7 but what is not clear from Larry's letter is
8 whether NIOSH intends to do it or not. He
9 doesn't -- what it says is to view the
10 original contracts would require a time-
11 consuming and costly manual search through
12 boxes of records at the National Archives.

13 CHAIRMAN ZIEMER: And Jim Neton
14 perhaps has a comment on that.

15 DR. NETON: Yes. We don't intend,
16 at this point, to engage in that activity
17 because of those reasons that were cited. And
18 on top of that, I'm not sure it came through
19 in the letter, but the titles -- the contracts
20 themselves are fairly non-descriptive about
21 radiological activities. They are contractual
22 documents that contract people to manufacture

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1 valves.

2 And I think it would be probably
3 not in the contract to say, "Oh, and by the
4 way, they might be contaminated with, you
5 know, X, Y, and Z." So I just don't sense
6 that there is going to be anything fruitful
7 coming out of a search of these contracts that
8 are specifically contracts just to manufacture
9 uncontaminated equipment.

10 MR. KATZ: The other piece of
11 information I know about this -- I don't know
12 if it was addressed in the letter, Dr. Melius,
13 or not, but that was whether the Navy group
14 that has sort of ownership of those records,
15 even though they're in the Archives,
16 apparently you need the support of the agency
17 who is responsible for those records to obtain
18 them.

19 And I think we have had
20 difficulties with that group on epidemiologic
21 work unrelated to this program, and not being
22 willing to provide the support that we need to

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1 be able to obtain records from the Archives.

2 MEMBER MELIUS: I am familiar with
3 that difficulty. It actually goes back about
4 30 years, so I -- Admiral Rickover days,
5 actually. But I question whether it is still
6 relevant, but I know that, on the other hand,
7 the Defense Department does tend to be very
8 protective about these issues, so it may still
9 be.

10 But I just think it is disturbing
11 that there is no further follow-up of this.
12 And I couldn't actually tell from Larry's
13 letter whether he was looking for the Board to
14 say something or give him advice on this, or
15 what -- or if this was a NIOSH decision not to
16 do it, not to follow up. I guess.

17 DR. NETON: We believe that we
18 pulled the thread as far as we can go at this
19 point, and we don't believe it would be
20 fruitful to pursue this avenue.

21 CHAIRMAN ZIEMER: Dr. Lockey, did
22 you have a comment?

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1 MEMBER LOCKEY: No. I was
2 wondering, would it be possible, rather than
3 going through all of the records, just do a
4 random sample of 10 percent or five percent,
5 and just make sure in fact that's the case,
6 there's nothing in there that's useful? Or is
7 that problematic?

8 DR. NETON: Well, anything is
9 possible. I mean, we could certainly do that
10 if --

11 MEMBER LOCKEY: How laborious would
12 that be?

13 DR. NETON: I really don't know.
14 We would have to research it in a little bit
15 more detail. You know, there's a point where
16 there is a cost-benefit here of, you know --

17 MEMBER LOCKEY: Right.

18 DR. NETON: -- and how much money
19 are we going to spend? And what is the
20 chance, if we do spend all of that money, that
21 anything is going to surface of relevance to
22 this issue?

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1 MEMBER LOCKEY: Okay. That's why I
2 was sort of mentioning if you would take a
3 random sample that is five percent of the
4 records, and there is nothing there, and then
5 you could probably stop at that point.

6 DR. NETON: Yes. I will be happy
7 to look into that in a little bit more detail.

8 MEMBER LOCKEY: Okay.

9 DR. NETON: I'm not prepared to
10 comment on that.

11 CHAIRMAN ZIEMER: Mark.

12 MEMBER GRIFFON: This isn't really
13 to John. This is more directed to NIOSH also.
14 There was another part of the follow-up, and
15 I don't know if you had any luck following up
16 on --

17 DR. NETON: Yes. I think that was
18 addressed in the letter.

19 MEMBER GRIFFON: Oh, okay.

20 DR. NETON: This was in relation to
21 the --

22 MEMBER GRIFFON: Decommissioning

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1 work.

2 DR. NETON: -- decommissioning
3 work. We went through the entire court docket
4 that was filed at the end of the
5 decommissioning period. There were
6 indications about where the material was
7 actually transferred. I believe it was
8 Envirocare. There was no indication in that
9 documentation that there was any enriched
10 uranium of any type that was shipped, no
11 mention at all.

12 We did not locate the original
13 shipping manifest, though, but clearly if you
14 follow the thread in the document, there is no
15 hint of any special care that was taken with
16 these samples, because they might have been
17 enriched in uranium.

18 There was another indication, there
19 was some concern about the -- I'm working from
20 memory here, so bear with me. There was some
21 concern about the fact that one of the two
22 samples that were measured for isotopic came

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1 back positive, potentially indicating that,
2 you know, maybe there were a lot more.

3 There was a survey in that docket
4 that was conducted where they did a number of
5 isotopic analyses. And I forget how many now,
6 but a fair number, and all of the results --

7 MEMBER MELIUS: Eleven.

8 DR. NETON: Eleven? Okay. I guess
9 11 is a fair number.

10 MEMBER MELIUS: It's in the --

11 DR. NETON: Yes, it's in the
12 letter. There were 11 samples, and all of
13 those the analyses came back consistent with
14 natural uranium.

15 MEMBER GRIFFON: And were you able
16 to -- I should have looked over the letter.
17 But were you able to contact the contractor?
18 I know at one point you had talked about --

19 DR. NETON: No, it is covered in
20 the letter. We had contacted -- we attempted
21 to contact the contractor who performed the
22 operation. I think it was --

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1 MEMBER GRIFFON: Bechtel.

2 DR. NETON: -- Bechtel, yes, on a
3 number of occasions, and --

4 MEMBER MELIUS: Good memory.

5 DR. NETON: -- it's listed in the
6 number of times we have tried to make contact
7 to no avail.

8 MEMBER GRIFFON: To no avail.

9 DR. NETON: Yes.

10 MEMBER MELIUS: Actually, since the
11 last meeting, there has been more contact with
12 Bechtel. That's in the letter that --

13 CHAIRMAN ZIEMER: Yes.

14 MEMBER MELIUS: -- the conclusions
15 process is a little bit more -- they have had
16 some contact and gotten some information. It
17 is not helpful.

18 CHAIRMAN ZIEMER: Thank you.
19 Further comments or questions?

20 (No response.)

21 Okay. Continue.

22 MR. KATZ: Fernald site profile and

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1 special exposure cohort. Mr. Clawson?

2 MEMBER CLAWSON: Yes. We've got
3 several issues that we're dealing with right
4 now. SC&A is developing a sampling plan.
5 Everybody remembers at the last work group
6 meeting, the sampling plan they had didn't
7 quite fit what everybody would have hoped, and
8 what we were going to gain from it.

9 So they are in the process of
10 developing a sampling plan, and we have had
11 several white papers issued, mainly dealing
12 with radon breath and with the K-65 silos.
13 And we have a tentative work group scheduled
14 in April. That's about it.

15 MR. KATZ: Any questions?

16 (No response.)

17 Okay. Hanford site profile and
18 special exposure cohort. Dr. Melius?

19 MEMBER MELIUS: Yes. We recently
20 received a review, sort of an abbreviated
21 review from SC&A on some of the work that
22 NIOSH had been able to complete. And we need

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1 to schedule a work group meeting shortly to
2 have some discussion and try to resolve and
3 deal with issues.

4 I will say that all of the work
5 that -- to some extent the work that NIOSH is
6 doing at Hanford, and certainly SC&A's access
7 to any information at Hanford has been
8 severely constrained by some of these ongoing
9 issues with the Department of Energy. That
10 apparently is the site where even the
11 Department of Energy is having the most
12 difficulty trying to resolve some of these
13 records access stuff.

14 So the review by SC&A is limited. I
15 think it is worth having some discussion on,
16 but we really do need to resolve these records
17 access issues. They are -- I think both for
18 NIOSH, but probably for SC&A, if we are going
19 to have any meaningful review of the
20 incredible review of the NIOSH documents.

21 So we can, I think, do the meeting
22 by conference call. We will probably schedule

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1 it some time in the next few weeks.

2 MR. KATZ: Thank you. Any
3 questions?

4 (No response.)

5 So INL. Mr. Schofield?

6 MEMBER SCHOFIELD: I think we are
7 ready to get scheduled or use the mic. I
8 think we are at a point everybody has had
9 enough time to look at the documents that we
10 can go forward to schedule a work group
11 meeting on the issues, to look at the document
12 and see if there is anything we want further
13 review or study on.

14 MR. KATZ: I'm sorry. Did you ask
15 me a question?

16 (No response.)

17 Okay. Sorry.

18 Los Alamos. Mr. Griffon?

19 MEMBER GRIFFON: Yes. I think, you
20 know, and after this meeting obviously we have
21 had the presentation and heard from the
22 Petitioner, and I think we are ready B

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1 (AFDTPCO.)

2 PARTICIPANT: The parties aren't
3 able to hear you from that line. Do you have
4 a Blackberry or anything next to the phone.

5 MR. KATZ: Ma'am, this is the
6 conference that is broadcasting this
7 conference call.

8 PARTICIPANT: It is putting a bad
9 buzzing into the conference call.

10 MR. KATZ: I know, I know. We have
11 been plagued with this for three days now, and
12 there is no Blackberry close to the --

13 PARTICIPANT: Did you try to switch
14 phones or anything?

15 MR. KATZ: I don't know if the
16 issue is that we have a lot of wireless mics,
17 and I don't know if they are somehow
18 interfering with the phone line.

19 PARTICIPANT: Yes. You're on that
20 mic. Have you tried a different one?

21 (Laughter.)

22 MR. KATZ: Yes. We have tried just

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1 about everything I think. And I think we are
2 just going to have to suffer through it for
3 the rest of this meeting. But if you can't --
4 if there is nothing you can do to clear the
5 line.

6 PARTICIPANT: Not really.

7 MR. KATZ: Okay. Thank you.

8 PARTICIPANT: I will just have to
9 -- it's hard for them to hear you.

10 (Laughter.)

11 MR. KATZ: I understand that, and I
12 am very sorry for them. Having been in their
13 position, I understand that. But there is
14 nothing technically we can do to resolve this
15 now, then, if you can't somehow improve the
16 line quality. But thank you. Thank you for
17 trying.

18 PARTICIPANT: You're welcome.

19 MEMBER GRIFFON: Yes. All I was
20 saying is for LANL we heard a presentation
21 yesterday of the evaluation report from NIOSH,
22 and we heard a presentation by the

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1 Petitioners, who obviously put a lot of time
2 and research into their issues regarding the
3 petition.

4 At this point, I don't know if -- I
5 think we have officially already tasked SC&A
6 to review this report. If not, Paul, I would
7 offer that we should do it now or --

8 CHAIRMAN ZIEMER: We did.

9 MEMBER GRIFFON: We did. Okay.

10 CHAIRMAN ZIEMER: We did.

11 MEMBER GRIFFON: Okay. So SC&A
12 will start reviewing the evaluation report. I
13 will coordinate with all parties, and once we
14 are ready for a meeting we will schedule a
15 work group meeting to move forward on that.

16 MR. KATZ: Thank you, Mark.

17 Mound. Ms. Beach?

18 MEMBER BEACH: At this time, Mound
19 work group is waiting for six white papers
20 between SC&A and NIOSH. All six have gone
21 through their DOE security review, and we
22 anticipate delivery of those hopefully by the

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1 1st of March. Right now, the work group is
2 looking at scheduling a meeting the week of
3 the 20th. It will be a two-day meeting,
4 hopefully to get through all of the work that
5 is coming at the same time.

6 MR. KATZ: Thank you.

7 The Nevada Test Site. Mr. Presley?

8 MEMBER PRESLEY: We have not had a
9 meeting since our October meeting. But there
10 has been a whole lot going on. Contractor
11 SC&A has been checking on some of the last
12 items that we had to try to get this TBD issue
13 settled.

14 John Mauro wrote a white paper on
15 the 15th on the outcome of some of this data.

16 I would like for John to come to the mic, if
17 he would, and tell the Board what he found out
18 about the --

19 CHAIRMAN ZIEMER: John?

20 DR. MAURO: Yes. Good morning. I
21 sent out what I call a one-pager to the work
22 group members. I hope you found that useful.

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1 It was sort of as succinct as I can summarize
2 our understanding of where we are on matters
3 related to many of the SECs that have just
4 been mentioned.

5 Nevada Test Site. I prepared that
6 one. There are fundamentally three issues
7 that we are reviewing within an SEC context.
8 In other words, these are issues that we
9 consider to be SEC issues, and, when resolved,
10 all issues will be resolved.

11 The issues include badges left
12 behind. We all are familiar with the subject.

13 SC&A has delivered a number of reports
14 related to badges left behind -- one which you
15 could consider to be a review of records to
16 see if there was any data in the historical
17 records of a selected number of workers. We
18 picked ten workers to see if there were any
19 disparities between the film badge records and
20 the PIC data. And we concluded that, though
21 there was one out of the 10 that had somewhat
22 of an anomaly there, it wasn't an unexpected

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1 anomaly. It was something that could
2 reasonably occur.

3 We were looking for a situation
4 where we consistently found low or zero
5 readings for film badges, but positive
6 readings on the PICs. And we didn't find
7 that. So the result of that limited
8 investigation -- those only 10 individuals by
9 the way -- it was quite an undertaking,
10 because we had to go into original records. It
11 actually consisted of thousands of pages of
12 handwritten records, and extracting the
13 salient information.

14 The bottom line is we did not find
15 any evidence in that review of a systematic,
16 widespread badges left behind issue as within
17 that context of comparing PIC to film badge
18 data. So that is done, delivered, the Board
19 has it.

20 Related to that matter, we also
21 submitted two studies. One I will call the
22 [Identifying Information Redacted] study, and

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1 the other I will refer to as the interviews
2 studies.

3 If you call, as part of the work
4 related to badges left behind, at one of our
5 meetings in Las Vegas, there were a number of
6 workers who were there who indicated that they
7 had in fact left their badges behind. Our
8 team of folks interviewed those individuals,
9 and we prepared two reports addressing those
10 matters that are in the hands of the work
11 group.

12 The reports indicate that there is
13 very little doubt that badges were left
14 behind, that it was a failure widespread. But
15 the important conclusion is that we come out
16 of this is we can't say that because of that
17 practice which took place based on these
18 interviews that it was of such a nature that
19 it was not possible to create a co-worker
20 model.

21 Think of it this way. If you have
22 a collection of film badge data, and you plot

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1 it, and you create a log normal distribution
2 out of that plot, and you decide that you
3 would like to use the upper end of that
4 distribution as a co-worker number to assign
5 to workers, we don't have any indication,
6 based on the work that we did, that the upper
7 tail somehow has been compromised.

8 CHAIRMAN ZIEMER: John, I'm going to
9 interrupt you for a minute, because we are
10 starting to get into work group business. And
11 I am going to ask you to be more brief. Just
12 describe what you did and --

13 DR. MAURO: My apologies.

14 CHAIRMAN ZIEMER: I think we will
15 let the work group deal with those details, in
16 the interest of time here. Sorry.

17 DR. MAURO: I'll move on to the
18 last item. Well, that was really the first
19 item -- namely, badges left behind.

20 The next item has to do with the
21 reconstruction of airborne -- of external --
22 of internal exposures to workers that worked

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1 in the Flats. There was a methodology
2 proposed by NIOSH. We reviewed that. Lynn
3 Anspaugh presented his results at the last
4 work group meeting, and we have lots of
5 concerns.

6 NIOSH had indicated that they would
7 look into those concerns, and that is
8 reconstructing internal doses to workers who
9 are outdoors in the Flats.

10 The third and last item, and what I
11 consider to be an extremely important item, is
12 NIOSH's proposed methodology to develop a co-
13 worker model for workers who enter controlled
14 access areas. And the plan is to use the
15 bioassay data from 100 workers listed in Table
16 7-1 of the evaluation report.

17 We have prepared a review of that
18 report, and we have raised a number of
19 concerns whether or not that group of 100
20 workers is a good group to build an internal
21 dose reconstruction co-worker model.

22 NIOSH is aware of our concerns, and

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1 had indicated in our last meeting that they
2 will look into those issues.

3 I apologize for being a little bit
4 lengthy.

5 MEMBER PRESLEY: Thank you.

6 CHAIRMAN ZIEMER: Thank you very
7 much.

8 MEMBER PRESLEY: Can I finish,
9 please?

10 CHAIRMAN ZIEMER: Yes. Go ahead,
11 Robert.

12 MEMBER PRESLEY: John knows they're
13 all SEC issues.

14 CHAIRMAN ZIEMER: Yes, they are.

15 MEMBER PRESLEY: Issues for the
16 technical basis document have been solved. I
17 would love to vote on that today, but what I
18 am going to do is ask for this issue to be put
19 on the telephone conference date for us to be
20 able to bring this issue to the Board and us
21 vote, and go ahead and get this TBD out of the
22 way, so that we can start working on the site

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1 profile and hopefully help some of these
2 people that aren't getting paid.

3 Thank you.

4 CHAIRMAN ZIEMER: Okay. Thank you
5 very much. Ted will go on to the next one,
6 then. Well, I should ask for questions here
7 on that report. Okay. Go ahead.

8 MEMBER MELIUS: Can I --

9 CHAIRMAN ZIEMER: Yes. Dr. Melius?

10 MEMBER MELIUS: A suggestion. If
11 we are going to be voting on this in the March
12 conference call, or whenever the conference
13 call is, I would hope we would get some
14 information, so the Board could have some of
15 this information to look at in a way that is
16 succinct and focused, and we would be able to
17 then know what we are voting on. That's all.

18 CHAIRMAN ZIEMER: Yes, a summary of
19 what the recommendation is and the salient
20 points.

21 MEMBER MELIUS: Yes.

22 CHAIRMAN ZIEMER: Yes. Thank you.

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1 MR. KATZ: Thank you. Let's see
2 where we are here.

3 Okay. Pantex. Mr. Clawson?

4 MEMBER CLAWSON: As of yet, we --
5 the work group has not met. But in March 15th
6 we are doing what they would classify as an
7 information-gathering opportunity. Pantex is
8 a very difficult place to be able to deal
9 with, so we are going to have a tour of the
10 area, and also somewhat of a security
11 briefing, so that we can understand what the
12 issues are and how we can deal with them, and
13 work with DOE to be able to do that. Then, we
14 are going to set up a working group after
15 that.

16 MR. KATZ: Thank you, Brad.

17 Pinellas. Mr. Schofield?

18 MEMBER SCHOFIELD: Right now, there
19 are two white papers from NIOSH under review
20 by DOE. After those come out, we will then
21 have a date where we can schedule a work group
22 meeting. We have three major outstanding

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1 issues to address.

2 MR. KATZ: Rocky Flats. Mr.
3 Griffon?

4 MEMBER GRIFFON: Rocky Flats --
5 this is pertinent, since we heard from one of
6 the petitioners yesterday on the phone. There
7 was some follow-up on Rocky Flats. The
8 Ruttenberg database -- NIOSH now has the
9 Ruttenberg database.

10 I went with Brant Ulsh and Mutty
11 Shafi to Denver to -- just to be a Board
12 representative there while this exchange
13 occurred. We briefly looked at the database,
14 but really we have to review it completely and
15 compare it with that.

16 So this is the University of
17 Colorado database, which has neutron data in
18 it. The question, just to refresh people's
19 memories is, you know, was it the same
20 original source data? There is some
21 indication that it was. University of
22 Colorado then did some different things with

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1 the data for their own research, and now we
2 have to sort of tease all of that out and look
3 through that. NIOSH is beginning that
4 process.

5 Brant Ulsh has assured me that he
6 will post the database on the O drive, so that
7 work group members can look at this as well in
8 our normal location where we have this data.

9 And then, if -- I think it would be
10 warranted to have a follow-up work group,
11 since there is a lot of interest from the
12 petitioners here once we are at a point where
13 we have a more definitive answer on the
14 review, on what it shows. So that is sort of
15 an update on the University of Colorado
16 database.

17 That is all I had at this point
18 from the last meeting.

19 MR. KATZ: Any questions?

20 (No response.)

21 Thank you, Mark.

22 I just realized we were amiss in

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1 not even checking in on Mike Gibson. Mike,
2 are you with us on the phone? Mike?

3 (AFDTPCO.)

4 (No response.)

5 Okay. So we don't have Mike. I
6 was just thinking -- Josie, do you have
7 anything? Do you think you can pinch-hit for
8 Mike, or --

9 MEMBER BEACH: Without talking to
10 Mike --

11 MR. KATZ: Okay.

12 MEMBER BEACH: -- no.

13 MR. KATZ: Sure. Sure. We'll just
14 move on, then.

15 MEMBER GRIFFON: He's on the line.
16 He e-mailed just five minutes ago saying he
17 couldn't hear.

18 MR. KATZ: Okay. So let's move on.
19 We can come back to this, if we get this
20 corrected.

21 MEMBER GRIFFON: His last note said
22 the line is completely down.

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1 MR. KATZ: Hold on. Then, I'm
2 going to see -- maybe I should hang up on this
3 line and reconnect.

4 PARTICIPANT: Why don't we go on
5 and do our break and --

6 MR. KATZ: Do you want to -- okay.
7 All right. All right. Savannah River Site.
8 Mr. Griffon again.

9 MEMBER GRIFFON: A quick update on
10 Savannah River. SC&A has been tasked to
11 review the evaluation report, and it is in
12 process. So SC&A is working on that. I think
13 NIOSH has also asked Savannah River -- are
14 getting additional data that they needed.

15 So they are in the process of
16 reviewing the evaluation report, and we will
17 schedule a work group meeting as soon as it
18 makes sense to do so.

19 MR. KATZ: Thank you.

20 SEC issues. Dr. Melius?

21 MEMBER MELIUS: Yes. We have some
22 ongoing things to deal with. One is -- the

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1 main thing is the Dow site. And we have been
2 holding off on a meeting waiting -- hoping
3 that [Identifying Information Redacted] would
4 get his information finally. And Ted has been
5 trying heroically, is it would fair to say, to
6 try to resolve a whole bunch of issues,
7 including some that apparently are new issues
8 in regards to FACA and FOI that required some
9 legal sleuthing, or whatever, review to decide
10 how to do that.

11 I am hopeful, and I think Ted is
12 hopeful, that those issues will get resolved.

13 And I think we can try to schedule a meeting
14 between now and the next Board meeting to --
15 work group meeting to discuss -- you know,
16 further discuss the Dow site.

17 MR. KATZ: Thank you. Any
18 questions?

19 (No response.)

20 Okay. Then, we have -- let's get
21 the subcommittees at this point, but --

22 MEMBER MELIUS: Actually, the

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1 second part of that is the 250-day issue. I
2 was waiting for Dr. Ziemer to come back. But
3 we have one item there that I think is left
4 over from the last meeting, which is the
5 Metallurgical Laboratories that --

6 CHAIRMAN ZIEMER: Right. The issue
7 at the Metallurgical Lab was the point that
8 that work was a critical experiment. And
9 there was some question on I think -- well, a
10 number of those workers were there less than
11 250 days.

12 And I think there was a tentative
13 conclusion last time -- and, Jim Neton, you
14 may have to help me on this -- but there was
15 some thought that that could be bounded, but
16 it -- and it is not an incident in the sense
17 of a -- it was not an uncontrolled critical
18 event. It was a planned event. It was
19 controlled.

20 But, nonetheless, there is the
21 issue of a lot of these were less than 250
22 days. We are pretty confident there was not

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1 shielding. I think Dr. Poston confirmed that
2 to us based on some historical information he
3 had that there was primarily use of distance.

4 And there is data on that experiment, but
5 anyway that -- there is that issue for the
6 Metallurgical Lab on 250 days.

7 I think perhaps the subcommittee
8 was going to look at that. So we don't need
9 to discuss it necessarily here, but --

10 MEMBER MELIUS: Do we need to task
11 -- I think we need to task SC&A to look at it
12 from a 250-day perspective. I think since
13 they have not reviewed the site --

14 CHAIRMAN ZIEMER: Yes. Well, and
15 this may be one of those things where -- and
16 we want to make -- I don't know that there has
17 been any attempt to bound that already. So I
18 am not sure that we are there. You know, I am
19 concerned about the issue of who does what
20 first. There has not been an effort to do
21 bounding.

22 MEMBER MELIUS: Well, the other --

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1 the other possibility is we have been dealing
2 with the 250-day issue. Some of that we have
3 been approaching and sort of tasking NIOSH. I
4 don't know if that is a fair way of putting
5 it.

6 CHAIRMAN ZIEMER: Asking. Asking
7 and tasking.

8 MEMBER MELIUS: But looking at it
9 as to whether these can be done through dose
10 reconstruction, and that has some -- you know,
11 we think it may actually be feasible -- for
12 example, the Ames Laboratory to handle that --
13 those issues in that way. And Jim Neton is
14 working on that portion of it.

15 And maybe rather than tasking is we
16 hold a meeting of the SEC review group. Maybe
17 we will just sort of look at Metallurgical
18 Laboratories and see how that would fit in
19 with the thing.

20 CHAIRMAN ZIEMER: The issue.

21 MEMBER MELIUS: The issue that we
22 have looked at so far, and then decide whether

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1 -- you know, whether further work needs to be
2 done on it and who should do that work. Is
3 that --

4 CHAIRMAN ZIEMER: That is exactly
5 in line with my thinking, Dr. Melius.

6 MEMBER MELIUS: Okay.

7 CHAIRMAN ZIEMER: I think a little
8 more discussion needs to occur, because it's
9 not clear to me how all of these pieces fit
10 together -- the reactor versus the
11 radiochemical operations that occur, which is
12 why the class was added in the first place.
13 And is there another class possibly there? So
14 we need to talk through this.

15 DR. NETON: That's exactly what --

16 MEMBER MELIUS: I think it is just
17 helpful to deal with the 250-day issue to have
18 other examples to consider, because I think it
19 is --

20 CHAIRMAN ZIEMER: Arjun would like
21 to speak to some of this.

22 We got the line back here, and you

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1 probably know it because the buzzing has
2 returned, I suppose. But in any event, we
3 have a comment now from Arjun. And you may
4 need to use this mic up here.

5 This is Dr. Makhijani coming to the
6 mic.

7 DR. MAKHIJANI: Just a question,
8 Dr. Melius. Did you want us to familiarize
9 ourselves with the Met Lab question without
10 any evaluation, so we can discuss? Or should
11 we hold off until the meeting? I'm not clear
12 on what we should do.

13 MEMBER MELIUS: I'm not sure
14 either, but familiarize would probably be
15 useful before the meeting. I'm not so sure
16 whether that's a task -- familiarizing is a
17 task or --

18 (Laughter.)

19 CHAIRMAN ZIEMER: Well, I think, as
20 a minimum, if you look at the evaluation
21 report for that petition, you will know what
22 the issue is. And then, we will discuss --

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1 and you are sort of generally, you know -- I
2 know you are familiar with the CP-1 program
3 and the criticality experiment of Enrico Fermi
4 and his colleagues.

5 DR. MAKHIJANI: Yes.

6 CHAIRMAN ZIEMER: So that's what
7 we're talking about and many of those workers
8 were there very briefly for that particular
9 event and the preparation. And, of course,
10 after that much of it moved to what is now
11 Argonne National Lab. But some of those
12 workers moved to other places.

13 DR. MAKHIJANI: Yes. So we will
14 just look at it enough to know what NIOSH has
15 done and prepare for a discussion.

16 CHAIRMAN ZIEMER: Right.

17 DR. MAKHIJANI: Thank you.

18 CHAIRMAN ZIEMER: And I guess that
19 is sort of a tasking.

20 DR. MAKHIJANI: Yes.

21 CHAIRMAN ZIEMER: We are not asking
22 you to -- you know, just read the documents

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1 and be familiar with what the discussion is
2 going to be. Does that seem reasonable?

3 DR. MAKHIJANI: And it would be
4 within the existing 250-day working group,
5 so --

6 CHAIRMAN ZIEMER: Right.

7 DR. MAKHIJANI: I just needed
8 clarification.

9 CHAIRMAN ZIEMER: Right. And you
10 are already sort of tasked to work on the 250-
11 day issue. So this is possibly one of those.

12 DR. MAKHIJANI: Yes.

13 MR. KATZ: Thank you.

14 We have Dr. Ziemer, TBD 6000, 6001.

15 CHAIRMAN ZIEMER: Right. Earlier
16 this week we did task SC&A to begin review of
17 the general steel industries, which is really
18 the Appendix BB, but the petition portion of
19 that, so that is underway.

20 The work group has not met since I
21 last reported last month and identified a
22 number of tasks that were underway. We do

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1 have, I will report to you, a tentative date,
2 which I have not yet checked out with NIOSH,
3 but all of the working group members are
4 available.

5 And that would be on March 11th,
6 but that will also be dependent on completion
7 of some tasks that were underway. And I will
8 have to confirm with NIOSH on that and try to
9 get that confirmed within either today or
10 tomorrow, because I know if it's February 11th
11 we only have a few weeks to get this on the
12 schedule.

13 And I think, Ted, you were also
14 clear on that date as well.

15 So the plan is to meet, if
16 possible, on the 11th. And we will be dealing
17 both with the TBD 6000 matrix, as well as the
18 -- and we won't be ready yet for the -- well,
19 I am not expecting SC&A to have their review
20 of the petition evaluation report by that
21 time.

22 But at least we have some other

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1 issues that we are dealing with, including the
2 -- some issues on the Landauer film badges.
3 And there are some differences between
4 [Identifying Information Redacted]'s badge
5 information that he received from Landauer and
6 the NIOSH, and that has not yet been resolved
7 either.

8 So that is our report.

9 MR. KATZ: Thank you, Dr. Ziemer.

10 Surrogate data. Dr. Melius?

11 MEMBER MELIUS: Yes. Surrogate
12 data -- two things. One is we -- I think we
13 need to have another meeting of the work
14 group. Dr. Ziemer submitted comments that
15 unfortunately are diametrically opposed to
16 comments from another member of the work
17 group. And I think we -- the only way to do
18 it, I think we need to sit down and resolve.

19 I thought I had a resolution until
20 I got Dr. Ziemer's comments. And I think it
21 is worth further discussion and maybe some
22 further work on it. The comments are fine,

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1 but not --

2 CHAIRMAN ZIEMER: No. I was
3 worried about the other person's comments.

4 (Laughter.)

5 How could they be so far off?

6 (Laughter.)

7 MEMBER MELIUS: I'm not naming
8 names.

9 CHAIRMAN ZIEMER: No.

10 MEMBER MELIUS: This is to --

11 CHAIRMAN ZIEMER: Actually, just to
12 point out that SC&A has been utilizing the
13 criteria, as you recall, in the Texas City
14 case. So the main thing I would like to have
15 happen is for the work group to make a final
16 recommendation to the full Board on the
17 criteria. And I think that will be helpful.

18 MEMBER MELIUS: I also think in
19 terms of that meeting we should also discuss
20 the Texas City, because, again, hopefully
21 [Identifying Information Redacted] and the
22 petitioners --

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1 OPERATOR: Excuse me. This is the
2 conference coordinator. Is there anyone on
3 this line?

4 MR. KATZ: Yes. Yes, although we
5 just heard --

6 OPERATOR: There is a loud buzzing
7 coming from your mic. Are you on
8 speakerphone, or are you --

9 CHAIRMAN ZIEMER: Yes.

10 MR. KATZ: We are on speakerphone.

11 OPERATOR: Okay. I don't know how
12 to change the buzzing, because you're on
13 speakerphones. Is there a way you can
14 disconnect and call back, please?

15 CHAIRMAN ZIEMER: We have done
16 that.

17 MR. KATZ: We've done that. We've
18 done everything. I think the last time you
19 came on, or someone came on to do this, it
20 somehow disconnected the whole line, and we
21 lost our audience who is on this phone line,
22 too. But --

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1 OPERATOR: Okay. I'll reconnect
2 you, but I can pretty much guarantee you your
3 participants are not able to understand you.

4 CHAIRMAN ZIEMER: Yes. We realize
5 that, and we have been struggling with this
6 for three days. There's something in the line
7 here that we are unable to correct.

8 OPERATOR: Okay. I'll go ahead and
9 return you.

10 MR. KATZ: Thank you.

11 I'm sorry. I lost track here. Are
12 we -- did we finish up with surrogate?

13 MEMBER MELIUS: Texas City. We
14 need to -- I think we need to discuss that
15 also. There are some outstanding FOI issues
16 related to that from [Identifying Information
17 Redacted] and the petitioners, and I think we
18 need to -- to the extent we can resolve those,
19 or you can get me a schedule on when you think
20 some of those will be addressed. I'm less
21 familiar with those than I am with the Dow
22 one.

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1 MR. KATZ: Okay. I'll look into
2 those.

3 MEMBER MELIUS: Okay.

4 DR. MAURO: If I may, I'm not sure
5 if -- this seems live, this microphone.

6 CHAIRMAN ZIEMER: They're not
7 hearing us anyway I guess.

8 DR. MAURO: SC&A was tasked to
9 review OCAS IG-004, which explicitly deals
10 with the use of surrogate data. We will have
11 that draft report in the Board's hand by next
12 week. So it is one more piece of information
13 that should be helpful for the meeting.

14 CHAIRMAN ZIEMER: Okay. Very good.
15 Thank you.

16 MR. KATZ: Thank you, John. Okay.
17 Mike Gibson, can you hear us? Are
18 you on there? Do we have anyone on the phone?

19 PARTICIPANT: Yes.

20 PARTICIPANT: Yes, Ted.

21 MR. KATZ: Ah. You guys sound
22 clear to us. I'm sorry.

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1 Mike, are you on there?

2 CHAIRMAN ZIEMER: Mike Gibson?

3 MR. KATZ: Mike Gibson?

4 PARTICIPANT: Mike was on a couple
5 of minutes ago, and then the line went blank.
6 So maybe he tried to redial.

7 MR. KATZ: Yes. We had an operator
8 interrupt and mute the line. So, should we
9 give them a minute to --

10 CHAIRMAN ZIEMER: We can do it
11 after the break.

12 MR. KATZ: Okay. We can go with
13 the subcommittees, and then we'll go to Mike
14 last. So we have two subcommittees now for
15 public interest, because we established a new
16 subcommittee on procedures review. This was
17 formerly a working group, but because their
18 activities are routine they really deserve to
19 be a subcommittee, and so they are now.

20 So let's start with you, Mark, with
21 dose reconstruction.

22 MEMBER GRIFFON: The Subcommittee

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1 on Dose Reconstruction did not meet since the
2 last Advisory Board meeting. We were really
3 intending to. We got snowed out, and so did
4 the procedures. We had a back-to-meeting
5 scheduled.

6 What I am proposing is that we have
7 two subcommittees -- and I've sent around some
8 e-mails this morning that I'm sure everyone
9 has got -- two subcommittee meetings before
10 the next full Board meeting, primarily because
11 we have -- I think Stu might have passed out a
12 draft matrix with the 11th set.

13 This is a list of cases -- I think
14 there's 37 of them -- that actually fall
15 between 45 and 49.9 percent POC. I've gone
16 ahead and asked Stu -- if you recall, we do
17 this in a two-phase step. We first get
18 initial cases, and then we -- as a
19 subcommittee, we usually go through them and
20 say, okay, these are of interest, then we ask
21 for expanded information on a certain subset
22 of the larger list.

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1 In this case, the list isn't that
2 big. Stu said he could expand it and just do
3 all of these and bring it to the next
4 subcommittee meeting to expedite the process a
5 little bit. And then, hopefully, in the next
6 two subcommittee meetings before the next
7 Board meeting, we'll be able to come back with
8 a proposal to get an 11th set of cases.

9 Stu has also generated two other
10 lists that I'm sure the subcommittee members
11 have, but they are larger lists, so we want to
12 bring those lists to the subcommittee meeting,
13 cull those down a bit, and then go through our
14 normal two-step selection process.

15 But the full intention of this is
16 to have a proposed list of 11th set of cases
17 ready for action by the Board at the next full
18 Board meeting. We are a little delayed here,
19 and I want to make sure that SC&A has
20 continued work in that regard.

21 A couple of other items that we --
22 we were going to discuss at the last

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1 subcommittee meeting, but I am just going to
2 -- they are still on the agenda. And they
3 include selection protocol, case selection
4 protocol. We wanted to sort of revisit that.

5 I think we should still -- we will
6 revisit that. I think we should do it at the
7 subcommittee meeting. We can have more time
8 for a lengthy discussion on that and bring
9 back a proposal. If it is not to change
10 anything, that's what it is. But we can bring
11 back a proposal to the full Board meeting.

12 The other outstanding item is the
13 first 100 cases report, and we have been asked
14 by the Board to go back -- we had a draft
15 report at the last meeting. We were asked by
16 the Board to go back and basically beef it up,
17 answer some baseline questions that were not
18 addressed in the report. So we agreed to do
19 that, and we will discuss that at the next
20 subcommittee meeting as well.

21 So two subcommittee meetings coming
22 up, barring snow delays, and hopefully we will

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1 have more to report next meeting.

2 MR. KATZ: Okay. Let me --

3 CHAIRMAN ZIEMER: Could I ask a
4 question? Mark, I think -- do we now have the
5 results of the blind reviews from SC&A? And
6 are those going to be also reviewed by the
7 committee?

8 MEMBER GRIFFON: Yes. We have -- I
9 didn't go through all of --

10 OPERATOR: I am pulling this line.

11 MR. KATZ: It does hum, and there
12 is nothing that can be done to correct it at
13 this time.

14 OPERATOR: Okay. I'll let the --

15 MR. KATZ: Thank you.

16 OPERATOR: Can you let the parties
17 know? Because they keep on requesting.

18 CHAIRMAN ZIEMER: We've let them
19 know.

20 MR. KATZ: They understand that we
21 have a problem. Thank you.

22 OPERATOR: Okay.

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1 MEMBER GRIFFON: Yes. I didn't go
2 through -- we are still working on the six set
3 of cases and the seventh set, and we will
4 initiate the eighth set resolution process. I
5 think SC&A has almost completed the tenth set
6 of reviews.

7 John, can you give us an update on
8 that?

9 But you have also submitted blind
10 reviews. As Paul said, they will be in the
11 hopper for the subcommittee to discuss.

12 DR. MAURO: Yes. The tenth set are
13 done. We are getting ready for the one on one
14 conference calls, should happen very soon. We
15 delivered one blind. The other blind is in
16 the home stretch, so we have basically cleared
17 the decks on that. And I would like to
18 request -- yes?

19 MEMBER GRIFFON: And do we have a
20 ninth set matrix yet? I don't know if -- I
21 think you did --

22 DR. MAURO: I don't know. I'd have

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1 to check.

2 MEMBER GRIFFON: I'm not sure on
3 that. But everything else is in motion and --

4 DR. MAURO: And I would like to ask
5 -- one of the things, we were hoping that the
6 next set would have been available. That does
7 set us back a little bit in terms of this next
8 set of numbers.

9 MEMBER GRIFFON: Yes.

10 DR. MAURO: And so I would just
11 like to ask if we could move that as quickly
12 as we --

13 MEMBER GRIFFON: Yes, we --

14 DR. MAURO: -- we have a team
15 waiting.

16 MEMBER GRIFFON: -- full intention
17 to move it along as quickly as we can. I
18 mean, my intent is if -- if we get this
19 expanded version, that's why I asked Stu to go
20 ahead and expand this 37, because these are
21 the cases of most interest to us -- the 45 to
22 50 percentile.

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1 If out of those we find 20 cases
2 that are good for review, that we all agree
3 on, I think we have a phone meeting scheduled
4 before the next full Board meeting, so we may
5 be able to take action, you know, in between
6 and get some cases at least available. I
7 think you want 30 overall, but, you know --

8 DR. MAURO: I wasn't quite sure.
9 When it comes to directing your contractor to
10 do the next set, that is something that is a
11 full Board, or is that something that could be
12 authorized through the subcommittee or through
13 -- in other words, I will explain my concerns.
14 We have four individuals who basically are
15 dedicated to doing this work.

16 MEMBER GRIFFON: Right.

17 DR. MAURO: They are done with
18 their old work, which means that they are sort
19 of in limbo now for -- until the next batch
20 comes in. And if it -- if we can as quickly
21 as plausible get that into the pipeline, that
22 would be very helpful.

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1 MEMBER GRIFFON: Well, I know so
2 far anyway, Paul, our protocol has been that
3 we bring back to the Board, and the Board
4 makes the decision. Right, right. So, you
5 know, we are going to do the best we can. I
6 understand your dilemma, John.

7 The other thing that will be in the
8 hopper for your folks to work on -- I assume
9 if I get one of the -- I'm trying to schedule
10 two subcommittee meetings, one in March and
11 one in April. And if we get one in March out
12 of that resolution discussion, usually we end
13 up with some work follow-up that needs to be
14 done. So -- but we understand the dilemma,
15 and we will expedite it as quickly as
16 possible.

17 CHAIRMAN ZIEMER: I might add to
18 that, the Board would have the prerogative,
19 for example, during our March meeting to
20 authorize the subcommittee to do a tasking
21 from a main list, if we didn't have concerns
22 on the overall list, and say, "You go ahead

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1 and choose the ones from the list that you
2 believe are suitable."

3 I'm not suggesting that we will do
4 this necessarily, but we are certainly
5 empowered to ask the subcommittee to act in
6 our behalf on that matter.

7 MR. KATZ: Thank you, Mark.

8 And, Wanda, the Procedures.

9 MEMBER MUNN: As you recall, at our
10 last Board meeting we reported that we were
11 now doing our work entirely electronically.
12 We had scheduled a face-to-face meeting in
13 Cincinnati on January 28th, which was not able
14 to happen since even our folks who live here
15 in Cincinnati -- who live in Cincinnati
16 couldn't get to the hotel in order for us to
17 have our meeting. That was canceled.

18 We currently have scheduled a
19 teleconference for March 24th, one week prior
20 to the full Board teleconference. We are
21 going to be doing something new at that one,
22 too. Since the chair will be unable to travel

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1 at that time, we are going to try handling
2 that electronically by telephone for me, and
3 with the remainder of the subcommittee face to
4 face in Cincinnati.

5 Our current status as of December
6 when we last met was that we had a total of
7 497 findings to address; 250 of those have
8 already been closed, 160 are in the status
9 that we refer to as open, which means that we
10 haven't had any meeting discussion about that
11 finding, but the finding is there. And open
12 in progress, 16 items, which means that we
13 have just started the discussion and someone
14 is working on them.

15 So we are making progress
16 reasonably well with these procedure bases
17 that we have, operating from our matrix on the
18 O drive almost entirely.

19 We will try to have a different
20 report for you on the teleconference March
21 31st.

22 MR. KATZ: Thank you. Thank you,

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1 Wanda.

2 Let me check in now and see if --
3 Mike, do we have you back on the telephone?
4 Mike Gibson?

5 (No response.)

6 Do we have anyone on the telephone?

7 PARTICIPANT: Yes, Ted. We can
8 hear you.

9 MR. KATZ: Okay. Thank you.

10 Okay. So Mike is chair of two --
11 two work groups, but he won't be able to
12 report of course on those.

13 CHAIRMAN ZIEMER: Well, let's see.
14 Who else is here from the outreach work
15 group? Who is on that?

16 MR. KATZ: Josie.

17 CHAIRMAN ZIEMER: My understanding
18 is that the outreach work group is going to
19 focus some on specifying or spelling out a
20 little more what their mission, if I can call
21 it that, to try to be more specific on what it
22 is they are trying to accomplish.

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1 When we originally set up that work
2 group, it was kind of broad and general. The
3 understanding was that they would participate
4 and track and perhaps evaluate some of the
5 outreach meetings, even though many of those
6 were labor things, but to determine the extent
7 to which the outreach activities were
8 beneficial or could be improved as far as what
9 this part of the program is doing.

10 But I think the group has learned,
11 as they have proceeded, that they need a
12 little better, sharper mission statement of
13 exactly what their responsibilities are. And
14 so basically they are going to work on that,
15 amongst other things, and perhaps you can
16 elaborate on that, Josie.

17 MEMBER BEACH: Well, at this time,
18 SC&A did provide a report to Mike on a mission
19 statement.

20 CHAIRMAN ZIEMER: Yes. Sort of a
21 straw man mission statement for them --

22 MEMBER BEACH: Yes.

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1 CHAIRMAN ZIEMER: -- to evaluate as
2 a starting point.

3 MEMBER BEACH: Correct. That
4 initiated some talk on maybe this work group
5 becoming a subcommittee also. No?

6 CHAIRMAN ZIEMER: Well, it
7 certainly might. I think it is going to
8 depend on what that mission is. And if it's
9 an ongoing thing, then it may. But the first
10 step is to get that mission spelled out, and
11 then bring that back to the Board and make
12 sure --

13 MEMBER BEACH: Correct.

14 CHAIRMAN ZIEMER: -- that we are
15 all pointed in the same direction on what it
16 is this work group is to do.

17 MEMBER BEACH: My guess is Mike
18 will want to reconvene the work group to
19 discuss SC&A's report and the mission
20 statement, and then go further from there. I
21 don't know if everybody on the Board got that
22 mission statement. I actually have a copy of

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1 it, if anybody is interested.

2 CHAIRMAN ZIEMER: Well, it probably
3 would be good to distribute that at some
4 point. Is that an official deliverable? That
5 is just a working thing within the work group
6 right now.

7 DR. MAURO: Yes. We delivered it
8 as a white paper to the work group, not as a
9 full distributed --

10 CHAIRMAN ZIEMER: Yes. That
11 probably should stay there for now.

12 MEMBER BEACH: Okay. And, like I
13 said, Mike is going to have to make the
14 decision on where to go from here on that
15 statement.

16 MR. KATZ: Thank you, Josie, for
17 covering that. That concludes the discussion
18 to the work groups and the subcommittees.

19 CHAIRMAN ZIEMER: Okay. Let's go
20 ahead and take a comfort break now. Again, in
21 order to move things along, particularly for
22 those who have plane schedules, let's try to

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1 be back within 15 minutes, so we can proceed
2 with the rest of the items.

3 (Whereupon, the above-entitled matter went off
4 the record at 10:23 a.m., and
5 resumed at 10:42 a.m.)

6 CHAIRMAN ZIEMER: Okay. If you
7 will take your seats, we will proceed. Again,
8 our apologies to the folks on the line. We
9 understand the problem. We cannot fix it.

10 Our next topic on the agenda is our
11 Board Working Time. The first item there is
12 the write-ups on the SEC recommendations. We
13 have approved all of those earlier. You have
14 the copies.

15 I want to touch base with both
16 NIOSH and Labor. Did you look at the copies,
17 and do you -- are the descriptions of the
18 classes suitable as far as you are concerned?

19 Particularly I would to ask Jeff, are there
20 any concerns from Labor at this time on the
21 descriptions? Jeff indicates there are none.

22 Any comments, Board members?

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1 (No response.)

2 If not, we will consider that taken
3 care of. No further items with regard to the
4 recommendations to the Secretary.

5 Next, we have a discussion of the
6 dose reconstruction interview scripts, and
7 this is what are typically called the CATI
8 interviews. When Larry Elliott talked with us
9 at the last meeting, he indicated that he was
10 querying the various health physicists to see
11 whether they could simplify the forum, whether
12 there were questions that could be eliminated
13 and the forums be streamlined.

14 I believe you all heard from Larry
15 recently that they could not come to agreement
16 or closure on what should be eliminated, so
17 that we are back to the original forms that
18 were distributed to the Board at our last
19 meeting.

20 At that time, I believe there were
21 some suggested changes, although as far as I
22 was concerned they were fairly minimal, in the

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1 CATI interview. There was some language that
2 was eliminated, but most of it, as we had it,
3 was very similar to what has been used right
4 along.

5 Now, I am uncertain as to the
6 status of the documents in terms of commenting
7 on them. I believe there was also an
8 extension of the comment period. I'm going to
9 ask, Ted, can you clarify for us the status of
10 the documents and what the comment period is?

11 MR. KATZ: Yes. I believe what the
12 situation is that while I think Larry shared
13 with the Board a proposed revision to the CATI
14 script, what he effectually did after that was
15 instead of going forward with that with OMB he
16 has asked for an extension of the current
17 approval with OMB, so that as far as the
18 Board's work is concerned the Board can
19 proceed and make any recommendations, and then
20 OCAS would integrate those recommendations
21 into the current draft before anything went to
22 OMB. So that when a revised CATI goes to OMB,

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1 it would incorporate the Board's
2 recommendations as well.

3 CHAIRMAN ZIEMER: So does that mean
4 there really is nothing on the official docket
5 at this time as far as the --

6 MR. KATZ: That means that there is
7 no -- there is no revised CATI script, C-A-T-I
8 script, you know, computer-assisted script, on
9 the OMB docket. That is correct.

10 CHAIRMAN ZIEMER: So, basically,
11 there is an action, however, before OMB simply
12 to renew the current script, and that does not
13 preclude coming in --

14 MR. KATZ: That is correct.

15 CHAIRMAN ZIEMER: -- whenever --

16 MR. KATZ: So OMB will presumably
17 grant an extension, so that the current script
18 can be used for a few months more, so that the
19 Board can then wrap up its business, make its
20 recommendations, and then OCAS would submit
21 those to OMB per proposal for a revised CATI.

22 CHAIRMAN ZIEMER: So that gives us

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1 a little breathing space. The original plan
2 was to have the procedures work group review
3 the Board's input -- and, Wanda, I'll have you
4 comment on this in just a moment, but -- in
5 the procedures work group had a meeting
6 scheduled. That was one of the ones that got
7 snowed out in Cincinnati last month. But
8 perhaps now we have a little breathing space.

9 Wanda, do you have a comment on
10 this?

11 MEMBER MUNN: Procedures -- we
12 actually discussed -- we originally discussed
13 -- there is no reason why we should have to
14 shift mics. That's silly.

15 CHAIRMAN ZIEMER: Go ahead.

16 MEMBER MUNN: Well, really, it is.
17 We discussed procedures in procedures, what
18 was happening with the CATI, and what changes
19 we felt were reasonable, at quite some length.

20 And our discussions with Larry made
21 it fairly clear that a couple of the concerns
22 that had been expressed by one or more of the

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1 Board members may not have been concerns of
2 the magnitude that we had first taken them to
3 be when we heard them. One of those, which we
4 have heard repeatedly I think, is the concern
5 about whether the people who were interacting
6 with the claimants were in fact trained
7 properly to discuss these things with the
8 folks. And it would appear that that is the
9 case.

10 I know there was some concern to
11 begin with that someone who was familiar with
12 the technical aspects of the file should
13 perhaps be speaking with these folks, but that
14 doesn't seem to be as reasonable as -- or as
15 well intentioned as perhaps was the thinking
16 at the time the suggestion was made.

17 The concern seems to be more around
18 the fact that people felt they were being
19 tested rather than asked for assistance at the
20 time that they were being interviewed on
21 CATIs. We have been assured that the
22 individuals who perform these CATIs repeatedly

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1 try to reassure the folks that this is not a
2 test, this is a request for additional
3 information or just talking to you a little
4 bit to see if you have better information that
5 you weren't aware of the fact that you had.

6 Leading that discussion, there were
7 less concerns in my mind with respect to how
8 the CATI was being used than there were going
9 in. We haven't had a significant number of
10 suggestions from around the Board with
11 specifics that needed to be done to change it.

12 And in light of the fact that it
13 has served a purpose for a number of years
14 here, it is always worthwhile I think to
15 review them. But the current feeling, at
16 least here, is that perhaps the desire to make
17 real remedial changes to this process might
18 not be the wisest thing we could do.

19 But, in brief, we have discussed it
20 at considerable length, and I am quite sure
21 that our transcript will reveal that for
22 anyone who wants to follow that discussion.

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1 Mark?

2 CHAIRMAN ZIEMER: One of the
3 problems, in my mind, is that this letter goes
4 out before the interview. And although the
5 interview itself may be more reassuring, I
6 believe the letter still has the potential of
7 raising great anxiety prior to the interview,
8 because it is not clear, in my mind, in the
9 letter that the burden is not on the claimant
10 to come up with all of this information. And
11 that I personally would like to see some
12 revisions that spell that out much more
13 clearly.

14 I have tried to work on some
15 wording for that myself this week, but I
16 wasn't quite sure on exactly what the status
17 of the whole thing was at this point. But
18 let's get some other input.

19 Mark, and then Jim.

20 MEMBER GRIFFON: Yes. I guess I
21 agree with one part that Wanda said, that we
22 --

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1 MEMBER MUNN: Oh, good.

2 MEMBER GRIFFON: -- we discussed it
3 at length. That was the part I agree with.

4 (Laughter.)

5 MEMBER MUNN: Well, thank you.

6 MEMBER GRIFFON: I think I might
7 have a different opinion on the rest of it. I
8 think there was concern expressed about the
9 question of it could be perceived as a test or
10 -- you know, and I don't disagree with that.

11 I guess the question of technical
12 expertise was still an issue in my mind, not
13 necessarily for the interviewer but available,
14 and I think that was still a finding that we
15 were going through in one of the procedures.

16 And then, the other question -- the
17 other comment I had -- and I am trying to
18 remember that -- I was just trying to pull up
19 the new version of the questionnaire, which
20 actually as I look through did look like it
21 had some improvements. And the question that
22 I have been wrestling with is, to what extent

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1 is it used?

2 And I think there is a frustration
3 among the claimant population that this CATI
4 is -- the CATIs are not being used. And I'm
5 sure NIOSH would disagree with that, but, I
6 mean, there is a perception about that. And
7 if there is -- you know, and in this revision
8 I think -- and, again, I am going by memory,
9 but I think a question about co-workers was
10 taken out.

11 And I'm not sure whether the
12 rationale wasn't because it has been kind of
13 an embarrassment. And we have asked our co-
14 workers for five years to be listed on these
15 things, and NIOSH hasn't contacted but four or
16 five, by their own admission. So these people
17 are offering up these supervisors and other
18 people that can substantiate their claims in
19 their CATI, and they are never contacted.

20 And rightly -- I will say, you
21 know, I don't expect that that would be
22 necessary in all or even a lot of cases, but

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1 it surprised me when, you know, the answer is
2 a handful have been contacted.

3 The other -- I think the other
4 thing out there is we asked for information on
5 incidents. And now, the way we are addressing
6 incidents is -- in my opinion -- this is my
7 opinion, but -- and it certainly wouldn't
8 apply for every case.

9 But it seems that incidents are
10 being addressed now by revising the template
11 for the DR report, saying that the methods we
12 employed, you know, are overestimating
13 techniques that bound any incidence that you
14 may have been involved with, including those
15 listed on your CATI report. That, to me, is a
16 little bit concerning that, you know, if
17 people really had issues about certain
18 incidents.

19 On some, I think the thread -- it
20 may be important to pull the thread.
21 Certainly, again, I agree that in all cases
22 many of these incidents are, you know, very

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1 commonplace and it is -- you can look at them
2 and say, okay, you know, we know we've got
3 urinalysis data after that fact, and, you
4 know, there are several reasons why.

5 But when it's addressed in sort of
6 this generic form language, I think that
7 creates another perception problem that, you
8 know, they didn't even look into this at all.

9 They just sort of threw some template form
10 language back at me that says it's addressed,
11 trust us, you know?

12 So I think there are still some
13 outstanding issues beyond the question of it
14 just, you know, being up to the claimant to
15 provide the information, that it is a test,
16 that is an issue. But I think there are some
17 other things.

18 So, that's all I have.

19 MEMBER MELIUS: I looked through
20 the information, and also the -- part of the
21 transcript from -- that discussed some of this
22 -- I think Wanda sent down, which I actually

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1 thought was very, very helpful. And I think
2 one of the problems with the -- making
3 comments on the interview script per se is
4 that this is -- there is both sort of content
5 issues and there is also process issues.

6 And I think, Mark, that you had
7 made that point very well in the discussion.
8 And that it is very hard to sort of, you know,
9 figure out where certain things are addressed
10 in the process. And details of one point may
11 not be appropriate. They may be helpful to
12 get them later. But this -- then, what
13 assurance is there that there will be follow-
14 up.

15 And I just also think that there is
16 a terrible amount of frustration with the --
17 with that initial interview document, both the
18 letter that goes out, the way it is handled,
19 and the fact that in the case of survivors
20 they may not be familiar, and the people
21 interviewing them are not familiar with the
22 site. And so it -- I think that raises a

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1 number of problems.

2 I think that procedurally this is
3 best handled within our procedures work group.

4 What we had planned before the weather
5 disrupted was for the procedures work group --
6 because you are going over other procedures
7 and are familiar with sort of the context and
8 reviewing the context for some of them -- for
9 them to come back and discuss this and come
10 back with a recommendation to the Board.

11 And I think we -- if I understand
12 right, we have time now. That was my
13 understanding of the letter and doing it in
14 that way. We have specific comments we can
15 put in, but I am little hesitant to -- because
16 you have already discussed a lot of the
17 process part of it, and I think we need both
18 -- I think part of the comments included need
19 to be put in the context of the process, with
20 some agreement for NIOSH, if there are going
21 to be changes in the process to address some
22 concern that we -- you know, that that be

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1 firmed up, so that we know it is going to
2 occur.

3 CHAIRMAN ZIEMER: Okay. Thank you.

4 And I should note that -- or maybe repeat
5 that in fact we do have time to do it the way
6 we had originally talked about before we got
7 snowed as it were.

8 And just to follow up, Mark, on
9 your comment, because as you commented I was
10 looking at the actual questions that -- and,
11 interestingly, it says this. "We will try to
12 speak with your supervisor, co-workers, and
13 others who will help us confirm your dose
14 reconstruction." It says that in the -- just
15 prior to the question where it asks them to
16 name these people.

17 It sounds like a commitment by
18 NIOSH to do that. So this is part of what the
19 problem is, and I don't think that was -- I
20 think when it first was written that probably
21 was the intention, but it turns out it is
22 usually not necessary to do that with the co-

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1 worker models.

2 Wanda, you have an additional
3 comment?

4 MEMBER MUNN: Well, after you have
5 done 35,000 interviews, you know, you have to
6 wrinkle your eyes, and also remember the fact
7 that we are not talking about a single
8 interview form here. We are talking about two
9 different interview forms, one for claimants
10 and one for survivors.

11 And the -- a great deal of concern
12 has been heard from survivors regarding their
13 confusion about what they should do and what
14 they should not do. The survivors themselves
15 are in an entirely different mental state than
16 a live claimant, who would have different
17 expectations of what might come through there.

18 But as we discussed in the
19 procedures work group, in one of our earlier
20 work groups where we had been reviewing
21 finalized letters that went out to disallowed
22 SECs, we had suggested that the tenor of the

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1 letter be changed markedly, because it was
2 very -- it would seem to be unduly harsh and
3 bureaucratic in style, and I think that was
4 well taken at that time and was actually
5 undertaken as a correction to the process.

6 That was one of the items that we
7 also talked about here. The tenor of the
8 letter itself perhaps needs more attention
9 than the actual questions on the CATI. That
10 was just a part of our deliberations in
11 procedures.

12 CHAIRMAN ZIEMER: Well, I am
13 wondering if, then, the original path forward
14 wouldn't still apply then, and that is for a
15 procedures work group to put this on the
16 agenda for their next meeting. And, again,
17 although we would expect a recommendation from
18 them for the Board to act on, it nonetheless
19 would be helpful if Board -- other Board
20 members who are not on the work group would
21 provide comments.

22 If you have particular items that

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1 have sort of jumped out at you as being of
2 concern, I think the work group would find
3 that helpful -- Wanda, would it not -- to get
4 some additional input from other Board
5 members, in advance of a final discussion.

6 MEMBER MUNN: I would reiterate the
7 request that I made twice by e-mail --

8 CHAIRMAN ZIEMER: Right.

9 MEMBER MUNN: -- that all Board
10 members who have any interest in this go
11 through the documents, provide some --

12 CHAIRMAN ZIEMER: Provide those
13 comments.

14 MEMBER MUNN: -- they have to Mr.
15 Katz and to me, and we will see that they are
16 brought to the procedures group.

17 CHAIRMAN ZIEMER: Thank you. Any
18 further discussion on this?

19 (No response.)

20 I don't think we need a formal
21 action, since the previous action or the
22 previous approach that the Board delineated

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1 now can proceed, and we will look forward to a
2 final resolution of this in the hopefully
3 foreseeable future.

4 Okay. Thank you.

5 Next, we have new SC&A tasks.
6 Well, we have already tasked SC&A several
7 items in this meeting. There is one document
8 -- and, John, I'd like you to take a minute
9 and just remark on it. Everybody should have
10 received from SC&A a document entitled -- I
11 guess it's entitled Planning for New Work
12 Assignments. There is a cover letter with it
13 from John. It's dated February 10th. It
14 says, "Material for consideration by the Board
15 regarding new work for SC&A."

16 It's a nice summary that I am
17 hopeful SC&A will provide for each of our
18 Board meetings as an update, which gives us
19 both budget information and tasking things
20 that have occurred and things that may be on
21 the horizon.

22 John, if you would come to the

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1 table and give us a brief overview of this
2 document.

3 MEMBER ROESSLER: Is this a Word
4 file dated February 10th?

5 CHAIRMAN ZIEMER: This was -- yes,
6 it was a Word file e-mailed to us. Okay.

7 DR. MAURO: Yes. This is a Word
8 file that I sent out. In fact, I worked with
9 Ted in putting it together as being something
10 that you folks might find useful. The most
11 important aspect of it is on page 3, and that
12 is the page where I summarize -- first, if
13 everyone has page 3 in front of them, you will
14 see it is pretty straightforward.

15 The first row simply says, "This is
16 the amount of resources that are in our
17 contract for this year," which will end at the
18 end of December -- 3.4 million. Now, the next
19 series of items -- the \$400,000 number, the
20 340,000, those series of numbers are, for all
21 intents and purposes, work that has already
22 been obligated, whereby, for example, the

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1 \$400,000 value is -- that is the amount of
2 work that we are carrying over from last year.

3 In other words, this is the work
4 that goes toward all of those activities,
5 closing out procedures, issues, all of the
6 issues resolution work. When all is said and
7 done, that is what it really comes down to is
8 a lot still needs to be done. And we -- that
9 is our estimate.

10 So for all intents and purposes,
11 unless the Board decides to cut back a bit on
12 some of the closeout, or we find ways to get a
13 little bit more efficient, for example, in
14 closing out, we estimate that \$400,000 is
15 going to be needed to close out all of the
16 work that was done up through the end of the
17 last contract.

18 The next line item is that
19 \$342,000. That is a number that is going to
20 be changing regularly. This is the amount of
21 work that, under the new contract that started
22 February 1st for SC&A, that the Board has

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1 already authorized us to work on. This is the
2 work that we have been asked to perform at one
3 of the previous meetings, and, of course, this
4 is going to -- number is going to go up in the
5 next report, because you have already
6 authorized us to do a couple of new tasks
7 during this meeting. So that is the number
8 that is going to be changing.

9 The next one down is program
10 management, \$500,000. By the way, the reason
11 that is a large number is our participation in
12 these full Board meetings, our accounting
13 system, we bill it against that account. So
14 we do -- for all intents and purposes, for
15 SC&A to continue to perform its program
16 management activities and support these full
17 Board meetings, that money is obligated. In
18 other words, that has to be spent in order for
19 us to do what we do.

20 The next number -- \$648,000 -- that
21 -- it's my sense that we are going to review
22 60 dose reconstructions this year, new ones.

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1 That is part of our scope of work, and I know
2 that is -- for all intents and purposes, that
3 has to be done, that will be done, so I put
4 this in as effectively obligated resources.

5 Which leads us to the number that
6 says 1.89 million. That means as of this
7 date, for all intents and purposes, the Board
8 has committed SC&A to spend effectively \$1.89
9 million.

10 And that leads us to the last
11 number, which I like to call discretionary
12 funds. Right now, the Board has available to
13 it approximately \$1.59 million to draw down
14 from. That is, that is the resources
15 available. So at every meeting you will get
16 an update of this, so that you have a good
17 one-page feel of how much resources is left.

18 But, then, the following pages,
19 which go on quite a bit, and I'm not going to
20 go into detail. For example, the next one is
21 a list of all of the unreviewed and new site
22 profiles and AWEs that have not yet been

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1 reviewed. That is, they're out there, they
2 are sitting on the web, that were not reviewed
3 yet. So it is a menu, so to speak.

4 And what I have indicated -- and I
5 am only going -- and I have a sheet like this
6 for PERs, I have a sheet like this for
7 procedures. So, in effect, you will have an
8 idea of what has not been reviewed, what is
9 sitting out there on the website by way of
10 site profiles, by way of PERs, by way of
11 procedures, that have not yet been reviewed.

12 And to give you an idea of their
13 importance -- for example, on this page I
14 indicate, for example, Pacific Northwest
15 Laboratory is a -- has 424 cases. We have not
16 reviewed that site profile, and we estimate
17 that to perform that review will cost about
18 \$70,000.

19 So, in effect, what you have is
20 what I see as a high level view of work that
21 the Board may or may not want done, set its
22 priorities, decide what is important, what is

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1 not, and where you would like to invest those
2 resources. So this series of tables lays all
3 of that out. What work is out there that you
4 might or might not want to be done, how much
5 that work for our best estimate at this time
6 will cost, and how much resources is left this
7 year in order to do that work.

8 I thought this would be useful for
9 you folks to decide what type of work you
10 would like done. One of the things that is
11 not in here that is very important is SECs.
12 We have no way of knowing, you know, which
13 ones might or might not -- the Board might
14 want reviewed. We do not have the list.

15 You know, so as the new SEC
16 positions emerge from meetings like this, you
17 know, you -- I presume that is going to be a
18 high priority item. So, and keep in mind that
19 a full SEC review typically costs on the order
20 -- so when you authorize us to do a full SEC
21 review, it typically costs about \$100,000 to
22 \$150,000. So, and I know that's very high

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1 priority to the Board, to stay in front of
2 those SEC issues. So I guess that -- and that
3 is in the cover letter, by the way.

4 So I don't have a table in here
5 listing all of the unreviewed SECs that are --
6 because that is something we are not in a
7 position to put into a table. So you'll want
8 to keep that in mind.

9 And I am hoping that if you found
10 this -- or find this to be useful, I will
11 update you a couple of weeks before every full
12 Board meeting.

13 CHAIRMAN ZIEMER: Regarding the
14 SECs -- and, John, this is very helpful.
15 Thank you very much.

16 Regarding the SECs, we do have a --
17 we have the 180-day period that we know in
18 advance when something has qualified, so we do
19 know a little bit what is coming down the
20 pike, and perhaps that listing of upcoming
21 SECs could be included each time from -- for
22 example, LaVon gave us today the next group

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1 that have qualified and that are coming down
2 the pipeline. So we have the -- roughly a
3 six-months notice of what is there.

4 DR. MAURO: The reason they are
5 there, though, we don't know whether they are
6 going to be recommended for --

7 CHAIRMAN ZIEMER: Right.
8 Understood. But I am just saying that we
9 could have that -- well, LaVon gives it to us.
10 But in any event, that is a changing picture,
11 and we don't know what will come in.

12 Thank you very much.

13 Are there questions or comments for
14 John? Yes. Dr. Roessler?

15 MEMBER ROESSLER: John, I assume
16 you have the personnel and the infrastructure
17 in place to expend this -- to be able to
18 handle this kind of a budget?

19 DR. MAURO: When we put our
20 proposal together for the new contract, we
21 greatly expanded access to more resources.
22 What we did was we brought in associates.

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1 These are individuals with lots of experience
2 who have agreed that if the workload starts to
3 grow we could draw upon.

4 Bottom line is we could --
5 3.4 million is the budget. We could handle
6 twice as much work as that.

7 CHAIRMAN ZIEMER: Okay. Other
8 questions or comments? Ms. Munn?

9 MEMBER MUNN: Just a comment. It
10 would be -- I may cut this out and plasticize
11 it, because it is one of the things that one
12 has a tendency to not have fully in mind at
13 the time we would likely say, "Let's task our
14 contractor to do this."

15 CHAIRMAN ZIEMER: Right.

16 MEMBER MUNN: And having this kind
17 of numerical data in front of one keeps you
18 sort of aware of the fact that there are real
19 dollars involved here when we set about making
20 these requests.

21 CHAIRMAN ZIEMER: Right. And there
22 is an annual budget, and we have some

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1 discretion on where we spend that money. And
2 this will help us make those decisions in a
3 more informed manner. So, again, it is a
4 useful tool I think to assist the Board.

5 Dr. Melius?

6 MEMBER MELIUS: Yes. I was
7 intrigued by John's mention of new staff
8 people, or new associates I guess is a better
9 way of putting it. And those of us who weren't
10 involved in reviewing the application have no
11 idea who those people are or what their
12 capabilities are. And I think it would be
13 useful for us to have some sort of summary of
14 that. And it is also -- in terms of work
15 group and issues as they come up, and in terms
16 of how we think about getting various
17 documents reviewed --

18 CHAIRMAN ZIEMER: That certainly
19 can be complied with.

20 DR. MAURO: I would be glad to
21 forward it to you. It's a table, a large
22 table, 11 by 17 table, in our proposal that

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1 lists everyone on the team. And you will see
2 it greatly increases the number of folks that
3 we had previously. I would be glad to forward
4 it to you.

5 CHAIRMAN ZIEMER: Why don't we make
6 it available to all of the Board members.
7 That would be excellent.

8 MEMBER MELIUS: And it would be
9 even better if you could make it available in
10 normal size, so that we don't have to --

11 DR. MAURO: Well, you know what it
12 is? It has their qualifications in each of
13 the areas. When you write these proposals,
14 you like to say, "Here is the person's name,
15 and here is his experience in this area, this
16 area, this area."

17 MEMBER MELIUS: So it is a way of
18 beating the page limit.

19 (Laughter.)

20 Smaller font, bigger tables --

21 (Laughter.)

22 CHAIRMAN ZIEMER: In any event,

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1 we'll get you the material. That will be
2 excellent.

3 MEMBER MELIUS: Yes.

4 CHAIRMAN ZIEMER: Okay. While we
5 are talking about SC&A, and we have done a lot
6 of tasking already, there is one item that
7 relates to their tasking. And I distributed
8 this I think last week.

9 We received a letter -- or,
10 actually, it was an e-mail with a letter
11 attachment that came from [Identifying
12 Information Redacted] regarding Linde, with a
13 specific request that the Board task SC&A to
14 begin the review of the Linde SEC petition and
15 the evaluation report. We have not tasked
16 that, and one reason we haven't is the
17 evaluation report has not been actually
18 presented to the Board yet. Normally, we
19 don't do that tasking until we hear the
20 evaluation report.

21 But I did commit to [Identifying
22 Information Redacted] that -- and her request

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1 that I would bring to the Board her request.
2 I did distribute it by e-mail to all of you,
3 and the attached letter, which comes from --
4 was written on behalf of the Linde Ceramics
5 facility and the workers there.

6 So, I bring that to you and ask the
7 Board if you do wish to task SC&A at this time
8 to begin this effort, or do you prefer to wait
9 until the evaluation report is formally
10 presented? And the evaluation report is
11 available, but it has not been formally
12 presented to us in open meeting. I believe we
13 all have it, though. You should have it.

14 Josie?

15 MEMBER BEACH: I think we should
16 entertain tasking SC&A with looking at that
17 report. I also think that we need to possibly
18 reenact the work group that was closed out. I
19 don't know how Gen feels about that. She was
20 the chair of the site profile, Linde group.

21 MEMBER ROESSLER: I agree with you
22 on both points. I think since we have the

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1 evaluation report, and since we would like to
2 get things moving as soon as possible, we
3 should task SC&A -- and I agree with you on
4 the work group. I would agree to continue as
5 chair with the same work group.

6 CHAIRMAN ZIEMER: Since the work
7 group is familiar with the Linde site and
8 materials, it would seem appropriate that we
9 can -- if others found that -- did not wish to
10 continue, they could be replaced. But I would
11 entertain a formal motion to the effect that
12 Josie has suggested and that Gen has
13 suggested.

14 MEMBER BEACH: Then, I would like
15 to propose a formal motion that we reenact the
16 Linde group, and we task SC&A to look at the
17 evaluation report.

18 CHAIRMAN ZIEMER: Okay. Is there a
19 second?

20 MEMBER MUNN: Yes.

21 CHAIRMAN ZIEMER: It has been
22 seconded. Comment? Any comments?

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1 (No response.)

2 We will vote by voice vote. All in
3 favor, aye?

4 (Chorus of ayes.)

5 Any opposed?

6 (No response.)

7 Mike, if you are on the line, did
8 you hear the motion? And do you wish to vote?

9 MEMBER GIBSON: Well, I'm going to
10 have to abstain. I couldn't really hear
11 enough of the discussion to know what I am
12 voting on.

13 CHAIRMAN ZIEMER: Yes. Okay, Mike.
14 We will e-mail you -- can we e-mail Mike with
15 -- we don't actually need the vote at this
16 time. Mike, it was a vote to proceed with the
17 -- to task SC&A to evaluate the Linde petition
18 and evaluation report.

19 MEMBER GIBSON: Okay. If that's
20 the case, I vote yes.

21 CHAIRMAN ZIEMER: Thank you. And
22 so the vote is unanimous to proceed with that.

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1 MR. KATZ: And, Mike, the other
2 part of this I believe is to reactivate the
3 Linde work group. Is that correct, Dr.
4 Ziemer?

5 CHAIRMAN ZIEMER: Yes. The Linde
6 work group will -- that was evaluating the
7 site profile or the equivalent of the site
8 profile will have the responsibility for
9 handling the SEC portion now. It will be the
10 same work group chaired by Dr. Roessler.

11 MR. KATZ: So I raise this, Mike,
12 because you were a member of that work group.
13 It is Dr. Lockey, Mike, Ms. Beach, and Dr.
14 Roessler as chair.

15 CHAIRMAN ZIEMER: So we are tasking
16 you with work, Mike, while you are unable to
17 protest very well.

18 Okay. We will proceed. Are there
19 -- while we are talking about SC&A, is there
20 any other tasking that needs to be done for
21 them today?

22 (No response.)

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1 There is a sort of related issue.
2 John pointed out when we had the report from
3 the Subcommittee on Dose Reconstruction that
4 they are ready to proceed with the next group,
5 and expressed some concern about the delay,
6 since the Board won't be meeting for a while.

7 During the break, we checked on the
8 possible dates that the subcommittee would
9 meet to review or to select cases versus the
10 time when the Board would meet next by phone
11 to affirm cases. And there still, it appears,
12 will be a several week time lag between the
13 date Mark has selected, which is early March
14 -- that is not finalized yet, but early March
15 -- and the Board's conference call on March
16 31st.

17 So it has been suggested that --
18 and I indicated earlier that we can certainly
19 empower the subcommittee to do the tasking if
20 we wish to give them that responsibility. And
21 I think it would be in order for us to do so
22 to empower the subcommittee to make the

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1 selection of cases from the proposed list and
2 assign or task SC&A to begin work on those.

3 If the Board believes that that is
4 appropriate, we can certainly entertain a
5 motion to do so. Dr. Melius?

6 MEMBER MELIUS: Yes. I will move
7 that on this one-time basis we task the
8 subcommittee with selecting the next round of
9 cases for review, and then tasking SC&A with
10 that review.

11 CHAIRMAN ZIEMER: All right. You
12 have heard the motion. And there is a second?

13 MEMBER BEACH: I'll second it.

14 CHAIRMAN ZIEMER: Josie has
15 seconded. Any discussion?

16 (No response.)

17 I will simply ask as part of the
18 discussion that when the selection is made
19 that the subcommittee inform the Board members
20 of the selections, so that we have that
21 information early on as well.

22 Are you ready to vote, then?

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1 MR. KATZ: Mark?

2 MEMBER GRIFFON: I would just add
3 that it -- you know, if we generate a list of
4 cases for review, I will get them to all of
5 the other Board members, but also to Paul to
6 assign the teams, because you have done that
7 all the time, so --

8 CHAIRMAN ZIEMER: So there will be
9 a team tasking, but the actual work of the
10 teams won't occur until SC&A completes their
11 reviews in any event. So that will not be so
12 critical at that point.

13 Okay. Josie, another comment?

14 MEMBER BEACH: It is related, but
15 not -- go ahead.

16 CHAIRMAN ZIEMER: Okay. So we can
17 do a voice vote on this. All in favor, aye?

18 (Chorus of ayes.)

19 Mike, if you heard any of that?

20 MEMBER GIBSON: No. Could you
21 repeat it for me?

22 CHAIRMAN ZIEMER: We were tasking --

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1 or we were authorizing the Subcommittee on
2 Dose Reconstruction to task SC&A with the next
3 group, without having to bring it back to the
4 next Board meeting, because of the delay
5 before that could be done.

6 So the motion was to authorize the
7 Subcommittee on Dose Reconstruction to select
8 the next set of cases and to task SC&A to
9 begin work on them. And that was -- there was
10 a motion to authorize the subcommittee to do
11 that tasking on behalf of the Board.

12 MEMBER GIBSON: Yes, I agree.

13 CHAIRMAN ZIEMER: Thank you.

14 So the motion carries, and it is so
15 ordered.

16 Under Board discussion, I have
17 added to our annotated version that many of
18 you have to return to the discussion on the
19 Board's -- or on the DOE security plan, and
20 the Board's role in the security issues.

21 I would like to -- and we have had
22 -- we had a fair bit of discussion on that

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1 earlier in the session, and I would like to
2 have the Board now consider how it wishes to
3 proceed with respect to the DOE security plan
4 and the role of the Board and its contractor
5 vis-a-vis that plan.

6 It was quite clear during the
7 discussion that there were concerns about the
8 manner in which the Board's role was spelled
9 out in the NIOSH security plan. And
10 subsequent to that discussion there have been
11 some inquiries made by our federal official as
12 to what the legal issues were -- that is,
13 discussions with counsel -- in terms of what
14 the Board's legal stance could be on this in
15 terms of whether or not -- let me just state
16 it this way -- whether or not there could or
17 -- could be, for example, a separate Board
18 security plan, perhaps somewhat similar to the
19 NIOSH but being its own entity, or something
20 like that, including things such as the point
21 of contact, and so on.

22 So, Ted, if you would frame for us

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1 at least the boundaries as you see them, and
2 then we can proceed from there.

3 MR. KATZ: Sure. I mean, let me
4 clarify this. This really isn't a legal --
5 this wasn't a legal discussion, but a
6 discussion with DOE actually to see what is
7 workable and acceptable with them. And let me
8 just preface it and say, I mean, I fully
9 appreciate -- understand and appreciate the
10 importance of the Board's independence. And
11 it is not just a matter of practical
12 independence, but also the perception, the
13 image, of its independence. I think that is
14 critical to the public's, you know,
15 substantial trust in this Board.

16 So I did speak to DOE subsequent to
17 the initial discussion of the Board on this,
18 and they are very accommodating. With respect
19 to, for example, the point of contact
20 question, it is perfectly acceptable to
21 Department of Energy for the Board to have,
22 for example, if this is its wish, for SC&A,

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1 for each site -- for SC&A to have its own
2 point of contact to serve both the Board
3 members and SC&A in terms of making requests
4 for information and access to the site and all
5 of these things.

6 You know, the critical issue for
7 DOE is that we still do the coordination that
8 was envisioned in the current arrangement that
9 we have right now. So there is not
10 duplicative requests, and so that when things
11 need to be coordinated they can be
12 coordinated. But absolutely, however the
13 Board wants to configure it, it can have its
14 own point of contact, make its own requests,
15 and so on, for access documents, etcetera.

16 So that was one point. And,
17 secondly, there is no issue as far as DOE is
18 concerned with respect to documents of the
19 Board's, you know, policies for implementing
20 its compliance with the DOE security
21 requirements.

22 If the Board wishes to have its own

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1 stand-alone documents that are not OCAS
2 documents whatsoever, that is perfectly
3 acceptable to DOE. If the Board decides it
4 wants to, you know, modify the OCAS documents,
5 whatever, that is all acceptable. I just
6 wanted to make those parameters clear.

7 CHAIRMAN ZIEMER: Okay. Thank you.
8 So it provides a fair amount of opportunity I
9 think for the Board to delineate how it wishes
10 to address these. So let's hear some
11 discussion. Dr. Melius, Ms. Beach, Mr.
12 Clawson.

13 MEMBER MELIUS: Yes. I would
14 suggest that we have a small work group work
15 on this as expeditiously as possible to, you
16 know, pull the other -- I don't know if we'll
17 call it a policy or a document or at least
18 what would be needed. Whether it's part of
19 the OCAS document or how it is done I don't
20 think is as important as we just delineate the
21 procedures.

22 And to the extent they can rely on

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1 OCAS procedures, and so forth, in place that
2 is fine. But I think it just -- the
3 independence needs to be delineated, and,
4 certainly, with SC&A for access to information
5 and documents needs to be clearly spelled out.

6 But I think if we had a small work
7 group that could work with SC&A on this. Joe
8 Fitzgerald has already done a lot of work, had
9 some very good comments on the documents, is
10 familiar with DOE procedures. And I think
11 working with Joe or whoever else from SC&A
12 would be satisfactory.

13 CHAIRMAN ZIEMER: Okay. Thank you.

14 Josie?

15 MEMBER BEACH: We had asked on
16 Monday to hear from SC&A on how this is
17 affecting them. Is it possible to do that
18 now?

19 CHAIRMAN ZIEMER: Joe is here, and
20 we will hear from Joe in just a moment. Let me
21 see -- Brad, did you have an additional
22 comment?

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1 MEMBER CLAWSON: Yes. I just
2 wanted to further expand on what Dr. Melius
3 had already said. I think that would be a
4 good idea. I think another thing that we
5 really need to look at is we can understand
6 the information, so we don't double request
7 and everything else like this.

8 But that also means that when
9 NIOSH, or even SC&A, go in and they do these
10 site profiles that means that they need to
11 give -- they need to communicate and give all
12 of the information to the other groups. I
13 think our biggest problem is there is not the
14 communication that needs to be there. It
15 seems like it is a little bit one-sided on
16 things.

17 From what I've seen, at the site
18 where I was at, and what NIOSH people
19 understand this procedure to say, is two
20 totally different things, too.

21 CHAIRMAN ZIEMER: Okay. Thank you.
22 Joe, I wonder if you would mind

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1 just making some general remarks. I don't
2 think we need to go through the matrix or to
3 -- we have all seen that. And I think we
4 understand the concerns you raised, and there
5 was a lot of agreement amongst Board members
6 in any event. But do you have some additional
7 comments that would help us as we think about
8 this?

9 MR. FITZGERALD: Yes. I think,
10 first off, this has been a work in progress.
11 And, you know, this notion of --

12 CHAIRMAN ZIEMER: Get close.

13 MR. FITZGERALD: How is that? This
14 notion of coordinating onsite activities I
15 think --

16 MEMBER GIBSON: Is anybody there?

17 CHAIRMAN ZIEMER: We are going to
18 bring --

19 MEMBER GIBSON: What is going on?

20 CHAIRMAN ZIEMER: Yes. Hang on. We
21 are going to bring the speaker up here by the
22 phone thing. We are still having problems. I

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1 know you are having problems hearing us, but
2 here is Mr. Fitzgerald.

3 MR. FITZGERALD: Yes, thank you.
4 First off, you know, this has been an evolving
5 thing. We started out I think with the Mound
6 site profile, working with NIOSH trying to
7 figure out how we could meet DOE's desire for
8 a coordinated onsite review, meaning is there
9 any efficiencies that could be gained, any
10 duplications that could be avoided. And I
11 thought that prototype worked pretty well,
12 which probably led to some of the activities
13 to kind of formalize this.

14 Now, in our comments, I think we
15 were just pointing toward the future more than
16 the present. At the present, under this new
17 policy, I think we haven't gotten very far.
18 We are probably, you know, just beginning to
19 get into a number of new SECs and site
20 profiles using this approach.

21 I don't think we have changed
22 anything we have done before. I think what we

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1 have done, though, and done this more
2 systematically, is to baseline our request for
3 documentation against all of the documents
4 that NIOSH has collected on the site to date.

5 Now, we have done that in the past,
6 but not as systematically as we are doing now.

7 And the intent -- and this is something that
8 DOE supports -- is to really make sure we are
9 not asking for anything that has already been
10 collected in the process.

11 And some of these evaluation report
12 collection processes are very extensive, so,
13 you know, this is the step I think Brad was
14 referring to, which is there is a real need
15 for SC&A to communicate with NIOSH, to make
16 sure that we have the benefit of their
17 listings, their holdings, before we submit
18 something to DOE. And I think that is what
19 DOE is looking for.

20 That is the heart, I think, of this
21 process. Now, what we identified in our
22 comments was some concerns about the interface

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1 that we would enjoy at the site or that we
2 have traditionally enjoyed at the site with
3 DOE. And it is not so much the process as the
4 advantage of having this iterative interaction
5 with DOE that permits us to do interviews,
6 collect information, in a very effective
7 manner.

8 And I think the concerns we
9 expressed in our comments were the filtering
10 process may both slow that down and may cause,
11 you know, communication issues and also maybe,
12 just because you are going through these
13 different steps, cause some misunderstandings.

14 And that is -- that was the caution
15 I think we expressed in our comments. But the
16 process of coordinating on site, I think we
17 are already doing that. I think it has a lot
18 of merit to it, and so far I don't think there
19 are any issues. I think we have worked very
20 effectively with the NIOSH and ORAU context.
21 They have been forthgiving -- forthcoming with
22 the lists of documentation and interviews they

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1 have done.

2 So I think that process is already
3 working, so I would just tell the Board that
4 that -- you know, that is the core of this,
5 and the rest of it I think we just need to
6 focus on what process would work effectively.

7 CHAIRMAN ZIEMER: Very good, Joe,
8 and we appreciate those comments. And as was
9 indicated, part of the overall issue is also
10 the perception from outside. And even when
11 the process works good, and it could
12 conceivably work very well even under the
13 proposed NIOSH document, but there still is
14 the perception that we need to deal with.

15 And I think it probably will do us
16 well either to ask for a revision of the NIOSH
17 document or to develop our own. The chair's
18 preference would be for us to have our own,
19 but I am -- that is just one opinion.

20 But I have taken the liberty of
21 going through the NIOSH security plan and
22 looking at how we would frame out our own

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1 plan. And it appears to me that we can do
2 this very readily. We could have a document
3 -- it would look very much like the NIOSH
4 document in structure. There would be some
5 different identities. We would have our own
6 points of contact, and so on.

7 And other than -- and it has to --
8 it has to meet the DOE requirements. And so
9 it would have to go to DOE for approval as
10 well, but it's -- it would appear to me that
11 it would not be a difficult task to do this.
12 And I had already talked with Ted about an
13 approach. I just wish I had said this before
14 Dr. Melius, so I could take credit for it.

15 But it is basically the same idea,
16 and that is a small group, which would be,
17 really, a work group that would come together
18 and outline for us either a revision to the
19 NIOSH document, a proposed revision, or a
20 stand-alone document that would be the Board's
21 security document. And it would spell out
22 what the points of contact would be for us and

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1 the contractor.

2 This would be a work group that we
3 would have. We would have SC&A sitting on it
4 as -- with us as well, and probably could work
5 this out between now and the next Board
6 meeting even. I don't think it is a big task.

7 Brad?

8 MEMBER CLAWSON: But my question is
9 now we have a document that sits before us
10 that is already in place, and already has put
11 -- been put in place. And through some of the
12 phone calls that we have had, they do not
13 represent what is basically in that procedure.

14 So until that time, how are we going to be
15 able to function? Because from what I
16 witnessed myself, there was a difference of
17 opinion from the head of NIOSH to the points
18 of contact of NIOSH of how this was to work.
19 And this is -- this is a very difficult thing
20 to be able to work through.

21 CHAIRMAN ZIEMER: It appears to me
22 that in the interim we will have to proceed

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1 under those existing documents. We will have
2 to -- to the extent that Greg and Gina can
3 help us when needed, and Joe and others, with
4 SC&A, I think, you know, in a sense we are
5 working under the existing plans in any event.

6 MEMBER CLAWSON: So --

7 CHAIRMAN ZIEMER: And then, I don't
8 think we can avoid -- until we have our own
9 plan that has been accepted by DOE, we are
10 working within the existing framework. In a
11 sense, we have been anyway, with or without
12 those individual documents.

13 MEMBER CLAWSON: And I understand
14 that, but there has been communications back
15 and forth. There had been a letter of
16 clarification to this procedure that all
17 people weren't involved in. And I want to
18 make sure that we are working to that letter
19 of communication, because it -- the procedure
20 created quite a bit of friction in any kind of
21 a site profile, retrieving documents or
22 whatever.

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1 And we understand the basis of it.
2 But in the phone call that was discussed with
3 Larry Elliott, I want to make sure that -- and
4 John sent out a very good clarification of
5 what that was. I want to make sure that we
6 are working to that, so that we are all on the
7 same page, because right now we have a
8 procedure and we have a letter that basically
9 contradict one another.

10 So I just want to be clarified that
11 we are going to work to the procedure, but the
12 clarification of what Mr. Elliott put out.

13 CHAIRMAN ZIEMER: I don't -- I
14 can't comment on that. I don't know the
15 answer to that.

16 MR. KATZ: I think I understand
17 what Brad is saying. I haven't been privy to
18 some of this. I think -- and maybe even John
19 can provide more clarification than I can.
20 But part of it is I think the letter of the
21 current procedures would have SC&A at more of
22 an arm's length in terms of point of contact

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1 once things get going than the clarification
2 letter. Is that right, Brad? Is that what you
3 are discussing?

4 MEMBER CLAWSON: Yes. Part of the
5 thing is, the way the procedure reads out is,
6 the way it read was that everything had to go
7 through the point of contact for NIOSH, dah,
8 dah, dah, dah, dah. In the telephone
9 conversation, no, that's not right, it was the
10 initial site interview. After that, then SC&A
11 would be able to start to function.

12 But if there was any allocation of
13 any kind of DOE money, then we would have to
14 work through the point of contact for NIOSH.
15 That is what I wanted to make sure, because
16 we've got a lot of outreach and a lot of
17 worker information coming up, and I want to
18 make sure we do this right.

19 MR. KATZ: John, do you -- I am not
20 clear about the money -- the money point. I
21 do know that it was relaxed, so that SC&A
22 could have this iterative interactions with --

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1 on their own without having to go through the
2 point of contact, but --

3 DR. MAURO: Yes. Brad, you hit the
4 nail on the head. The procedures that are in
5 place right now, both the plan -- the security
6 plan put together by DOE, and the implementing
7 procedures prepared, there is a level of
8 granularity there that is not there that we
9 clarified in a series of conference calls with
10 Larry, and that I did the best I could to
11 communicate that understanding to everyone
12 regarding the way we understand that it would
13 work.

14 And up until this point -- now I
15 know things are changing now, which is, in our
16 opinion, you know, to the advantage of the
17 Board and SC&A, but the way in which it would
18 work is as soon as the Board authorized SC&A
19 to do any work, which would require data
20 capture and a site visit, the first thing we
21 do is to get in touch with the NIOSH point of
22 contact, very first thing we do.

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1 At that point in time, we are free
2 to open up a communication with DOE for
3 clarification purposes on ground rules, how to
4 proceed, the types of material. But we do not
5 have the authority to ask them to do any work.

6 In other words, we just gather information,
7 so that, then, we can communicate to the NIOSH
8 point of contact our needs, the people we
9 would like to interview, the record searches
10 we would like to perform, the records we would
11 like to look at.

12 The way it is right now, how we are
13 operating right now, we communicate that to
14 the NIOSH point of contact, who then
15 communicates it to DOE, and at the same time
16 arranges for all of the sigmas and opening up
17 all of the doorways that need to be opened up
18 so that visit can be made.

19 Once we are there at the site, we
20 are free to interact and communicate with the
21 DOE representative, but we are not free to ask
22 them to do work over and above that which was

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1 originally laid out in the original plan for
2 the site visit. So, really, the essence of it
3 was, as a contractor, we are not in the
4 position under the current set of guidelines
5 and -- to direct or ask -- or ask DOE to do
6 work on our behalf. It is something that only
7 NIOSH can do.

8 So that is the way in which we have
9 been operating. That is the way we are
10 operating right now, as of this moment. And
11 until that protocol is changed as a result of
12 any revisions to the procedures, that is the
13 way in which we will continue to operate.

14 CHAIRMAN ZIEMER: Thank you, John.

15 And it is not obvious to me at this point
16 whether or not such a plan that we are talking
17 about solves that problem on the budgetary
18 issue. I assume that DOE is using its own
19 dollars for this. They are not back billing
20 NIOSH or anybody, so they have a budget. Pat
21 Worthington has a budget for this.

22 But the way it stands now, if we

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1 had such a document and DOE approved it, I
2 assume that gives some sort of tacit approval
3 for them to be able to expend from their
4 budget for this activity. Is that correct?

5 MR. KATZ: Absolutely. I mean,
6 they were very clear about this, that SC&A
7 could serve as the point of contact, make
8 requests for documents, requests for entry,
9 all of those things. It would not require a
10 point of contact from OCAS.

11 I mean, the only -- the only thing
12 is if there are issues that arise that they
13 need a federal person with their problems that
14 arise -- and that could be the designated
15 federal official, it doesn't need to be
16 someone in OCAS.

17 CHAIRMAN ZIEMER: Okay. Other
18 comments? Did you have another one, Brad?

19 MEMBER CLAWSON: Yes. I just
20 wanted to make sure that we were clarified on
21 that, because that is -- that is the issue
22 that I had in mind, because even the

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1 perception we -- we need to be able to keep
2 this independent, or so forth, and the
3 questions already arise, everything going
4 through NIOSH, and they are basically
5 controlling what we were seeing, or so forth.

6 CHAIRMAN ZIEMER: Yes. Dr. Melius?

7 MEMBER MELIUS: But until then, we
8 will operate as was laid out.

9 CHAIRMAN ZIEMER: Yes.

10 MEMBER MELIUS: I'm sorry, I got
11 called out. But I don't -- I think what Ted
12 just was talking about is -- can be made to
13 work. I don't think it has to be the SC&A --
14 there can certainly be involvement from the
15 NIOSH. I think we just need to have it
16 outside the line of command of the OCAS
17 program --

18 CHAIRMAN ZIEMER: Right.

19 MEMBER MELIUS: -- to do that. So
20 --

21 CHAIRMAN ZIEMER: Okay.

22 MEMBER MELIUS: -- but much as we

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1 have handle the contract. I mean, that's --

2 CHAIRMAN ZIEMER: I think we are
3 ready for a motion, and a motion would be to
4 the effect -- I am going to use -- try to use
5 the Melius idea, which while you were out I
6 claimed was also mine, but --

7 (Laughter.)

8 But the idea would be to have a --

9 MEMBER MELIUS: I was patenting it.

10 CHAIRMAN ZIEMER: -- a work group
11 that would make -- develop a recommendation to
12 the Board either in the form of an amendment
13 to the NIOSH document or a separate Board
14 document, security plan, within the framework
15 of the requirements of the DOE, and present to
16 the Board, hopefully at its next face-to-face
17 meeting, a proposed security plan, either a
18 self-standing one or an amendment to the NIOSH
19 plan.

20 And I would entertain a motion to
21 that effect. And if the motion passes, we
22 will populate the work group. And who made

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1 the motion? Phil?

2 MEMBER SCHOFIELD: I think actually
3 Jim -- I will make the motion for the work
4 group.

5 CHAIRMAN ZIEMER: Okay. Phil
6 Schofield has made a motion that we establish
7 a work group to do what the chair has just
8 described. And Brad --

9 MEMBER CLAWSON: I second it.

10 CHAIRMAN ZIEMER: -- seconded it.
11 Is there further discussion?

12 (No response.)

13 If not, I am going to ask for,
14 first of all, volunteers. I want to keep this
15 small, so I don't want six -- you know, two or
16 three people, so that we can get the meeting
17 done quickly. Are you -- Josie, are you
18 volunteering?

19 MEMBER BEACH: Yes.

20 CHAIRMAN ZIEMER: And Mr. Presley
21 is volunteering. And Brad. The three of you,
22 and Ted will work with them. And who will --

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1 Joe, will you be the contact from SC&A to work
2 with this group?

3 MR. FITZGERALD: Yes.

4 CHAIRMAN ZIEMER: Okay. And OCAS
5 will certainly be welcome to sit in on this,
6 whoever they wish to provide I think will be
7 fine. We are not appointing Joe. I was
8 really asking who SC&A would provide for this
9 activity.

10 MEMBER MELIUS: But it should be
11 Joe.

12 CHAIRMAN ZIEMER: Brad, will you be
13 willing to chair this activity with --

14 MEMBER CLAWSON: Sure.

15 CHAIRMAN ZIEMER: -- your two
16 colleagues there? And we will ask you to try
17 to get it underway as soon as possible. I am
18 going to provide you some ideas that I have
19 independently, but keep us all informed and we
20 would like to move this along as rapidly as
21 possible.

22 MEMBER CLAWSON: Okay.

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1 CHAIRMAN ZIEMER: Thank you very
2 much.

3 MEMBER MUNN: Call the question.

4 CHAIRMAN ZIEMER: Oh, we do need to
5 vote.

6 (Laughter.)

7 Okay. Well, I'm just moving along
8 so fast. Did you miss the vote, John?

9 (Laughter.)

10 Okay. All in favor of the motion,
11 say aye.

12 (Chorus of ayes.)

13 Any opposed to the motion?

14 (No response.)

15 And, again, I don't know, Mike
16 Gibson, if you heard all of those
17 deliberations. It was -- are you on the line,
18 Mike?

19 MEMBER GIBSON: I'm here, Paul, but
20 I'm not sure what we're voting on.

21 CHAIRMAN ZIEMER: Okay. Well, what
22 we have done is we had a motion to establish a

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1 work group to develop a Board security plan,
2 which would provide some independence for the
3 Board from the NIOSH security plan. And Ms.
4 Beach and Mr. Clawson and Mr. Presley have
5 volunteered to serve on a work group for such
6 a -- on the work group, which we just called
7 for the vote. It was unanimous here.

8 But if -- for the record, we would
9 be pleased to have you vote as well.

10 MEMBER GIBSON: I vote yes, but I
11 would also like to volunteer if you need me.

12 CHAIRMAN ZIEMER: Okay. Yes, we
13 can certainly put your name in as the
14 alternate. Okay. But we are going to need to
15 move very rapidly on this, so --

16 MEMBER CLAWSON: We don't need --
17 this doesn't need a security clearance, to be
18 able to discuss this.

19 CHAIRMAN ZIEMER: No. You do not
20 need a security clearance to be on this group.
21 No. This is just to develop the plan.

22 MEMBER CLAWSON: Okay.

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1 CHAIRMAN ZIEMER: Right.

2 Future meetings. We all have the
3 schedule. We don't need to add any right now,
4 do we?

5 MR. KATZ: We do not need to add
6 any meetings. And I also do not believe we
7 need to pin down any more locations at this
8 point --

9 CHAIRMAN ZIEMER: Okay.

10 MR. KATZ: -- because we are
11 scheduled with locations all the way until
12 next February.

13 CHAIRMAN ZIEMER: Okay. Let's take
14 IT arrangements. Give us -- question first.

15 MEMBER ROESSLER: One question on
16 the Amarillo meeting. On the Amarillo
17 meeting, do you know what time it will start?

18 MR. KATZ: I don't know. Until we
19 have sort of a sense of the agenda, it is hard
20 to -- I just haven't looked. I don't know at
21 this moment, but I can get something out soon
22 on that. I don't even know what day of the

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1 week it begins on.

2 MEMBER MELIUS: Do we have the
3 locations for the October meeting?

4 MR. KATZ: October we do. I
5 believe we are going to be in Port Jefferson.
6 This is -- Long Island.

7 CHAIRMAN ZIEMER: Brookhaven area.

8 MR. KATZ: Brookhaven area, right.
9 Because there is an SEC -- Brookhaven SEC
10 that should be -- Brookhaven, right.

11 CHAIRMAN ZIEMER: Okay. IT
12 arrangements?

13 MR. KATZ: Just very quick. So all
14 of the Board members I believe at this point
15 but two are fully ready for their laptops when
16 Dell should provide them. And then, it is
17 amazing the government has worked ahead of the
18 private sector here. But, so that is what --
19 we are still awaiting the computers is the
20 main hang-up.

21 And just related to the Board, of
22 course, SC&A we have got processes underway

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1 for that quite big job of getting them all
2 lined up as well.

3 CHAIRMAN ZIEMER: Okay. Any
4 questions on IT?

5 MEMBER CLAWSON: One of my
6 questions was is I have been told that no more
7 information is going on to the -- our O drive
8 at this time for -- for this. It was told to
9 me that until we start -- nothing new was
10 going to go onto the O drive. It was going to
11 go onto the new system. I need to make sure.
12 Is that correct, or --

13 DR. NETON: I'm not aware of any
14 restrictions on adding new information to the
15 O drive at this time, so I'm not sure where
16 that came from.

17 MEMBER CLAWSON: Well, maybe this
18 kind of came from the Pantex part of it, but
19 they were saying that we were going to be
20 switching over to this new system, and that no
21 new data would be put on there. And I need to
22 make sure that is not so, because --

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1 MR. KATZ: They may be switching,
2 you know, the arrangements, I know, and I
3 don't -- I don't really follow O drive, K
4 drive, what have you. But there is certainly
5 going to be full Board access until we --
6 until the Board is inside the CDC firewall.
7 So there will be no interruption in Board
8 access, I can assure you that.

9 MEMBER CLAWSON: Okay. That's all
10 I need to make sure.

11 CHAIRMAN ZIEMER: Phil?

12 MEMBER SCHOFIELD: Any idea when
13 this is going to take place, that we will
14 actually start --

15 MR. KATZ: Well, I just inquired as
16 recently as last week with Dell, I mean,
17 through CDC to Dell, and they were thinking
18 that towards the end of the month they would
19 get the computers in. But then, the CDC IT
20 people have to load software, security
21 encryption, and all that business onto these
22 things, and then we will ship them out to you.

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1 And, quite frankly, CDC -- it could take them
2 a while to get that done.

3 CHAIRMAN ZIEMER: Okay. Are there
4 any other items that need to come before this
5 Board today?

6 (No response.)

7 There being none, I will declare
8 the meeting adjourned.

9 Thank you all very much.

10 (Whereupon, the above-entitled matter was
11 adjourned at 11:54 a.m.)

12

13

14

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