

UNITED STATES OF AMERICA
CENTERS FOR DISEASE CONTROL

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NATIONAL INSTITUTE FOR OCCUPATIONAL
SAFETY AND HEALTH

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ADVISORY BOARD ON RADIATION AND
WORKER HEALTH

+ + + + +

65th MEETING

+ + + + +

THURSDAY
OCTOBER 22, 2009

+ + + + +

The meeting convened in the Conference Room of the Danford's Hotel & Marina, 25 East Broadway, Port Jefferson, New York, at 9:00 a.m. Paul L. Ziemer, Chairman, presiding.

PRESENT:

PAUL L. ZIEMER, Chairman
JOSIE BEACH, Member
BRADLEY P. CLAWSON, Member
MARK GRIFFON, Member
WANDA I. MUNN, Member
JOHN W. POSTON, SR., Member
ROBERT W. PRESLEY, Member
GENEVIEVE S. ROESSLER, Member
PHILLIP SCHOFIELD, Member
THEODORE M. KATZ, Designated Federal
Official

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

2 9:15 a.m.

3 CHAIRMAN ZIEMER: Good morning. We
4 have an agenda which is somewhat shortened by
5 the fact that the SEC petition status part
6 that's on the agenda was covered yesterday, so
7 our goal will be to try to finish up by noon
8 if possible. So if you will bear with us, I
9 know some will have planes to catch, and we
10 hope to finish in a timely fashion.

11 I will remind you, again, to
12 register in the foyer your attendance with us,
13 if you haven't already done so.

14 Also, we want to double check on
15 phone lines, I guess, and make sure that phone
16 lines are open. Yes, they are. Thank you.
17 Mr. Katz, do you have any preliminary remarks?

18 MR. KATZ: Good morning. That's
19 it. Thanks.

20 CHAIRMAN ZIEMER: Thank you. So
21 we'll begin today with both subcommittee and
22 work group reports, beginning with our two

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1 subcommittees and then moving on to the work
2 groups. So let me begin with Ms. Munn, and
3 she has the report for the Subcommittee on
4 Procedures Review, and as she begins her
5 report I want to remind you that she
6 distributed to the Board members a draft
7 report or letter report that her subcommittee
8 is proposing be sent to the Secretary as
9 their, what I'll call second annual report,
10 which is basically a report of progress being
11 made in the review of procedures. And with
12 that introduction, I'll give the chair or the
13 podium or the mic to Wanda.

14 MEMBER MUNN: Thank you, Paul. The
15 Procedures Subcommittee is continuing to meet
16 at fairly regular intervals. Our most recent
17 meeting was last week, October 15, in
18 Cincinnati. Our most significant activity
19 continues to be the development and updating
20 of our electronic database methodology. As I
21 think most of you know, we anticipate that
22 this type of database structure will

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1 eventually be the method of choice for most of
2 the working groups in tracking their
3 activities. So we've tried to lead the way in
4 that regard.

5 We have a fairly complex set of
6 data with which to work, and we've been very
7 fortunate in having some very fine support in
8 getting that together. The problem is that
9 evolution of this kind of thing is really
10 painful. We've gone through at least four
11 major changes in approach to how the database
12 is maintained and how detailed it is. The
13 switch over that we've all been experiencing
14 with our IT issues has not helped us any. It
15 has slowed us down a little bit.

16 And even as recently as last night,
17 I was trying to pull up the full set of data
18 that we work with and try to check my numbers
19 for the status, current status, and was having
20 a hard time getting in. As a matter of fact
21 could get to the database but couldn't get
22 into it. This morning, I can get in to it

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1 just fine. So that is, I think, a matter of
2 timing for us and for all of you. Once that's
3 done with I believe we're hoping that it will
4 be helpful to all of the members of the Board
5 and to the individual working groups. The
6 electronic changes have also affected our
7 ability to follow through on setting up a
8 mechanism for easy transfer of responsibility
9 from one work group to another or from the
10 Procedures Work Group to individual site work
11 groups.

12 We had hoped to be able to make the
13 database acceptable and accessible to everyone
14 in such a way so that the work groups could
15 work through our points of contact that
16 maintain the database for us and as they made
17 progress with their tracking systems be able
18 to maintain it on the master database as well.

19 Right now it's not quite possible for us to
20 do that. We suspect it will be several months
21 before that will go on. But in the meantime,
22 those of you who are members of working groups

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1 to whom responsibility for an issue is being
2 transferred, we'll just have to work with
3 ordinary electronic format that you are
4 familiar with.

5 As Paul mentioned, I did send to
6 all of you last week our draft of a letter to
7 the Secretary giving a very brief overview of
8 what this Subcommittee does, what our progress
9 has been. Steve Marschke, who is our
10 contractor point of contact, sent me the most
11 recent numbers that he has for the total
12 amount of findings that we have and the amount
13 of open findings, which will change slightly
14 in the letter that you have in your hand. The
15 total findings are 538. The open findings are
16 100. That's the number that I anticipate
17 providing to Dr. Ziemer for his letter for
18 transmission to the Secretary. Does anyone
19 have any question about that letter or any
20 suggestions with respect to its content. I've
21 not heard from anyone. I'm assuming that
22 there, therefore, is no major difficulty with

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1 the language or with the report as it stands.

2 CHAIRMAN ZIEMER: Wanda, one thing
3 I would like to do, sometimes silence can be
4 misinterpreted. I want to make sure, number
5 one, everyone has the letter, and then I want
6 to move to what I would call the bottom line
7 issues on the letter and make sure that
8 everyone is agreeable on that. You may have
9 some editorial things, and, Wanda, with your
10 permission I'd like to lead the group through
11 a few items on this.

12 MEMBER MUNN: I would be delighted
13 to have you do that. Go right ahead.

14 CHAIRMAN ZIEMER: Is there anyone
15 that would admit to not having been able to
16 find the letter in their files?

17 MEMBER BEACH: Well, I actually
18 cannot pull it up right now. My email is not
19 working.

20 CHAIRMAN ZIEMER: Okay. Well, let
21 me go through this.

22 MEMBER MUNN: It was sent out on

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1 the 15th.

2 MEMBER BEACH: I do have it.

3 CHAIRMAN ZIEMER: There will be
4 opportunity to edit it further, as Wanda has
5 indicated. The first paragraph of the letter
6 simply points out that this is the second
7 report that we are making in accordance with
8 the provisions of the rules and the law that
9 is cited here. And then it also indicates why
10 we are reviewing procedures, and it points out
11 that this is being done as part of our
12 responsibility to assure the scientific
13 validity of and completeness of the work of
14 NIOSH in dose reconstruction. There is a
15 little bit of information about the background
16 of the Subcommittee, including its membership.
17 There is a bit of information about the
18 numbers of procedures that have been reviewed
19 and the numbers of findings and the percent of
20 those that have been closed. So that's
21 basically all simply factual information. The
22 Subcommittee has been editing on it so at

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1 least the Chair is certain there aren't any
2 dangling participles. However, there may be
3 other problems that you will identify.

4 Now, when you get to the fourth
5 paragraph, it begins to talk about the
6 results. And I think that is where we want to
7 make sure that the Board is comfortable. It
8 talks about sort of the range of findings in
9 terms of their impact, and then it goes on in
10 the, I guess it is the fifth paragraph that
11 indicates the results of the reviews, and it
12 has several bullet points that describe what
13 has occurred as a result of the reviews. And
14 there's those three bullet points, which I
15 think are important.

16 The first of which is the multiple
17 modifications have been made to procedures,
18 including some changes of such a nature that
19 new revisions of the document were required.
20 So that's a first impact item.

21 The second is, by highlighting
22 subjects which reoccurred in the review of

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1 procedures for individual sites, the Board has
2 been able to identify several overarching
3 issues which have the potential for complex-
4 wide concern. The third bullet point is the
5 procedures or, I'm sorry, the process of
6 identifying these reoccurring topics has been
7 a major factor in the ongoing process of
8 administering and eliminating redundancy from
9 the procedure collection. Those are three
10 impact points that the Subcommittee
11 identified.

12 And then I think the next paragraph
13 has the key sentence, and this is the
14 important one for the Board. It is the
15 consensus of the Board that this process
16 continues to be effective in assuring the
17 clarity, efficiency, and scientific accuracy
18 of the procedures in use. That is the key
19 bottom line sentence. And that is the one I
20 think is important, that there be agreement on
21 if this letter is to go forward. Beyond that,
22 the letter says there is some attachments,

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1 which summarize the findings.

2 So I guess, Madam Chairman, it
3 would be important for us to get concurrence
4 on the letter, particularly with respect to
5 that bottom line issue.

6 MEMBER MUNN: It is my request that
7 the full Board recommend the letter go forward
8 to the Secretary.

9 CHAIRMAN ZIEMER: And that
10 basically is a motion from the Subcommittee.
11 It doesn't require a second so that we can
12 discuss that. I ask if there is any
13 discussion, pro or con, or if there are
14 particular items that you believe should be
15 changed, and certainly we can do edits
16 afterwards, but the bottom line items are very
17 important. Brad?

18 MEMBER CLAWSON: Who's this going
19 to? Is this going to --

20 CHAIRMAN ZIEMER: This would go to
21 the Secretary of Health and Human Services,
22 Secretary Sebelius.

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1 MEMBER CLAWSON: Secretary who?

2 CHAIRMAN ZIEMER: Sebelius.

3 MEMBER MUNN: Sebelius.

4 MEMBER CLAWSON: I just wanted to
5 make sure when I saw that it didn't go to
6 John.

7 CHAIRMAN ZIEMER: No, this would be
8 a report to, I mean, we report to the
9 Secretary of Health and Human Services.

10 MEMBER CLAWSON: Okay.

11 MEMBER MUNN: That's why it says
12 the Honorable Kathleen Sebelius.

13 CHAIRMAN ZIEMER: We would probably
14 transmit this through John's office in NIOSH
15 as we do our other materials to the Secretary,
16 but it would be addressed to her.

17 MEMBER CLAWSON: Okay.

18 CHAIRMAN ZIEMER: There appears to
19 be no discussion of particular concern. Does
20 that mean there's a comfort level and that you
21 are ready to vote? I see nods. Okay. Then
22 we will, let's -- actually, since this is

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1 going to the Secretary I would like to get a
2 voice vote on this individually. We will go
3 down the roster here.

4 MR. KATZ: Ms. Beach?

5 MEMBER BEACH: Yes.

6 MR. KATZ: Mr. Clawson?

7 MEMBER CLAWSON: Yes.

8 MR. KATZ: Mr. Gibson. Oh no, he's
9 not here. Excuse me.

10 CHAIRMAN ZIEMER: But we will have
11 to obtain his vote.

12 MR. KATZ: Okay, we shall do that.
13 Mr. Griffon?

14 MEMBER GRIFFON: Yes.

15 MR. KATZ: Dr. Lockey?

16 MEMBER LOCKEY: Yes.

17 MR. KATZ: And then same with Dr.
18 Melius. I'll get his vote. Ms. Munn?

19 MEMBER MUNN: Yes.

20 MR. KATZ: Dr. Poston?

21 MEMBER POSTON: Yes.

22 MR. KATZ: Mr. Presley?

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1 MEMBER PRESLEY: Yes.

2 MR. KATZ: Dr. Roessler?

3 MEMBER ROESSLER: Yes.

4 MR. KATZ: Mr. Schofield?

5 MEMBER SCHOFIELD: Yes.

6 MR. KATZ: Dr. Ziemer?

7 CHAIRMAN ZIEMER: Yes.

8 MR. KATZ: It's unanimous with ten
9 votes.

10 CHAIRMAN ZIEMER: The motion
11 carries, and since this is a report to the
12 Secretary, I think we will treat it as we do
13 our other recommendations to the Secretary,
14 which specify that we do obtain the votes of
15 the other Board members, so they will have the
16 opportunity to be on record on this one as
17 well. Thank you very much.

18 Ms. Munn, do you have additional
19 comments?

20 MEMBER MUNN: That's the extent of
21 my report. Thank you.

22 CHAIRMAN ZIEMER: Thank you very

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1 much. Then we will go to Mr. Griffon for the
2 Subcommittee on Dose Reconstruction.

3 MEMBER GRIFFON: Yes, a very brief
4 report from the Dose Reconstruction
5 Subcommittee. We did have one meeting since
6 the last Advisory Board meeting. We continue
7 work on the sixth, seventh, and eighth set of
8 cases. We are very close to closing a few of
9 those out. I know this has been a report of
10 mine for the last several Board meetings, but
11 we are very close to closing out the sixth and
12 seventh set. We also began the process or
13 deliberation process on the Subcommittee
14 regarding the first 100 cases report. If you
15 remember, the Board tasked us to go back and
16 reconsider. We did forward a report on the
17 first 100 cases, but we wanted to sort of
18 reconsider what impacts some of those findings
19 had on the bottom line question that Paul had
20 raised regarding scientific accuracy of the
21 dose reconstructions to this point in the
22 program, so we began deliberations on that. I

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1 owe the Subcommittee a draft for the next
2 Subcommittee meeting, and then we are going to
3 start getting more specific to try to bring
4 something back to the Board with regard to
5 what we think we can say about a bottom line
6 on those issues that were raised in the
7 previous report. But other than that, we just
8 continued our regular work on the sixth,
9 seventh, and eighth cases.

10 CHAIRMAN ZIEMER: Thank you, Mark.

11 If I might add one thing for informational
12 purposes. SC&A has completed their review of
13 the 11th set of dose reconstructions, and they
14 are ready to begin work with our Board teams
15 on the individual cases. The list of cases
16 and the team assignments are in my hands
17 currently. I am looking at them. Actually I
18 promised John Mauro I would have them by
19 today, and today is going to be a long day.
20 It is going to stretch into tomorrow, but
21 these are just about ready to go. General
22 counsel will have to look at them for ensuring

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1 that we don't have conflict of interest, but I
2 think we'll be, we are basically set to go.
3 You will be contacted very soon by the SC&A
4 folks to set up your review time with them.
5 So that will be coming. Probably you will
6 hear from them next week I would gather. So
7 just that as a status report.

8 Thank you. Let's proceed with the
9 work groups, Ted. Let me preface this also.
10 If your work group has nothing to report and -
11 - other than that you met, just tell us that.

12 We don't need any lengthy reports on actions
13 that have not occurred.

14 MR. KATZ: Okay. So Blockson is
15 not necessary because we've addressed that at
16 the meeting already. But Chapman Valve, Dr.
17 Poston?

18 MEMBER POSTON: No report.

19 MR. KATZ: And then Fernald, Mr.
20 Clawson?

21 MEMBER CLAWSON: No report.

22 MR. KATZ: Hanford is Dr. Melius

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1 who is not here with us today, but we spent a
2 good bit of time. Is there a further update
3 on Hanford?

4 CHAIRMAN ZIEMER: No, I'm on that
5 Work Group as well, and Hanford we were
6 waiting for the most recent action, which
7 impacts on the original matrix and related
8 things that we had from SC&A. My
9 understanding is Jim now intends to assemble
10 the Work Group in the very near future and
11 we'll proceed from there. But the matrix that
12 we have in hand will be greatly impacted by
13 the action taken this week.

14 MR. KATZ: Thank you, Dr. Ziemer.
15 Idaho, Mr. Schofield?

16 MEMBER SCHOFIELD: Larry Elliott
17 said they will not probably be ready with that
18 until April.

19 CHAIRMAN ZIEMER: That, ready with?
20 Can you just specify what "that" is?

21 MEMBER SCHOFIELD: The review that
22 SC&A did was a TBD. It is back with NIOSH,

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1 but he does not expect to have anything ready
2 for the Work Group until April.

3 CHAIRMAN ZIEMER: Very good, thank
4 you.

5 MR. KATZ: Linde, Dr. Roessler?

6 MEMBER ROESSLER: Our Work Group
7 held its first meeting after being re-
8 established to look at SEC issues on September
9 2, and I reported on that meeting at our Board
10 teleconference. So I'll just bring an update
11 to this one. At that meeting we had made some
12 assignments to SC&A and to NIOSH. SC&A has
13 completed their assignment. NIOSH has
14 completed most of the work that we had
15 assigned them, but there's one small thing
16 left open on -- dealing with radon. We were
17 scheduled to have a Work Group meeting on
18 November 4, but I think we need to reschedule
19 that and make sure we have everything complete
20 from NIOSH first. So we're looking at another
21 couple of dates. November 16 is one that most
22 Work Group members can meet. We are also

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1 looking at December 1. We've heard from our
2 petitioners' representative, [identifying
3 information redacted], and she's available at
4 least for the 16th. But we have not heard yet
5 from Steve Ostrow, who is SC&A's person on
6 this. So right now we don't have a
7 rescheduled date.

8 CHAIRMAN ZIEMER: Thank you very
9 much, and, Dr. Roessler, if you'd permit me to
10 reword something. We don't actually assign
11 tasks to NIOSH. We request them. So Dr.
12 Roessler meant to say that, and I just wanted
13 to make sure you knew that's what she really
14 meant.

15 MEMBER ROESSLER: That's what I
16 really meant. Thank you.

17 MR. KATZ: Thank you. Los Alamos,
18 Mr. Griffon?

19 MEMBER GRIFFON: No report at this
20 point. We are getting closer though to having
21 a Work Group meeting I think.

22 MR. KATZ: Mound, Ms. Beach?

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1 MEMBER BEACH: Okay, for Mound. We
2 have scheduled a two-day meeting for early
3 January. My hope is that we will be able to
4 present the Work Group's findings to the full
5 Board at the February meeting.

6 MR. KATZ: Thank you. NTS, Mr.
7 Presley?

8 MEMBER PRESLEY: I'm going to cut
9 this two page down to about a half a page. In
10 the last little bit there's been some concerns
11 about NTS not meeting, and I want to tell you
12 why that's been going on. When we met in Las
13 Vegas last year, we thought we were really
14 close to closing this, and it was brought to
15 our attention that some data had been found
16 for bioassay results at the Test
17 Site. At the Advisory Board meeting in
18 Amarillo, NIOSH committed to obtaining these
19 results or this data, and when I say data it's
20 actually five electronic databases, it has
21 over a quarter of a million, a quarter of a
22 million bioassay data on it. It takes some

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1 time to do this. So they are looking at the
2 data. The data is from 1955 until 2000. I
3 believe it's all workers. It has Social
4 Security numbers, names. So it is a very,
5 very high quality database for them to use.
6 They are going to report back to the Board, I
7 have been told, hopefully in two to three
8 weeks. When the Working Group gets this, then
9 we will forward a copy on to John Mauro for
10 their review and hopefully then the NTS
11 Working Group will be able to move on, on the
12 TBD as well as the SEC petition. We're close,
13 we're a whole lot closer than we were a year
14 ago, but we want to make sure that all the
15 strings are pulled and all the doors are
16 closed. Thank you.

17 MR. KATZ: Thank you. Pantex, Mr.
18 Clawson?

19 MEMBER CLAWSON: Nothing to report
20 at this time. We did go down and have data
21 capture, and we've got a few problems we are
22 trying to work out, but nothing at this time.

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1 MR. KATZ: Pinellas, Mr. Schofield?

2 MEMBER SCHOFIELD: Nothing to
3 report at this time.

4 MR. KATZ: Rocky Flats, Mr.
5 Griffon?

6 MEMBER GRIFFON: I'd like to give
7 my two minutes to Jeff Kotsch to report. Is
8 that appropriate at this point, to have DOL
9 come forward --

10 CHAIRMAN ZIEMER: I guess Mark is
11 asking about Labor's review of the Rутtenber
12 data, I believe.

13 MEMBER GRIFFON: Yes, there's
14 nothing else.

15 CHAIRMAN ZIEMER: Labor had
16 indicated that they would be looking at that
17 and the possible impact of that information.
18 I guess we are asking for an update on the
19 status of that.

20 MR. KOTSCH: Good morning. We are
21 still not quite done, but let me just give you
22 an update of where we are at. DOL plans to

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1 use the billing information in the database,
2 in the Ruttenber database to assist in its
3 assessment of whether Rocky Flats workers can
4 be included in the SEC. The database shows an
5 employee's job location as one of the
6 buildings identified as involving potential
7 for neutron exposure during the year of the
8 class. This evidence will be -- this will
9 demonstrate that the employee should have been
10 monitored, that is a requirement, for
11 neutrons, which is one of the requirements of
12 the class. We are also talking with or trying
13 to talk with Margaret Ruttenber to figure out
14 or get a better handle on the neutron exposure
15 data that is in the database. We have some
16 difficulties with determining what some of
17 those neutron numbers because there is a
18 variety. I forget how many columns are in
19 that database but there's quite -- it's thirty
20 something, and some of that neutron data is,
21 we are not quite sure what, what some of those
22 numbers mean and how they were computed.

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1 MEMBER GRIFFON: So, I mean, do you
2 have a time line on when they might be
3 completed, or if you finish this analysis
4 before the next Board meeting, would you
5 notify the Board via email, let the word out
6 kind of?

7 MR. KOTSCH: Yes, we can do that.

8 MEMBER GRIFFON: Okay.

9 MR. KOTSCH: We just have to, like
10 I said, we are just trying to communicate with
11 Ms. Ruttenber to interpret that. Once we do
12 that --

13 MEMBER GRIFFON: But if I
14 understand this right, you are considering
15 whether you can assume neutron exposure if
16 they were in the Ruttenber database and that's
17 dependent on what --

18 MR. KOTSCH: Yes, I think that's
19 the direction the policy is headed with that
20 because they have to revise their bulletin on
21 interpreting that class.

22 MEMBER GRIFFON: All right. I

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1 think there's a lot of people anxious to find
2 out, and you know that. So, yes, okay. Thank
3 you. Thank you, Jeff.

4 MR. KATZ: Santa Susana, that's
5 Mike. Josie or Bill?

6 MEMBER BEACH: I can say there's no
7 report. We haven't met since the last Board
8 meeting.

9 MR. KATZ: Thank you. Savannah
10 River Site, Mr. Griffon?

11 MEMBER GRIFFON: Just a brief
12 report. We did have a site visit which was
13 actually a pretty good site visit. We do
14 have, DOE has asked us all individually for
15 follow up on how we can improve because we did
16 have, it involves some tours in classified
17 areas and one of the problems that sort of
18 arose is every time we went to a new area, the
19 team that was there to greet us and take us
20 through said "so what do you all do? Why are
21 you here?" And obviously I think it could
22 have maybe, it might have benefitted all of us

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1 if they had sort of a notion up front of what
2 we are looking for and why we are there and
3 that we were interested in historical. I
4 think one of our tour guides at one of the
5 buildings was, you know, looked to be 17 or
6 18. He was a very young man, bright, but very
7 young, and I'm not sure he remembered back to
8 the 50s of that facility.

9 But anyway, overall it was, it's
10 better than some that we've been involved in.

11 So we are looking to improve that a little
12 bit. The other thing we've, I'm working with
13 the NIOSH contact to have a classified meeting
14 down at the site. We have some classified
15 issues. I think that is more of a meeting,
16 not a tour, and subsequent to that we are
17 going to have our first Work Group meeting in
18 Cincinnati, so this should all happen
19 hopefully before the holidays. We are going
20 to work close to getting the first Work Group
21 session rolled out.

22 MR. KATZ: Thank you, Mark. Okay,

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1 the next is the SEC issues, Dr. Melius. I can
2 say that I don't believe it has met.
3 Following that we have TBD-6000, Dr. Ziemer?

4 CHAIRMAN ZIEMER: Right. TBD-6000
5 Work Group met in Cincinnati on the 14th of
6 October. We are focusing mainly on General
7 Steel Industries. There are many issues
8 there. We are looking, continuing to look at
9 the Landauer database.

10 An interesting offshoot of the
11 General Steel effort on that Landauer database
12 is that it has been discovered that Landauer
13 is part of an early buyout of another company
14 and has ended up with film badge records from
15 the old Picker X-ray company. Picker was a
16 film badge supplier as well as a medical X-ray
17 supplier in the early days, and Landauer now
18 has, in addition to their own archive of film
19 badge data, has the old Picker archive.

20 It's not completely clear what is
21 in that, but Jim Neton reported to us earlier
22 this week and may not realize that connection,

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1 but NIOSH has contracted with Landauer to not
2 only go through their own database and
3 organize it but to review the Picker records
4 as well and try to cull out. Much of this
5 originated with the GSI concerns, but they
6 have some broader implications for other sites
7 that might have been serviced by Landauer and
8 that are of interest in the NIOSH program.

9 Our Work Group will be meeting
10 again on December 16. We will be pursuing the
11 General Steel Industries issues as well as two
12 other assignments which have resulted from
13 this Board meeting. So we have a fairly heavy
14 workload ahead of us.

15 MR. KATZ: Thank you, Dr. Ziemer.
16 We have then Surrogate Data, which has not
17 met. That is Dr. Melius. And then next we
18 have Worker Outreach. Mike is not here, but
19 Josie is going to present for Mike.

20 MEMBER BEACH: Yes, Mike asked me
21 last night about 9:00 to report for him. The
22 Worker Outreach has been busy. In addition to

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1 our last meeting which was held on September
2 29, we've had Work Group members go to the
3 Weldon Springs meeting. We've sent people to
4 the Dose Reconstruction meeting and also the
5 Santa Susana meeting. We attended those three
6 meetings representing the Worker Outreach
7 Group.

8 Let's see, the Work Group, you have
9 been given the results of our last meeting on
10 September 29. The mission outreach statement
11 has been reworded. I will read that into the
12 record and ask that we take a vote on that
13 today. You also have the draft copy of the
14 plan we are working on. We are going to fine
15 tune it at our next meeting scheduled in
16 December, December 2. We will probably be
17 able to bring that to the Board in February.
18 So at this time I will go ahead and read the
19 new mission statement.

20 The mission of the Advisory Board
21 on Radiation and Worker Health's Worker
22 Outreach Work Group is to evaluate the

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1 effectiveness of NIOSH's activities and
2 obtaining and making use of information from
3 current and former workers and their
4 representatives. The mission also includes
5 monitoring and evaluating the effectiveness of
6 NIOSH sources of assistance to assure this
7 information is available to as many potential
8 EEOICPA claimants as possible.

9 So that's the wording that we would
10 like to have voted on today.

11 CHAIRMAN ZIEMER: That represents a
12 motion from the Work Group. It does not
13 require a second. It is before us for action.

14 Any comments or questions? Anyone wish to
15 speak to this proposed mission statement in
16 terms of either affirming it, modifying it?
17 Mark Griffon?

18 MEMBER GRIFFON: I was just going
19 to ask if you could read the last line one
20 more time since we don't have it in writing
21 yet.

22 MEMBER BEACH: Yes. We do, it's

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1 right there. I would be happy to.

2 CHAIRMAN ZIEMER: The copy is right
3 here.

4 MEMBER BEACH: Zaida worked very
5 hard to get those copies out in the last ten
6 minutes.

7 MEMBER GRIFFON: I thought most of
8 them were the other motion.

9 CHAIRMAN ZIEMER: It's the, all the
10 words in italics represent the mission
11 statement. The rest of the document is draft,
12 just for information. No action will be
13 required today.

14 MEMBER BEACH: Correct.

15 CHAIRMAN ZIEMER: So are there any
16 questions on this?

17 MEMBER BEACH: So I want to make
18 sure we are clear. We are only voting on the
19 mission statement.

20 CHAIRMAN ZIEMER: Right.

21 MEMBER BEACH: Not the draft. It
22 was just part of the document. I didn't have

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1 time to separate it.

2 CHAIRMAN ZIEMER: It's the words in
3 italics.

4 MEMBER BEACH: Correct.

5 MEMBER GRIFFON: All right, now I
6 just want to make sure I have the words right
7 before I ask the question. I'm not sure I
8 understand. Evaluating the effectiveness of
9 NIOSH sources of assistance.

10 MEMBER BEACH: Okay.

11 MEMBER GRIFFON: Sources of
12 assistance. What are sources of assistance?
13 Is it to evaluate --

14 MEMBER BEACH: Sources of
15 assistance to assure that --

16 MEMBER GRIFFON: It may be that --
17 NIOSH's resources or NIOSH has a resource to
18 assist.

19 MEMBER BEACH: I believe we are
20 trying to say how NIOSH's, the sources that
21 they bring to us. Wanda, was that part of
22 your wording, I believe?

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1 MEMBER MUNN: Yes, it was.

2 MEMBER GRIFFON: I can see. I
3 think I get the point. How good of a resource
4 is NIOSH to the claimants. Am I interpreting,
5 is that kind of what you are getting at?

6 MEMBER BEACH: I believe it's all
7 that NIOSH brings to the worker outreach
8 activities.

9 MEMBER GRIFFON: All their
10 documents?

11 MEMBER BEACH: Correct.

12 MEMBER GRIFFON: Okay. I'm a
13 little confused then.

14 MEMBER MUNN: What sources they
15 bring to the table.

16 MEMBER GRIFFON: Okay.

17 CHAIRMAN ZIEMER: You might have
18 thought of it as resources actually.

19 MEMBER BEACH: Possibly.

20 MEMBER GRIFFON: I was thinking
21 resources.

22 CHAIRMAN ZIEMER: I think the

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1 intent is about the same.

2 MEMBER MUNN: Pretty close.

3 MEMBER GRIFFON: Okay.

4 MEMBER BEACH: Resources of
5 assistance wouldn't really help.

6 MEMBER MUNN: No.

7 MEMBER BEACH: We would have to
8 reword the whole sentence.

9 MEMBER GRIFFON: Yes, you would
10 have to reword the whole sentence, yes.

11 MEMBER MUNN: The thought was NIOSH
12 has many sources that they use to provide
13 assistance, and we're saying that we evaluate
14 the effectiveness of not only what goes to the
15 worker but where it comes from as well. Is
16 this an effective use of that source? Are the
17 sources that NIOSH uses being effective for
18 our purposes?

19 MEMBER GRIFFON: I think I get it.

20 CHAIRMAN ZIEMER: Josie?

21 MEMBER BEACH: And we have reworded
22 this several times. We could actually wait

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1 until the next meeting. I was just hoping to
2 get the mission statement through. I didn't
3 really think about that part of it.

4 CHAIRMAN ZIEMER: It seems to me
5 the intent here is fairly clear, and you can
6 massage it a little bit if needed. But
7 certainly the intent is what we are wanting to
8 focus on. I know that Dr. Lockey originally
9 had a concern about the word evaluate. Do you
10 still have that concern or is that, is it
11 understood in this context what they are
12 doing? I guess the proof will be in the
13 actual working papers, but are you okay with
14 it?

15 MEMBER LOCKEY: I'm okay with it.

16 CHAIRMAN ZIEMER: Thank you. Are
17 you ready to vote then? We can do this by
18 voice. All who favor the motion which is to
19 adopt the mission statement for the Work Group
20 on Worker Outreach say aye.

21 (Chorus of ayes.)

22 CHAIRMAN ZIEMER: Those opposed,

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1 no. Abstentions? The ayes have it; the
2 motion carries. The mission statement is
3 approved.

4 MEMBER BEACH: Thank you.

5 MR. KATZ: Thank you, Josie. And
6 then Oak Ridge Hospital has reported out so I
7 don't know if it is time to disband.

8 CHAIRMAN ZIEMER: Oak Ridge
9 Hospital Work Group has, unlike many others,
10 has completed its work. Thank you, Dr.
11 Lockey. We appreciate that. We have to give
12 you more difficult tasks in the future. Dr.
13 Lockey had another work group earlier that
14 finished its work in an extremely timely
15 fashion.

16 MEMBER CLAWSON: Yes, he gets the
17 big ones.

18 CHAIRMAN ZIEMER: He's making notes
19 here, Brad, so be careful. Okay. Okay. Do
20 we have any others?

21 MR. KATZ: That's it.

22 CHAIRMAN ZIEMER: That's it.

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1 MR. KATZ: That concludes the work
2 group reports.

3 CHAIRMAN ZIEMER: Thank you very
4 much, everyone. Let's go ahead and move on to
5 the next item. We have follow up actions on
6 the petitions. Dr. Lockey has provided us as
7 the trainee to Dr. Melius, has provided us
8 with the wording for, I believe we have five.
9 We have a number of actions going forward to
10 the Secretary.

11 MEMBER LOCKEY: There's new, I got
12 some comments this morning.

13 CHAIRMAN ZIEMER: There's a
14 revision coming.

15 MEMBER LOCKEY: There's new drafts
16 being distributed. I don't think there was
17 any change on Brookhaven, right? So maybe we
18 can start on that, and by that time the other
19 ones will be back down.

20 CHAIRMAN ZIEMER: Okay, very good.
21 Let's move to the Brookhaven one. All of
22 these start with the standard statement which

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1 instructs the Chair to submit this material
2 within 21 days, and so that is common to all
3 of these. We don't need to read through that.

4 The description of the class, I think in each
5 case is given in the second paragraph.

6 MEMBER LOCKEY: That's correct.

7 CHAIRMAN ZIEMER: My understanding
8 is that these descriptions NIOSH has had an
9 opportunity to look at this. Labor, Jeff, you
10 have looked at these, and counsel has looked
11 at these.

12 MEMBER LOCKEY: No, there were some
13 changes made on all but Brookhaven.

14 CHAIRMAN ZIEMER: Brookhaven is
15 exactly as it was presented to us by the NIOSH
16 evaluation report. Is that correct?

17 MEMBER LOCKEY: It's gone through
18 legal and Labor review yesterday. Is that
19 correct? And there were no changes on it from
20 their perspective.

21 CHAIRMAN ZIEMER: Okay, and then
22 the bulleted items are always ones where we

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1 identify factors which led to the decision.
2 And the first one is that they were a covered
3 facility. That is common to all of these.
4 The second one is the statement concerning the
5 conclusion that NIOSH, well you can read it
6 there. Appropriate amount of work was
7 conducted. Documentation of appropriate
8 monitoring practices. I'm looking for the
9 words here. Retrievability of database of
10 doses for members of the class. Is something
11 missing here? Prevent NIOSH from confirming.
12 That's the word, it is there, and that we
13 concur, and then the health endangerment
14 statement, and that we concur. Emily Howell,
15 do you have a comment?

16 MS. HOWELL: The only issue with
17 Brookhaven which actually appears in all of
18 the document is the language in the very last
19 paragraph referring, or the second to last
20 paragraph, rather, referring to a TIB for
21 diagnostic X-ray procedures, and I believe
22 that Dr. Lockey picked up that language from

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1 Norton which had come from Standard Oil, but
2 prior to those couple of SECs which are
3 recent, this language had never appeared in
4 the letter before. We spoke with this about
5 Larry who's a little unsure of whether it
6 would have any effect, but Jim may want to
7 speak to that. I don't know. We were going
8 to leave it to the Board to kind of discuss
9 whether or not that language should remain in
10 all of these. The thought was that it might
11 limit NIOSH in the kind of information that
12 they could use for medical X-rays.

13 DR. NETON: That was my concern.
14 It's very specific, if the TIB actually
15 changes number or something like that it could
16 be problematic, and it's never been a problem
17 before.

18 CHAIRMAN ZIEMER: Yes, I
19 understand. Emily, can you remind us of how
20 we worded it on the earlier documents?

21 DR. NETON: I don't think it was
22 there before. It was not, for some reason it

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1 appeared in a fairly recent one, Standard Oil.

2 But I'm not sure it really is necessary.

3 CHAIRMAN ZIEMER: Well for example,
4 can we simply end with the sentence that non-
5 presumptive cancers NIOSH will use individual
6 internal/external monitoring data
7 to complete dose reconstruction?

8 DR. NETON: I would say do that.

9 CHAIRMAN ZIEMER: Yes, I think
10 that's consistent with most of the SEC
11 transmittal.

12 MS. HOWELL: Nancy has said that
13 normally it just ends after special exposure
14 cohort status be granted. The sentence
15 beginning for non-presumptive cancers is what
16 never appeared. So it's not even just the
17 medical doses. It is also that other
18 sentence, although I think that that sentence
19 is less problematic.

20 CHAIRMAN ZIEMER: It doesn't
21 actually matter in terms of this letter that
22 we say that because that's part of the

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1 process.

2 MS. HOWELL: Right.

3 CHAIRMAN ZIEMER: Is there any
4 objection to simply deleting that? It is not
5 required for the SEC class.

6 MEMBER LOCKEY: What would we
7 delete?

8 CHAIRMAN ZIEMER: Delete everything
9 after the fact that we recommended special
10 cohort status be granted. All the statement
11 about non-presumptive cancers to the end of
12 the paragraph would be deleted. It must have
13 appeared at least in one of the earlier ones.

14

15 MEMBER LOCKEY: It had to have
16 appeared because I think Jim is the one who
17 raised the issue to make sure that this
18 language would be inserted. As I recall --

19 CHAIRMAN ZIEMER: What particular
20 site was it?

21 MEMBER LOCKEY: That I don't know.

22 I don't know.

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1 MEMBER GRIFFON: I mean, I was
2 almost thinking just dropping the last line,
3 but then if you look back at the next to last,
4 and maybe NIOSH can help me out here, but I
5 think that you have the same potential problem
6 because it limits you because it says NIOSH
7 will use any individual internal/external
8 monitoring data to do, and I think sometimes
9 for external, for non-presumptives you can use
10 other means, right? You are not limited to
11 just individual data, are you? I don't know.

12 DR. NETON: Well this is SEC class-
13 specific, and in this particular case I think
14 that's accurate.

15 MEMBER GRIFFON: Okay, okay. I was
16 just thinking it was generic language. I was
17 worried about that.

18 CHAIRMAN ZIEMER: That wouldn't be
19 in every case.

20 MEMBER GRIFFON: Yes, yes.

21 MS. HOWELL: I mean, I would just
22 argue that could cause confusion, as it has in

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1 this instance, so better to take it out.

2 MEMBER LOCKEY: Okay.

3 CHAIRMAN ZIEMER: Any objection to
4 removing that? Okay, then by consent we will
5 just delete the rest of that.

6 MEMBER LOCKEY: So, I will take
7 those out from all five of them.

8 CHAIRMAN ZIEMER: Yes, and we can
9 just do that as we proceed here. It is common
10 language. Any other comments? Now we've
11 already approved the motion for this so we
12 don't need to take action. I have consent
13 that there's no further objection to the final
14 wording. There appears to be none, and that
15 will be the final wording.

16 MEMBER LOCKEY: If we can wait a
17 few minutes, we'll get the new drafts for the
18 other four.

19 CHAIRMAN ZIEMER: Are all the other
20 four changed?

21 MEMBER LOCKEY: Yes, a little bit.

22 CHAIRMAN ZIEMER: Well, in order to

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1 move us along here -- are we okay, or do we
2 need a break? Okay.

3 If you will pull out the other
4 document that was distributed at the time that
5 the Worker Outreach Work Group document was
6 distributed, you have a draft called Advisory
7 Board policy on meeting transcripts. You may
8 recall that at our telephone meeting last
9 month or the most recent one, I forget the
10 date, we talked about how we would handle
11 transcripts and whether or not we could put
12 them on the website early on. We agreed
13 informally that after Privacy Act review, we
14 would put the transcripts on the website even
15 before they were reviewed for technical
16 accuracy with a disclaimer statement that they
17 had not been reviewed for technical accuracy.

18 And in fact that has already begun, and if
19 you look at the most recent transcripts on
20 there, they now have the disclaimer. This
21 proposed policy simply will codify what we are
22 already doing and that I've broken it down

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1 into a series of statements. The first of
2 which says that following PA review the
3 transcripts will go immediately on the
4 website.

5 MEMBER MUNN: Which needs to be
6 spelled properly, S-I-T-E.

7 CHAIRMAN ZIEMER: When you draft
8 things at 11:30 at night. Thank you. All
9 such transcripts will bear the disclaimer.
10 And this is the disclaimer that currently is
11 on there. It is verbatim, in case you haven't
12 looked at it. And it also says the transcript
13 has not been reviewed and certified by the
14 chair of whatever it is, the Board or the Work
15 Group, for accuracy. Then the second item
16 here has an instruction relating to the Board
17 transcripts that within 30 days of posting
18 that the chair will certify them for technical
19 accuracy. That means the chair has to review
20 them, and if there are changes, it describes
21 that. If technical changes are required they
22 will be made and a corrected version will then

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1 be posted and have the following
2 certification. And I haven't checked this
3 wording out with counsel yet, but it is pretty
4 close to what was already there. The
5 transcript of the Advisory Board on Radiation
6 and Worker Health has been reviewed for
7 concerns under the Privacy Act, and personally
8 identifiable information has been redacted as
9 necessary. And then, this transcript has also
10 been reviewed by the chair of the Advisory
11 Board who has certified it as being an
12 accurate transcript of the meeting.

13 MEMBER BEACH: Can I comment?

14 CHAIRMAN ZIEMER: Yes.

15 MEMBER BEACH: I have a bit of a
16 concern with putting in 30 days because what
17 happens if we don't get it done within 30
18 days.

19 CHAIRMAN ZIEMER: Well the chair
20 has imposed this on himself, and you will
21 notice the we is me. And the way I have
22 structured this, you will notice that the

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1 chairs of the other groups don't have a 30-
2 day.

3 MEMBER BEACH: Okay.

4 CHAIRMAN ZIEMER: However, the
5 Designated Federal Official has informed me
6 that at least for the subcommittees, they have
7 to parallel what we do in the Board. So we
8 would have to modify the subcommittee ones to
9 30 days. So I'm quite willing to extend this
10 out, but in reality if we go very far beyond
11 30 days, because it is already a month, almost
12 a month to get the originals posted, we will
13 have some grumbling.

14 MEMBER BEACH: Can that task be
15 delegated if the chair of that Work Group does
16 not have the ability to --

17 CHAIRMAN ZIEMER: The chair simply
18 has to certify.

19 MEMBER BEACH: Has to do it, okay.

20 CHAIRMAN ZIEMER: I myself, if I
21 see something I don't understand or am not
22 knowledgeable in, which was the case, and Brad

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1 knows, in some security things that I thought
2 was mumbo jumbo, and it was really good stuff.

3 I didn't know the jargon, but I had to have
4 help to determine that it was correct. So,
5 sure, you can ask for assistance. So there
6 would be a parallel statement for the
7 subcommittees and a parallel statement for the
8 work groups. I think, Ted, are you saying
9 that the work groups would not necessarily
10 have the 30 days?

11 MEMBER SCHOFIELD: Actually as soon
12 as practical.

13 CHAIRMAN ZIEMER: Right. That
14 allows much more flexibility for the work
15 groups but not for the subcommittees. In any
16 event this is, the first item is already our
17 practice. The second item is an effort to
18 prescribe a time limit for the chair of the
19 Board and the two subcommittees. And the
20 third is a commitment that the other chairs as
21 practical will review for technical accuracy.

22 And then because we have had concerns from

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1 the public about what we mean by reviews and
2 editing, I have put a note here, and you can
3 read the note, that reviewers are not
4 permitted to correct grammar, reword
5 sentences. I should have added remove
6 dangling participles or otherwise edit the
7 transcripts. The technical, I've given some
8 examples of what can be done. You can correct
9 a misspelled person's name or misspelled
10 technical term. And sometimes that occurs.
11 And then correct designation of a technical
12 term. For example, if the speaker is talking
13 about mR per hour, and the court reporter puts
14 little m, little r per hour, I will correct it
15 to little m, big R because that's the
16 nomenclature, so sometimes those nomenclature
17 things are permitted, and then sometimes one
18 word that sounds like another and this is an
19 actual one. Inhalation of thorium has an
20 "effect" on the lungs, sounds just like the
21 inhalation of thorium has an "affect" on the
22 lungs.

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1 MEMBER POSTON: I thought you were
2 going to say site.

3 CHAIRMAN ZIEMER: Okay, a wise guy,
4 and site would be another good example. We've
5 had one like, one of the members attended a
6 motherboard meeting. A motherboard meeting?
7 It was the other Board meeting. I mean there
8 are things like that. This is the document
9 so, and unless there is some wording issues on
10 certification, then I would ask Emily and Rob
11 to help on that. Then the 30 day issue comes
12 before us.

13 MR. KATZ: That may be coming up,
14 but just another example I would put in here
15 because it has occurred quite a number of
16 times and it is one of the more important, I
17 think, examples is misattribution of a
18 statement where a statement is attributed to
19 one individual and it was really made by a
20 different individual. That can make a big
21 difference.

22 CHAIRMAN ZIEMER: Right, and I've

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1 had a number of those also where I'm quite
2 certain that it was a different speaker. Or
3 sometimes the chair is referred to as Dr.
4 Lockey and then the court reporter may record
5 what I say from that point on as Dr. Lockey.
6 He doesn't want to -- yes. Okay. That does
7 occur and through no fault of anyone. It just
8 happens sometimes. Okay. Dr. Roessler?

9 MEMBER ROESSLER: I've only done
10 one of these, and it was 246 pages, and it was
11 a short meeting, and so it takes a lot of
12 time. I guess my main concern is I looked
13 over it and things like radionuclides
14 activities, amounts, units, that sort of
15 thing. Just in order to really do this
16 accurately during a work group meeting the
17 chair or someone would have to take minutes
18 too to make sure, especially with
19 radionuclides. They are so easy to be
20 confused. I read our report looking for those
21 sort of things, but what responsibility comes
22 on me if I miss one?

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1 CHAIRMAN ZIEMER: I don't think
2 it's that big a deal. I think you will pick
3 up the obvious ones. If, for example, if
4 somebody is talking about cobalt-60 and
5 somehow the court reporter wrote cobalt-50 and
6 you know that it couldn't have been that, I
7 think you are okay in changing it. We had one
8 in a recent transcript in a discussion of the
9 Oak Ridge Hospital where the presenter
10 indicated that at the Oak Ridge Hospital the
11 high radiation areas exceeding six micro R per
12 hour were roped off. And I said it can't be
13 six micro R per hour. In the first place you
14 wouldn't rope off a six micro R per hour area.
15 Number two, at the time of the Oak Ridge
16 Hospital work, they couldn't measure micro R.
17 And incidentally Nancy Adams does a
18 preliminary review of these, too, and so she
19 helps with that. I said to Nancy, "I don't
20 think the speaker said micro R." Maybe the
21 speaker said mR or something and somehow it
22 got recorded as micro. So Nancy went back to

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1 the court reporter, and they listened to the
2 transcript, and the transcript said micro R.
3 So the transcript says micro R. I know that's
4 not the correct, but that is what was said in
5 the meeting. That's how it remains.

6 MEMBER GRIFFON: I think that issue
7 came up with one of mine, too, that someone
8 said and I questioned it. It said radon-226,
9 and I knew they meant radium, but they
10 listened to it again, and it was actually said
11 radon so, you know.

12 CHAIRMAN ZIEMER: So true
13 transcripts will be accurate in that they will
14 record errors in the communication as well as
15 other things. It is okay because that was
16 what was said. We want to be true to that.
17 So we do not edit in the sense that we correct
18 everything technically but if something is
19 obvious particularly if words sound like. I
20 think you are fine on that. Or if you spot
21 something that could easily have been
22 misheard. I think you can take care of that.

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1 MR. KATZ: Can I just add to that,
2 Paul? This is just an attempt to get as
3 accurate as possible a transcript. But really
4 I would hate to think that you would sort of
5 go through the transcript with a fine-tooth
6 comb spending eight hours or twelve hours
7 reviewing it so carefully. That is really the
8 point, I think as Paul said, is to read it
9 through and just to see what jumps out at you
10 as possibly incorrect and to flag those and
11 then we will get those sorted out. You folks
12 don't have the time to spend days reviewing
13 these transcripts.

14 CHAIRMAN ZIEMER: No, and you know
15 I certainly believe that what we get from the
16 court reporters is already accurate. It is
17 very accurate.

18 MEMBER ROESSLER: It's amazing how
19 accurate they are.

20 CHAIRMAN ZIEMER: But sometimes
21 people's names are misspelled or things are
22 heard differently. I remember when K.Z.

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1 Morgan was being discussed in some context at
2 one of our meetings. I think someone said
3 that they had studied under K.Z. Morgan and
4 then the transcript, it came out something
5 like K.P. Morgan or oh, K.C. Morgan, the
6 letter C. Well those two could easily be
7 confused. So I said well I know that they
8 said K.Z. and so I changed it. But otherwise,
9 what's in the transcript usually is quite
10 accurate in terms of what was actually said,
11 but sometimes the things we describe do occur,
12 and you can change it. Again, you can scan
13 through pretty quickly actually, chairs, and
14 spot some of these things. Beyond that, I
15 mean you just do the best you can. We want to
16 try to achieve accuracy, but it's not going to
17 be perfect.

18 Do we need a comfort break?

19 Okay. Ten minutes. The longer you
20 take, the longer it will be before you leave.

21 (Whereupon, the above-entitled
22 matter went off the record at 10:17 a.m. and

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1 resumed at 10:32 a.m.)

2 CHAIRMAN ZIEMER: I want to bring
3 to closure the policy on meeting transcripts.

4 I'm going to ask for a motion to approve
5 this, but what we will need to do since as I
6 have been advised the requirements for
7 subcommittees legally are the same as the
8 requirement for the Board itself. So we would
9 combine items 2 and 3 into one that would
10 simply indicate the chair of the Advisory
11 Board and the chairs of the various
12 subcommittees will review the transcripts, and
13 then it would follow exactly the way the
14 paragraph two wording is with the 30-day
15 requirement. And then the fourth paragraph
16 would become the third, and that leaves for
17 the work groups an open-ended non-specified
18 review time other than the words as soon as --
19 what word do we use? Practical, as soon as
20 practical after posting. So that leaves a
21 fair amount of leniency there. So with those
22 modifications as well as the word website, I'd

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1 like to have a motion to approve the policy.

2 MEMBER BEACH: I'll go ahead and
3 make the motion to approve the policy with the
4 corrections you've mentioned.

5 CHAIRMAN ZIEMER: Thank you, and is
6 there a second?

7 PARTICIPANT: Second.

8 CHAIRMAN ZIEMER: Are you ready to
9 vote? All in favor say aye.

10 (Chorus of ayes.)

11 CHAIRMAN ZIEMER: Those opposed?
12 No, and abstentions, no. The motion carries.
13 It does not require a vote of the missing or
14 absent members.

15 Now are we ready to return to the
16 follow up actions on petitions? Do we have
17 the revisions ready?

18 MEMBER LOCKEY: I laid them in
19 front of you there.

20 CHAIRMAN ZIEMER: Oh, here they
21 are. I'm leaning on them. We have revised
22 Brookhaven copies for everyone. Basically

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1 we've already agreed on the Brookhaven one.
2 Oak Ridge Hospital? Just take a look at that
3 and see if you have any questions. On all of
4 these then you would delete the words in the
5 bottom paragraph, all of the words beginning
6 with for non-prescriptive cancers. Those
7 would be deleted through the end of those
8 paragraphs in each case. Is that correct, Dr.
9 Lockey?

10 MEMBER LOCKEY: That's correct.

11 MEMBER BEACH: Did you say all the
12 way to the end of the paragraph?

13 CHAIRMAN ZIEMER: Yes. Any
14 questions on the Oak Ridge Hospital draft? If
15 not I'll take it by consent that that's agreed
16 to.

17 Metals and Controls Corporation?
18 Again, delete the words in that last paragraph
19 on the first page to the end of the paragraph
20 beginning with for non-presumptive cancers.
21 Any questions then on that one? If not I'll
22 take it by consent that Metals and Controls'

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1 wording is appropriate.

2 Piqua Organic Moderated Reactor.
3 Again, deleting the same wording that we did
4 on the others.

5 MEMBER MUNN: May we assume someone
6 has carefully checked the appropriate dates
7 here so that we don't individually have to go
8 back and check? Those have been carefully
9 checked?

10 CHAIRMAN ZIEMER: I believe both
11 Dr. Lockey and the others, Labor, counsel and
12 NIOSH have checked that. Thank you. Any
13 other concerns or questions on Piqua? If not,
14 we will take it by consent that the wording is
15 agreed to.

16 Hanford, same deletions. Questions
17 or concerns? If not, I will take it by
18 consent that the wording is also agreed to.

19 That covers five recommendations
20 that will move on to the Secretary through
21 NIOSH over the next couple of weeks, three
22 weeks. Let me thank Dr. Lockey again. We

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1 appreciate your effort in getting this wording
2 for us, Dr. Lockey.

3 MEMBER LOCKEY: Say something nice,
4 Brent.

5 MEMBER SCHOFIELD: And you didn't
6 even get lost.

7 CHAIRMAN ZIEMER: Okay, we have
8 some SC&A tasking to take care of and some
9 related matters. First of all we need to
10 address the issue of Electro-Medical -- no
11 wait a minute. I will get the right one here.
12 Electro Met, we have assigned to TBD-6001,
13 and we already then can task SC&A on that
14 because they are working with that. I don't -
15 - do we require any separate tasking?

16 MR. KATZ: I mean if you want them
17 to initiate before you meet even, initiate a
18 review, then this would be a good time to do
19 it.

20 CHAIRMAN ZIEMER: Okay. Yes,
21 because as it stands now they are doing
22 tasking as the work group meets. So it would

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1 -- thank you for reminding me. It would be
2 appropriate for us to task SC&A to review the
3 NIOSH evaluation report for Electro
4 Metallurgical and prepare that for the Work
5 Group. So, let me ask Ted, do we need an
6 actual motion or just concurrence on that?

7 MR. KATZ: We don't need a motion,
8 just concurrence.

9 CHAIRMAN ZIEMER: Any objections to
10 tasking SC&A to begin reviewing the evaluation
11 report for Electro Medical -- Electro
12 Metallurgical? There are no objections so we
13 will so task them. I would like to ask John
14 Mauro just by way of scheduling, that Work
15 Group has a meeting scheduled for December 16,
16 almost two months off. I won't ask you to
17 commit, but is there a likelihood we will have
18 at least a preliminary review of that by then?

19 Take this into consideration with other tasks
20 that you are working on.

21 DR. MAURO: We're in the fortunate
22 position that we are, it turns out, many of

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1 the dose reconstruction audits. For example,
2 one of them was a case. So we've all -- and
3 interestingly enough, we have a heads up on it
4 already because in reviewing the case we often
5 find ourselves having to go to the appendix.

6 CHAIRMAN ZIEMER: Right.

7 DR. MAURO: And this is one of
8 them. So -- as there are others. So my
9 answer is that we will be in a position, we
10 may not actually have a formal report in your
11 hands because of the process for a report
12 going to DOE, going through PA. But I will be
13 in a position to give a briefing and a summary
14 of the status of our findings. I don't think
15 the actual formal paperwork will move that
16 quickly. It just takes time to move through
17 the process.

18 CHAIRMAN ZIEMER: Okay.

19 DR. MAURO: So on the various items
20 that we've been discussing, I believe we will
21 be in a position to be able to give a fairly
22 substantial status report on where we are.

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1 What the issues might be.

2 CHAIRMAN ZIEMER: Yes.

3 DR. MAURO: And what issues we
4 don't think are going to resolve, that sort of
5 thing.

6 CHAIRMAN ZIEMER: Very good, thank
7 you, John. We need to --

8 MEMBER GRIFFON: John, actually I
9 just wanted to add. That probably was a
10 fairly, I think you said it already, but a lot
11 of times these smaller sites when we do the
12 dose reconstruction review, they end up being
13 what I've termed mini site profile reviews so
14 you probably have a pretty good jumpstart on
15 that.

16 DR. MAURO: Yes, they do.

17 MEMBER GRIFFON: I think he said
18 it.

19 DR. MAURO: We always do a mini
20 review. That's the only way to do the review
21 of the case. But we don't usually have a
22 separate appendix. There have been some

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1 special cases where a harsher chemical was
2 used, for example, there were many, many cases
3 and it was felt that we would like a special
4 appendix to a dose reconstruction report,
5 where we do a review, a mini review, and the
6 nature of the review goes beyond what we would
7 just do to that case. In other words,
8 normally for a case we just look at the issues
9 relevant to that case. When we do a mini
10 review, it is something that we do under the
11 direction of the subcommittee and then we will
12 include in our deliverable to you folks an
13 attachment that will actually have the mini
14 review. At that point, but even that is not
15 of the same level of detail. For example, it
16 does not include a site visit. We leave it to
17 the subcommittee to decide, okay we'd like and
18 this hasn't happened yet but it's the judgment
19 of the subcommittee to say, listen I think
20 there's enough here, enough issues, enough
21 concern that we may want to turn this into a
22 site profile review. So there is a process

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1 there.

2 CHAIRMAN ZIEMER: Thank you John.

3 So we have tasked them to proceed on this one.

4 Board, we also need to establish a Work Group
5 for Piqua for the earlier period. We agreed
6 to an SEC for the later period, but the early
7 period still needs to be addressed. I don't
8 think we are in a position to know at this
9 point whether or not we need any tasking. It
10 would be my judgment right now that we would
11 establish a Work Group, and they would have to
12 determine whether or not additional work
13 needed to be done with the assistance of SC&A.

14 I think it would be appropriate for us to
15 have a Work Group to address the issues at
16 Piqua, and I think that was the understanding
17 when we took the action on the SEC that we
18 would do that. It would be my intention to
19 have at least one of the new members as part
20 of that Work Group again as we do for the
21 Brookhaven one, and then I would like to ask
22 if there are others who are interested in

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1 serving on that particular one. Okay, Phillip
2 Schofield is interested. And Mark Griffon.
3 Piqua Nuclear -- and John Poston. And I think
4 with a new member on that, we'll be fine. So
5 let's use those four. If it looks like the
6 work will become more substantial and we need
7 assistance, we may add an alternate to make
8 sure we are covered and then tasking can
9 occur. I think on this one perhaps John
10 Poston would be willing to chair that one.

11 MEMBER POSTON: Okay.

12 MR. KATZ: Could I ask Dr. Ziemer,
13 it would be good for SC&A just to familiarize
14 themselves with that so that when they come to
15 that Work Group meeting, don't you think, with
16 the material? Not to have done a review but -
17 -

18 CHAIRMAN ZIEMER: Well, I'm not
19 sure at this point if SC&A would be involved
20 in that Work Group even unless we task them.
21 I don't think in other cases where we haven't
22 tasked them to do something specific that they

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1 necessarily have attended the work group
2 meetings. But if you feel that you would like
3 them to do preliminary review, that's a sort
4 of tasking. John, did you have a comment?

5 MEMBER POSTON: I would like a
6 clarification since you indicated you were
7 going to appoint one of the new members. That
8 means that we will not be able to meet until
9 the new member is appointed?

10 CHAIRMAN ZIEMER: Well the new
11 members have been appointed. They have to be
12 cleared.

13 MEMBER POSTON: I mean until they
14 are cleared?

15 CHAIRMAN ZIEMER: And actually we
16 are trying to move this forward very rapidly.
17 We're hoping to have the orientation session
18 within the next couple, two or three weeks, I
19 believe, if possible. But it depends on some
20 schedules of those four people as well as
21 others participating.

22 MEMBER POSTON: My first meeting is

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1 dependent on your appointing someone to that
2 committee, the Working Group?

3 CHAIRMAN ZIEMER: Yes, although I
4 guess there would be nothing to prevent you if
5 you have a date and want to get underway,
6 there's no reason why the three of them can't
7 get underway.

8 MEMBER POSTON: Well that's what
9 I'm asking. I mean that's your call, Dr.
10 Ziemer.

11 CHAIRMAN ZIEMER: You have three
12 people to start with. You can get underway.

13 MEMBER POSTON: Okay. So we have
14 Phil and Mark?

15 CHAIRMAN ZIEMER: Right.

16 MEMBER POSTON: Okay.

17 CHAIRMAN ZIEMER: John Mauro?

18 DR. MAURO: I have a procedural
19 question. As you prepare for Piqua Work Group
20 meeting, whatever that schedule turns out, at
21 some point in the process, John, you may say
22 that you would like SC&A to attend that

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1 meeting and let's say the judgment is made and
2 it might be a good idea for you folks to give
3 it a read and get a sensibility of what you
4 feel might be some of the issues so we could
5 bring that to the table. My question would be
6 is it appropriate for the Work Group to, at
7 that point in time, maybe two or three weeks
8 before let's say, the meeting will be held, to
9 task SC&A? Or is that something that can't be
10 done by the Work Group?

11 MR. KATZ: Well I could task you.

12 CHAIRMAN ZIEMER: And I think if
13 the chair makes the judgment early on that
14 some assistance is needed and communicates
15 that to Ted, you can do a preliminary tasking.

16 I think I've always had that ability to do
17 that with the concurrence of the chair of a
18 subcommittee.

19 Let's talk about PER tasking.

20 MR. KATZ: Before we speak about
21 that, let me just make a note. We have
22 distributed, I've distributed, received from

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1 John Mauro and distributed to the full Board a
2 listing of the PERs with some sort of rough
3 information about their complexity and other
4 factors that might play into whether you want
5 at this point SC&A to review any of those.
6 But before we go forward this is one of these
7 situations under the new, the sort of new
8 understanding of the ethics rules where it is
9 a little bit difficult. Everybody really
10 needs to be at the table because you have a
11 whole host of sites on the sheets. In some
12 cases, for some of those sites, some members
13 may be conflicted or are conflicted. So what
14 I would just let you know for the procedure
15 here is if you are conflicted on a site,
16 clearly you shouldn't speak to that site at
17 all. And then when it comes to voting, if
18 there's a vote regarding the PER for that
19 site, just please orally abstain from that
20 vote so that we have a record that you
21 abstained. That way, no one needs to leave
22 the table for this, at least this interim

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1 procedure, but we can have a functional
2 dialogue between all the members since we have
3 a whole host of sites that are going to be
4 discussed.

5 CHAIRMAN ZIEMER: Josie?

6 MEMBER BEACH: Before we leave work
7 group assignments, are we finished with that?

8 I was curious about Brookhaven. We never did
9 talk about the chair, and I was interested in
10 taking that responsibility.

11 CHAIRMAN ZIEMER: Okay. Actually
12 I'd be glad to have you chair that, Josie. I
13 indicated yesterday that I wanted to have an
14 opportunity to look at the bigger list and
15 assignments. I believe you are only chairing
16 one group right now so that would be fine.
17 I'm certainly pleased to have you pick that
18 up, unless we need to have an arm wrestling
19 amongst the other members as to who is going
20 to chair.

21 MEMBER GRIFFON: You win.

22 MEMBER BEACH: And then the other

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1 thing on that subject. SC&A, we did mention
2 that they would review. Do they need to be
3 formally tasked to go ahead and look at
4 Brookhaven and do a review?

5 MR. KATZ: Yes, they do.

6 CHAIRMAN ZIEMER: Actually we do
7 not have an SC&A review of --

8 MEMBER BEACH: Yes, we do. They
9 haven't fine-tuned it, I don't believe.

10 DR. MAURO: Let me help out. We
11 have been tasked. We completed our review of
12 the site profile. As you may recall, we were
13 authorized to do that in anticipation by this.
14 We are at the point now we have completed our
15 site profile review, and you all have copies
16 of it. And so the question becomes, in light
17 of the time period that's covered in the SEC,
18 which I believe goes to 1979, the question
19 becomes is there anything that the Board would
20 like us to do to look at is that a good place
21 to draw the line? Questions like that.

22 CHAIRMAN ZIEMER: Well, you have as

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1 a starting point the site profile review
2 already so that involves them, and then it's
3 the follow up and sort of more of a focus
4 review dealing with this particular petition.

5 DR. MAURO: Normally we would,
6 given that this is not enormous site profile
7 this would be an SEC focused review.

8 CHAIRMAN ZIEMER: SEC focused
9 review, yes.

10 DR. MAURO: And we would need to be
11 tasked.

12 CHAIRMAN ZIEMER: Right. Thank you
13 for that reminder. Are there any objections
14 to tasking SC&A to proceed with the focused
15 review of Brookhaven SEC? There are none,
16 Ted, so we can proceed.

17 MR. KATZ: All right.

18 CHAIRMAN ZIEMER: Thank you.

19 MEMBER BEACH: There was one other
20 one we discussed yesterday, the Bliss &
21 Laughlin. I had it down as assignments, but I
22 don't know if we actually finished discussing

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1 that either.

2 CHAIRMAN ZIEMER: Bliss & Laughlin
3 is TBD-6000. That has been assigned to the
4 TBD-6000 committee and so we will be taking
5 that up. We haven't specifically tasked SC&A
6 to, well they've already reviewed the TBD-
7 6000. We are working through that matrix, and
8 there's not an appendix for them to review on
9 that. So I think we are okay on that for now.

10 MEMBER BEACH: Just making sure.
11 Thank you.

12 CHAIRMAN ZIEMER: Yes. Yes John?

13 DR. MAURO: Just so I understand.
14 So we will not take any action on this until
15 so requested by the TBD-6000 Work Group. So
16 there is no action item.

17 CHAIRMAN ZIEMER: Well, the
18 possible action item would also be to look
19 specifically at the evaluation report for
20 Bliss & Laughlin that you have not done.

21 DR. MAURO: We have not done, and I
22 just want to make sure that we are not at this

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1 point being tasked to do that?

2 CHAIRMAN ZIEMER: Yes.

3 DR. MAURO: Or are we?

4 CHAIRMAN ZIEMER: Well you have not
5 yet been tasked to do that, and I think one of
6 the questions was whether or not the Work
7 Group, and I don't think we are even in a
8 position to answer that, and some of the other
9 Work Group members are here, whether or not we
10 know whether we need to task that. We do have
11 an evaluation report that does need to be
12 looked at. So in my view it would be useful
13 to task that as well. I would sort of like to
14 hear from the other work group.

15 MEMBER GRIFFON: I think if we --
16 we just tasked Electro-Met so -- which also
17 falls in the TBD-6000 category.

18 CHAIRMAN ZIEMER: Yes.

19 MEMBER GRIFFON: I think it's a
20 more complex site, but I think we probably
21 should do --

22 CHAIRMAN ZIEMER: Well and the

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1 review is comparable, too, yes.

2 MEMBER GRIFFON: Yes.

3 CHAIRMAN ZIEMER: Yes. I think it
4 certainly is appropriate. Any objection to
5 tasking that one as well? There appears to be
6 no objection so we will do so.

7 Well does everyone have the PER
8 listing, currently issued Program Evaluation
9 Report sorted by number of cases affected and
10 level of complexity? Now and realize again so
11 at the top of the list, you have the PER that
12 affects the most cases on down through those
13 that affect the least number. For example,
14 there are some that affect one case all the
15 way up to the top one which affects nearly
16 5,000 potential claims and nearly 2,000 re-
17 evaluations. So there is a broad range of
18 impacts as far as dose reconstructions are
19 concerned.

20 MEMBER BEACH: Can you kind of
21 explain what the process would be so I
22 understand?

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1 CHAIRMAN ZIEMER: Well when we have
2 a Program Evaluation Report that affects
3 claims, NIOSH goes back and reconstructs, re-
4 does dose reconstructions. I guess the
5 question that arises in terms of monitoring
6 this, there are probably multiple questions.
7 And questions of, I guess, the application of
8 the PER to the cases.

9 MEMBER BEACH: I guess what I am
10 wondering is would it be a task that we would
11 assign to SC&A and for the Work Group?

12 CHAIRMAN ZIEMER: We would be
13 asking SC&A to do certain evaluations. It
14 would probably require, we would have some
15 options. We could attach this to specific
16 sites, but some of these are not necessarily
17 site specific. So the more likely approach
18 would be to have a Work Group work with SC&A
19 on this. There's possible alternative ways to
20 do it. John Mauro, if you would elaborate
21 because you've thought about this.

22 DR. MAURO: Yes, under our

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1 contract, PERs are considered part and parcel
2 of task three, which are procedure reviews.
3 So you could think in terms of this as a
4 special type of -- this is -- when we wrote
5 our proposal and it was contracted and put in
6 place, the PERs were considered within the
7 group of work that we will call task three,
8 and as a task three it would automatically
9 fall under the authority of Wanda's Work Group
10 Subcommittee. And we do have a procedure for
11 reviewing PERs and in essence it is a matter
12 of the review process, the steps go like this.
13 What triggered the need for the PER? In
14 other words, what was the new information that
15 came about said maybe we've got to revise our
16 site profile. And as a result of that a site
17 profile or a procedure has been revised. And
18 that in itself then triggers a judgment that
19 yes we will have to revisit many cases that
20 are affected. Now part of the process is
21 criteria are developed by NIOSH to say, okay,
22 which ones are we going to redo? Now in the

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1 simplest terms, NIOSH has said in the past we
2 are going to redo every one that -- let's say
3 it is a site -- every one that was denied and
4 we are going to review them all. And that has
5 happened. Or they may decide, no we will only
6 review some subset of the ones that were
7 denied within reason. And they would lay that
8 out. And then so then they made that
9 selection. And then finally they would
10 actually perform their reviews.

11 What we do is write a report that
12 says (1) here's the genesis of how it came
13 about. Here's the criteria that were used on
14 which ones would be redone, which dose
15 reconstructions would be redone and the
16 rationale and we would review that rationale
17 whether or not it was sound. That is if it
18 turns out it is all that were denied, there
19 would be no work for us to do. So that's why
20 we feel that that's a lower priority. There
21 really is no controversy there. They are just
22 going to review every one that was denied.

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1 And finally the last stage is to
2 select three cases. Amongst the PERs, if the
3 picks, when the rework has to be done, if it
4 is something very simple and straightforward,
5 unlike high-fired plutonium or thoracic
6 lymphoma. These were complex fixes. We had
7 the work that had to be done under the new
8 protocols. It was not a simple matter. Then,
9 so our criteria for, in fact we discussed
10 this. Ted and I discussed this, and Kathy
11 Behling, I don't know if she's on the line,
12 did the work, did the heavy lifting.
13 Basically we tried to lay it out so you have a
14 sense of, okay, here are all of the PERs that
15 affect a lot of workers and that's important.
16 That's a criteria. Here are the PERs we had
17 the decision criteria of which ones we are
18 going to redo and which ones we are not going
19 to redo is somewhat complex. It is not just
20 simply doing them all. And third, here are
21 the PERs where the nature of the work that had
22 to be redone is not simple. The nature of the

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1 re-analysis was fairly sophisticated. So in
2 our opinion in selecting, making your
3 judgments on which ones you think might be
4 time well invested, it would be ones that (1)
5 have a lot of cases, (2) ones with a selection
6 criteria. It wasn't straight-forward. There
7 was some new ones to it. And (3) ones that
8 when they did redo them that it wasn't just a
9 simple fix. It was a fairly complex fix. So
10 those that meet those three criteria in our
11 opinion will be those that will probably
12 benefit the most from the review by the Board.

13 So we provided you with some material that
14 identifies which of the various PERs you would
15 sort of give or we felt you may want to give
16 more priority to, regarding those three
17 criteria. I hope that helps.

18 CHAIRMAN ZIEMER: That's very
19 helpful, John. And I don't know that we as a
20 Board have a good feel for the workload that
21 entails if a tasking is done. Maybe you don't
22 either, but you certainly have kind of a feel

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1 for it, and it will be different for every one
2 of these boxes.

3 DR. MAURO: We've actually, in our
4 proposal have costed out the estimated cost
5 for each PER.

6 CHAIRMAN ZIEMER: On average.

7 DR. MAURO: On average.

8 CHAIRMAN ZIEMER: Right. And can
9 you remind us, or, Ted, can you remind us, did
10 we budget specifically this year for PER
11 reviews, or is it enveloped in procedures
12 review?

13 DR. MAURO: It's enveloped in the
14 procedure review. There's a -- basically we -
15 -

16 CHAIRMAN ZIEMER: Did you break out
17 in your submission on procedures review a
18 portion for PER review?

19 DR. MAURO: No, the way, what we
20 did we said there would be, I believe there is
21 a certain number of procedure reviews/PERs.
22 So we didn't separate procedures reviews. We

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1 set aside a certain amount of funds from the
2 overall annual budget for this year for what
3 we call past three activities which consist of
4 any combination of procedure/PER reviews. As
5 of this date we have really not performed very
6 many procedure reviews because there aren't
7 that many procedures that need to be reviewed.

8 CHAIRMAN ZIEMER: That remain?

9 DR. MAURO: That remains. We have
10 already reviewed well over 100 procedures. We
11 are in the process, of course, of issue
12 resolution on these procedures and that's what
13 we want. But as far as reviewing new
14 procedures, we've only reviewed one. That was
15 OCAS-IG-004.

16 CHAIRMAN ZIEMER: Right.

17 DR. MAURO: So in effect if we have
18 resources for task three then for all
19 intensive purposes you could say well perhaps
20 they would be well spent on PERs.

21 CHAIRMAN ZIEMER: And you could get
22 underway with these almost immediately.

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1 DR. MAURO: Yes.

2 CHAIRMAN ZIEMER: And then the
3 other side of the question will be, for
4 example, if one assumed at least initially
5 that this is in the purview of the Procedures
6 Review Subcommittee, I think, Wanda, you would
7 have to assess what impact that would have on
8 the workload. I mean, and you might not be
9 able to access that until you have an actual
10 output or deliverable from SC&A and look at
11 what will be required to resolve findings on
12 this kind of a review and how does that fit
13 into a regular procedures review? So those
14 are issues we probably don't know the answer
15 to those right now. I guess my inclination
16 based on the discussion would be that at least
17 initially we would indeed keep this in the
18 Procedures Review Subcommittee and allow them
19 the opportunity to see how they can manage it,
20 and, you know, if it looked like it was
21 becoming untenable in terms of the regular
22 workload, I think the Subcommittee could also

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1 be authorized to establish some sort of work
2 group or ask for work groups, either one, I
3 suppose. I'm looking to Ted.

4 MR. KATZ: Yes, I think the Board
5 would establish a work group rather than do
6 that under the Subcommittee, but I just want
7 to add another note about resources. SC&A as
8 it reports to you each month on their work as
9 you will see, although they haven't done a lot
10 of procedure reviews. They've been spending a
11 lot of resources as necessary on resolution of
12 issues with procedures existing as well as
13 other site profiles, et cetera. But be that
14 as it may, there's still, I think they are
15 doing pretty well in the budget sense. They
16 have a little bit of room, they have a little
17 bit of daylight still in terms of their budget
18 for this year. So it might not be a bad thing
19 to give one or two PERs and sort of get a
20 sense, a practical sense, for what that
21 requires but also to just sort of make a
22 little bit of progress since we have a little

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1 bit of breathing room in terms of resources of
2 SC&A even if the Subcommittee doesn't have
3 time immediately to address the results of an
4 SC&A review.

5 CHAIRMAN ZIEMER: Thank you, Ted.

6 MEMBER BEACH: I would like to
7 suggest a separate work group just because I
8 know how busy the Procedures Subcommittee work
9 group is at this time.

10 MEMBER MUNN: Well by the same
11 token we have for the first time really gotten
12 through at least our first view of all of the
13 procedures that have been placed before us and
14 now have a much stronger feel I think of
15 exactly what we have yet to look at. Our
16 ability to transfer to site specific groups is
17 also going to help to some degree. And as a
18 matter of fact we've had some discussion in
19 the group with respect to whether there need
20 to be another set of procedures involved or
21 exactly what. So my instinct would be to get
22 a feel for what the PERs are going to involve

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1 since it has been quite some time since we
2 looked at our task three of procedures, and we
3 have gotten through the first look at them
4 now.

5 DR. MAURO: There's some good news
6 here that I'd like to point out. There are
7 over 500 findings of the over 100 procedures
8 we reviewed. We, for all intents and
9 purposes, have this position, over 70 percent.

10 CHAIRMAN ZIEMER: Yes, close to 80
11 percent.

12 DR. MAURO: Yes, pushing 80
13 percent.

14 CHAIRMAN ZIEMER: Right.

15 DR. MAURO: So I think that we have
16 broken the back of that challenge. I feel as
17 if we are in the homestretch of either closing
18 the issue, transferring it and certainly there
19 has been a number of transfers, but in the
20 point of view of the backlog of work, the
21 procedures, we are well along in getting
22 through that process. So I just want to point

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1 out that though a considerable amount of
2 resources have certainly been invested in the
3 task three, I think we are in the homestretch.

4 MEMBER MUNN: There's no question
5 in my mind that it is not even the same
6 picture it was six months ago.

7 CHAIRMAN ZIEMER: Thank you. Ted?

8 MR. KATZ: Let me just add another
9 thought. I know we are making this up as we
10 go, but in terms of tasking, I think it might
11 be a good idea actually to do that at the
12 Board level instead of at the Subcommittee
13 level. And the reason I say that is because,
14 again, as I addressed in the beginning here,
15 we have conflict of interest issues with
16 individual members for some of these PERs. I
17 think it is easier to work around that
18 actually as a full Board than a Subcommittee.

19 CHAIRMAN ZIEMER: Right. I don't
20 think we'd be asking the Subcommittee to do
21 the tasking on this, only to work on the
22 disposition once, for example, let's say we

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1 assign several of these reviews and the
2 reviews have to go somewhere for disposition.

3 The discussion seems to revolve around
4 whether the Subcommittee will handle it or
5 whether we need a new work group to handle it.

6 I believe Wanda and John were making the case
7 that probably the Subcommittee is in a
8 position now to take on some additional work
9 because they are well through the, actually
10 three different sets of procedure reviews, 80
11 percent of which have been dealt with and they
12 are indeed on the homestretch on those.

13 MR. KATZ: But, again, I guess my
14 concern still applies even for the disposition
15 because the Subcommittee for certain of these
16 procedures if they were assigned, the
17 Subcommittee couldn't take those up either.

18 CHAIRMAN ZIEMER: Oh, I see what
19 you are saying. In other words, the
20 resolutions themselves would be a problem.

21 MR. KATZ: Exactly.

22 CHAIRMAN ZIEMER: So what you are

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1 saying is that the disposition may need to
2 come back to the full Board itself.

3 MR. KATZ: Or to be assigned to, in
4 some cases there are work groups. There are
5 work groups for some of these PERs that would
6 relate to some of these PERs. So it could be
7 done a number of ways. If you don't have a
8 work group, yes, then we would have to find.

9 CHAIRMAN ZIEMER: For example, I'll
10 just pick out one here which seems not to be
11 site specific but construction trade workers,
12 which is comprehensive. There are
13 construction trade workers on all sites pretty
14 much. But this would not, I don't think,
15 present a conflict for anyone, would it, per
16 se? Or would it?

17 MR. KATZ: I don't think so.

18 CHAIRMAN ZIEMER: Well, clearly not
19 in the sense of site conflicts. There may be
20 others.

21 MR. KATZ: Yes. If there's a Board
22 member that has a conflict related to having

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1 done a lot of work for the construction
2 trades, that might be an issue. I'm not sure.

3 I couldn't answer that definitely at this
4 time.

5 CHAIRMAN ZIEMER: Can you answer it
6 generically, Emily?

7 MS. HOWELL: I mean generically it
8 is probably not going to be a concern. Some
9 of these analyses will have to be on a case by
10 case basis. For instance --

11 CHAIRMAN ZIEMER: Well, let's take
12 high-fired plutonium then, which is across the
13 board.

14 MS. HOWELL: I don't think that
15 would be a concern.

16 CHAIRMAN ZIEMER: Right.

17 MS. HOWELL: But when you get into
18 the PERS --

19 CHAIRMAN ZIEMER: But if you did
20 Hanford TBD revisions, then we would have
21 Hanford specific issues.

22 MS. HOWELL: Right, or if you had

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1 the equivalent high-fired that only affected
2 five sites. That might be an issue. Those
3 are the kinds of things that we are going to
4 have to evaluate more case specifically.

5 CHAIRMAN ZIEMER: Well certainly
6 any of these, like high-fired, there will be a
7 -- it's not going to affect every site on the
8 list of eligible sites. It may affect five or
9 ten, yes.

10 MS. HOWELL: That's the area that
11 we are going to have to deal with.

12 CHAIRMAN ZIEMER: Yes, and we'll
13 need some help from counsel on that. If your
14 site is one of those ones affected, there's
15 some issues like high-fired plutonium that
16 might have the impact of eliminating a vast
17 number of the Board members if they have some
18 association with a site that had high-fired
19 plutonium.

20 MR. KATZ: Like Hanford, yes.

21 CHAIRMAN ZIEMER: Right. So we may
22 need to have some help on interpreting those

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1 things. So I guess probably this may, we may
2 need some additional discussion on this. I
3 guess the first thing would be, the starting
4 point in any event, if we task the contractor
5 to begin work we can have additional
6 discussions on what to do with the work
7 product. I don't know that we have to decide
8 that today, whether it is at the Subcommittee
9 or a separate work group, all of which have
10 their own problem, even if it's the full
11 Board, which could raise some problems. We
12 may need to have some additional help from
13 counsel on what to do on things like high-
14 fired plutonium.

15 MS. HOWELL: I was just going to
16 ask, could you clarify for me who exactly is
17 on the Subcommittee and the alternates?

18 CHAIRMAN ZIEMER: I am on that.
19 Mark, Wanda, I believe Mike is on there, and
20 Bob Presley is an alternate.

21 MS. HOWELL: Maybe we can have some
22 additional discussions about this because I do

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1 see the value of having it initially go to the
2 Subcommittee but then having to farm out some
3 specific ones to --

4 CHAIRMAN ZIEMER: To the full
5 Board.

6 MS. HOWELL: -- specific groups of
7 Board members. Well I don't know if pulling
8 it back to the full Board will fix it or not.
9 We're just going to have to talk about it
10 some more.

11 CHAIRMAN ZIEMER: Okay. Well let's
12 proceed with the understanding that the
13 disposition of this, we're not going to have a
14 work product for a while, at least not before
15 our next meeting. And if we do any tasking,
16 for example, if we say okay let's task the
17 Hanford TBD, then those who have Hanford
18 conflicts can't participate in the discussion
19 and vote on that. That would be the ruling,
20 right.

21 MR. KATZ: Right.

22 CHAIRMAN ZIEMER: Okay. And also I

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1 certainly don't have a good feel for the level
2 of tasking that should be done. It would seem
3 to me that two or three at the most would be a
4 starting point. I guess I wouldn't feel very
5 comfortable moving beyond that. We have some
6 flexibility. I mean we could just pick out
7 one, we could pick out a couple, could pick
8 out three that we think are high priority and
9 ask that those get underway.

10 Mark, do you have a comment?

11 MEMBER GRIFFON: A couple of
12 things; I've been waiting. I guess I'm not
13 sure that, I know there is some urgency to
14 task here, but I was wondering whether a
15 better path forward would be to bring it back
16 to Wanda's, to the Procedure Subcommittee and
17 let the Procedures Subcommittee make a
18 recommendation for which PERs to review. The
19 reason I say that is because and then we can
20 have the whole Board vote so it's not, we have
21 the same conflict issues we would here. You
22 can still look over the whole list and say

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1 wait a second. Why did you eliminate this one
2 or whatever.

3 But I mean part of the reason I
4 want to do this is because I don't know and
5 perhaps we have, we probably have, but John
6 mentioned a procedure that they have for
7 reviewing PERs. Did the Board review that?
8 I'm sure we have copies of it, but I'm not
9 sure if we ever looked at it. Anyway, that
10 would be one thing that I would want to look
11 at before I made a decision. The other thing
12 I think we need to reflect on, and this comes
13 up constantly in Dose Reconstruction
14 Subcommittee. Stu can certainly elaborate on
15 this if I'm getting this wrong. But John
16 mentioned three cases. Now I'm not sure that
17 three makes sense for all these because the
18 Super S affects a lot and some others affect a
19 lot less. Maybe at some percentage or
20 something like that. That's another question.

21 But then when we do these cases, I
22 think the thing, my question also and this

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1 could be on a Subcommittee, we could sort out
2 like how are we going to look at these things
3 because you've got to look at the selection.
4 In other words, did they likely get the right
5 people that they should have been
6 reconstructing under the PER? That's one
7 thing. But then if you are going to review a
8 select number of cases, often times, and Stu
9 correct me if I'm wrong, but often times when
10 you redo cases they could have multiple PERs,
11 and you are making changes, but then on top of
12 that you are also making changes from
13 modifications in TIBs from TIBs.

14 And then if you, you might get into
15 a point where it's, you can use over-
16 estimating approaches on certain things again.

17 So you end up using a best estimate. So it's
18 like a whole dose reconstruction review. So
19 my question would be to what end? Does that
20 go back to the DR Subcommittee because the
21 whole dose reconstruction review? I don't
22 think we want to do that but how do we, what's

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1 the construct then, you know? How do we
2 approach? So I would propose that we move
3 this to Wanda's Subcommittee and come back
4 with a recommendation of the PERs that we want
5 to task SC&A to do and also maybe a strong man
6 methodology of how we want to approach using
7 John's procedure maybe to an inform us on
8 that.

9 CHAIRMAN ZIEMER: Let me make a
10 couple of comments and then -- John, I believe
11 the procedure you described was an internal
12 SC&A procedure. Is that not correct? And I
13 don't recall that we have ever officially sort
14 of said yes.

15 DR. MAURO: I have to say I know
16 we have a procedure. Whether it went through
17 review, I don't recall. I certainly will find
18 out.

19 CHAIRMAN ZIEMER: I don't recall
20 us doing that but perhaps we need to look into
21 that. And then let me point out, Mark, if we
22 do what you described, for example, I don't

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1 think we can even discuss at the Subcommittee
2 level whether or not we should do Hanford.

3 DR. MAURO: Right.

4 CHAIRMAN ZIEMER: Because we can't
5 discuss yea or nay on them, as I understand
6 it.

7 MEMBER GRIFFON: I don't know. I
8 don't know. I mean I will oblige by any of
9 these law of the rules, but if the
10 Subcommittee is making a proposal back to the
11 full Board to make the determination, I don't
12 know why that's a --

13 MR. KATZ: I mean, absolutely not.
14 I mean a conflicted member cannot do a
15 recommendation for tasking on a site for which
16 they are conflicted. That is black and white.

17 MEMBER GRIFFON: But conflicted
18 members have done that in the dose
19 reconstruction selection process. We've had
20 40 cases. Some of them affect conflicted
21 members and they pick a case. We all come
22 back with a unanimous recommendation from the

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1 Subcommittee.

2 MS. HOWELL: These tasking issues
3 have only come up in the past few months and
4 we are still trying to address them. I think,
5 based on the discussion here, this gives Ted
6 and I a lot more context to go back to the
7 other ethics people involved and try and maybe
8 work something out on our end and then come
9 back to you all about it. I'm just not sure
10 that we can resolve anything right here.

11 MR. KATZ: Well, I'm going to -- I
12 think it's comfortable for a member to abstain
13 here at the full Board meeting.

14 MS. HOWELL: Yes.

15 MR. KATZ: And go forward that
16 way. But in a very small setting which is a
17 Subcommittee with a very few members, that I
18 think, I am very doubtful that we will end up
19 with sort of permission to have tasking occur
20 with the very few members in the first place
21 and where some members are conflicted for some
22 sites.

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1 CHAIRMAN ZIEMER: Yes. Well, of
2 course we are not talking about the
3 Subcommittee doing the tasking. We would
4 still be talking about the Board doing the
5 tasking. I think the issue here is whether or
6 not Subcommittee members can discuss even what
7 to recommend to the Board, which may be part
8 and parcel to the tasking issue.

9 MS. HOWELL: I think that's --
10 right. I think that's going to be a problem,
11 too.

12 CHAIRMAN ZIEMER: Right.

13 MS. HOWELL: What I am thinking Ted
14 and I need to discuss further is the how to go
15 about making assignments once attached to
16 Board, Working Group, Subcommittees, et
17 cetera, once the tasking has taken place.

18 MEMBER GRIFFON: So I agree with
19 that part of it. So we have to change the
20 process for selecting cases, too, then you are
21 telling me.

22 MS. HOWELL: Let's not say that

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1 right now.

2 MEMBER GRIFFON: Well I mean, you
3 know, I think this is a little bit stretching
4 it a little far.

5 CHAIRMAN ZIEMER: Well, right now
6 that -- we don't allow Board members to review
7 actual cases from their site.

8 MEMBER GRIFFON: But we allow them
9 to select them.

10 CHAIRMAN ZIEMER: Right, and the
11 case selections that are made, are made on the
12 basis of some other criteria such as numbers
13 from each site and so on but again I guess
14 we'll need guidance on that. Now we really
15 have a couple of issues here. One is whether
16 or not we are prepared to task now. We have
17 these issues of conflict-of-interest issues.
18 We have the issues of actually the procedures
19 by which the reviews would be done, I think is
20 the point you were making, Mark, and whether
21 or not you want to go ahead and task in the
22 absence of resolving the issues of how we

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1 handle the output. And in the absence of
2 complete understanding of how the reviews will
3 occur and how they interact with the other
4 parameters once the dose reconstruction is
5 done. So, there's some sort of interwoven and
6 sort of complex issues here that are
7 presenting themselves. Wanda Munn?

8 MEMBER MUNN: One of the things
9 that perhaps we might consider is doing the
10 issues from a slightly different perspective
11 than we have traditionally the other things
12 that we have attacked. For example, I think
13 the Hanford PER is a good one to discuss
14 because, even if we constituted an additional
15 working group, you still would encounter this
16 business of having to make up the working
17 group of someone who did not have any conflict
18 in any of these things. But if we have site-
19 specific PERs of that type, then there's
20 always a possibility that, since we have
21 working groups on those sites already, dealing
22 with other aspects of that site -- and we know

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1 that none of the members of that particular
2 work group are conflicted, then perhaps as a
3 pattern of behavior, our first step might be
4 to ask that work group to take a look at the
5 PER to see if they did in fact feel that it
6 was adequate as it stands or that it needs to
7 be reviewed. If the site-specific work group
8 did not feel that there was reason to pursue
9 the PER further, then that would automatically
10 eliminate it from any list that we might have.

11 But that would require our rethinking how to
12 address the issues. We've not attempted to do
13 that, I think, in the past but that might be
14 worthy of some consideration.

15 CHAIRMAN ZIEMER: Thank you.
16 Josie?

17 MEMBER BEACH: And while I think
18 that's a good suggestion, it only covers a
19 couple. Is it possible to have Legal look at
20 maybe the first three and then give us an idea
21 of what's necessary for each one of those? I
22 mean when I went through the list, I marked

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1 the first three as ones that I would recommend
2 to get started on right away. Brad just
3 pointed out four. So maybe just give us
4 direction individually for each PER?

5 CHAIRMAN ZIEMER: Well, certainly
6 these cover some of the issues for example.
7 You have the high-fired plutonium which is
8 multiple-site and then we raise some issues on
9 that and those need to be answered.

10 MEMBER BEACH: Right.

11 CHAIRMAN ZIEMER: We have one that
12 is site-specific, the Hanford, and that has a
13 separate sort of set of issues. And then the
14 construction trades is multiple sites but in a
15 different way than high-fired plutonium in
16 that it involves organizational things.

17 MEMBER BEACH: Right.

18 CHAIRMAN ZIEMER: In conflict. So
19 those are certainly interesting in terms of
20 addressing issues. I guess what you are
21 suggesting is if we are going to task, we
22 would task those. But at the same time we

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1 still have the other issues as to where do
2 they go then and also the issues Mark raised
3 about the review procedures.

4 MEMBER BEACH: I guess what I am
5 suggesting, I'm suggesting if Legal gave us
6 direction for each one --

7 CHAIRMAN ZIEMER: How those would
8 be handled.

9 MEMBER BEACH: -- we would have
10 some idea of how we could task those, if that
11 makes sense.

12 CHAIRMAN ZIEMER: Yes, that
13 certainly is a good suggestion.

14 MEMBER CLAWSON: One of the things
15 that Josie is saying here, we've got, if you
16 took the first four, we've got about
17 everything that's going to be there. You've
18 got two of them that are actually site-
19 specific. One of them that goes over most of
20 the sites there of how we would be able to
21 handle it. And then on the construction, I
22 think it would give us a good basis of how we

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1 would be able to handle everything else,
2 because each one of those has got their
3 uniqueness. We've got some that would be able
4 to come to the work group. The other two, good
5 luck.

6 CHAIRMAN ZIEMER: Let me interpose
7 a question here because -- and I know where we
8 seem to be moving into a sort of a new realm,
9 it certainly is for counsel as well as for us.
10 But for example, here we are discussing, for
11 example, the first four on here only in terms
12 of trying to get an understanding of how we
13 would task. But in that process, we are
14 looking at a couple of sites which we have
15 conflicted people on. But we aren't talking
16 specifically about tasking them but using them
17 as examples of how do we think about it. I
18 feel like we are okay on that grounds but,
19 Emily, see, you are a little uncertain about
20 that. Can we even have that discussion? If
21 we are going to have the general discussion on
22 the whole list in the Board framework on how

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1 to go about tasking, it would be very
2 difficult if we eliminate everybody with a
3 conflict.

4 MEMBER GRIFFON: Let's keep in
5 mind the name, too. These are program
6 evaluation reviews. We all are advising on
7 the program.

8 MS. HOWELL: Let me first thank you
9 all for elucidating the many, many concerns
10 and problems about this issue that will be
11 helpful when we have this transcript to
12 present to others who are not as informed
13 about how this program works. That will be
14 helpful. But the problem is that it's not
15 just a decision that those of us who are more
16 aware of how the program works get to make.
17 So, you know, we're just, I just think at this
18 point, we are going to have to take it back
19 and look at it and see if something like what
20 Brad has proposed where you have kind of
21 categories of the PERs and we can get an
22 opinion about those. But frankly we haven't

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1 been led to believe that a categorization
2 approach will work. But we can look at it
3 again. I'm kind of not sure I see.

4 MR. KATZ: I don't know. It just
5 isn't seeming that complex to me to handle it
6 at the Board level. I mean, as far as, if you
7 want to have a discussion about methodology
8 where the identifies of the particular PERs
9 such as, Mark, your issue about how SC&A goes
10 about --

11 MEMBER GRIFFON: Which can be
12 handled at the Subcommittee level.

13 MR. KATZ: -- that could be handled
14 by the Procedures. No problem there. There's
15 no conflict issue there. The only conflict
16 issue comes into play when we actually are
17 talking about specific PERs, not as examples
18 to illustrate methodology, but as up for
19 tasking.

20 MEMBER GRIFFON: But we're not
21 going to task.

22 MR. KATZ: But methodology and

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1 tasking is the same thing. It's equivalent to
2 actually doing the tasking.

3 MEMBER GRIFFON: So to go back to
4 my example. We do it for the cases all the
5 time.

6 MR. KATZ: I think there is
7 probably differences between individual dose
8 reconstruction cases and procedures in terms
9 of that.

10 MEMBER GRIFFON: If someone can
11 tell me, that would be great, because I don't
12 understand it. These are criteria as well.

13 MR. KATZ: We will get into that,
14 okay, Mark. I mean we will go explore that
15 issue of the nuance there. But anyway these
16 are procedures. If they are site-specific,
17 they are much more equivalent to a site
18 profile or what have you in a sense, than they
19 are to an individual dose reconstruction. And
20 so again, for talking about methodology for
21 how we go forward and so on, that can be done
22 by a subcommittee, by a work group, what have

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1 you. But the actual tasking should not be
2 done, I don't believe, unless we get different
3 guidance down the road by a small group.

4 MEMBER GRIFFON: No, I don't have
5 a problem with that. I just thought that,
6 part of my problem with not having the
7 Subcommittee at least look at it first, and I
8 understand that right now we are not being
9 allowed to do that, but for the Procedure
10 Subcommittee to look at it, it is the same
11 rationale we used for the case selection that
12 there is some nuance in here. I think if I
13 were forced, well if I were forced to vote
14 today, you know, it is obvious on this pre-
15 sort that we would probably look at high
16 number, high criteria, high scientific impact
17 or whatever, difficult science. They stand
18 out. But I think there's some nuance in here
19 that we want, we might want to consider
20 further in the selection. The Subcommittee
21 would come back, like we do with the others
22 and make our case. At that time the full

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1 Board deliberates and tasks. So I guess if
2 you say it's not allowed, it is not allowed
3 but I think that would make --

4 CHAIRMAN ZIEMER: It seems to me
5 there's additional difficulty as these issues
6 have emerged. We are all at the table right
7 now with a list. And one could argue that the
8 fact that we're even -- let's say that we are
9 not going to task Hanford, but it's on the
10 list from which we make the decision. Are the
11 Hanford people allowed to sit at the table as
12 we have the list before us and participate in
13 the decision even not to include it. That's
14 sort of --

15 MR. KATZ: Yes. As I said at the
16 outset of this, just like if we had a list of
17 site profiles here. With a list of these it's
18 not practical until we get some different
19 guidance from TIB to just have everybody swept
20 off the table here that way. So what I had
21 said as my instructions was that we would go
22 through the list and that members that have

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1 conflicts would not speak to the site for
2 which they have a conflict and they would
3 verbally on the record abstain if there's a
4 vote for that particular one and you would
5 have to vote for PERs one by one, not as a
6 group. And that way, the person with a
7 conflict has not voted on an item for which
8 they have a conflict and have not spoken on
9 the record for an item for which they have a
10 conflict. I think that really --

11 CHAIRMAN ZIEMER: But they can sit
12 at the table.

13 MR. KATZ: That way they can sit at
14 the table. We can't do anything about that
15 problem because again, there would be no one
16 at the table then. I think that and that's
17 why again to explain, I was arguing for doing
18 this tasking at the Board level because you
19 have more people at the table and then you can
20 still have the proper dialogue about each of
21 the items with just the conflicted members
22 staying out of the discussion for their items.

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1 CHAIRMAN ZIEMER: Okay. To move
2 us forward, two things. One I think it is
3 pretty clear what legal is going to pursue
4 some issues and try to bring clarity to this.
5 Number two, Board members, I think you need
6 to decide now whether you are ready to task or
7 whether you wish to resolve some process
8 issues and I would say some of those can be
9 discussed in terms of, not in terms of sites,
10 but kinds of issues. In other words, the
11 thing that Mark, that you raised, could it be
12 addressed at the Subcommittee level in terms
13 of kinds, site specific PERs, multiple site
14 PERs of this type and then the procedures
15 issue on how SC&A reviews those and how we
16 respond? So we need some direction. This is
17 a Board decision on whether we ask the
18 Subcommittee to examine those kinds of issues
19 first or whether we go ahead and task. And if
20 we task then we would have to select from the
21 list and specifically vote on each one.
22 Wanda?

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1 MEMBER MUNN: Although I hesitate
2 to make this into a more protracted thing than
3 it is already going to be, it seems that until
4 we have at least some outline of how to
5 proceed, it would perhaps be counter-
6 constructive to try to make some decision
7 today about that. I don't think --

8 CHAIRMAN ZIEMER: About tasking?

9 MEMBER MUNN: About tasking and
10 about what the process is going to be. Until
11 we all and we aren't all here. Some of our
12 Board members have gone and when they are not
13 sitting at the table, then certainly those of
14 us who are here are not always all here. I
15 speak for myself. It would seem at the very
16 least that we need to have some of the
17 questions that have been raised in this
18 discussion resolved or at least laid out in
19 clear thought form before we actually take any
20 action.

21 CHAIRMAN ZIEMER: Okay, thank you.

22 Phil you have a comment?

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1 MEMBER SCHOFIELD: Yes, I would
2 just like to go ahead and just say let's just
3 do the first four because the selection
4 criteria and how high they are.

5 MR. KATZ: As I said Phil please,
6 if we are going to propose any, we are going
7 to propose them one by one so that people who
8 can vote, can vote for each one.

9 CHAIRMAN ZIEMER: I don't think
10 Phil is making a motion right now.

11 MEMBER SCHOFIELD: I'm not making a
12 motion. I am just making a suggestion.

13 CHAIRMAN ZIEMER: Just a comment.

14 MEMBER SCHOFIELD: This way I don't
15 think you really have to break it down. If we
16 just say we will just take them in the order
17 they listed them.

18 CHAIRMAN ZIEMER: Okay, Josie, a
19 comment?

20 MEMBER BEACH: I prepare that we go
21 ahead and task one of them. I think that
22 legal has time in between the tasking and the

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1 next time we meet to come to a decision on
2 what we can discuss and who can't discuss. So
3 I'd like to go ahead and pick one and task.

4 CHAIRMAN ZIEMER: Okay. Is that a
5 motion?

6 MEMBER BEACH: Sure, I'll make that
7 a motion.

8 CHAIRMAN ZIEMER: Are you making a
9 motion simply that we should task or that are
10 you making a motion that we task a particular
11 one?

12 MEMBER BEACH: I'm suggesting that
13 we task SC&A. We've decided on one and task
14 SC&A to start reviewing that PER.

15 CHAIRMAN ZIEMER: Okay. So this is
16 a process question that we proceed to task
17 today and is there a second?

18 MEMBER SCHOFIELD: Second.

19 CHAIRMAN ZIEMER: And discussion?
20 This is not a discussion on a particular task
21 but simply should we go ahead and task before
22 some of these other questions are answered

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1 that the nature of the motion in essence?
2 Mark do you have a comment?

3 MEMBER GRIFFON: I mean I guess I
4 don't. This is sort of a, I guess we could do
5 a, sort of interim tasking. I mean we can
6 task, certainly I think most of us would agree
7 that there is at least one on here or two on
8 here that can be tasked. So I guess I
9 wouldn't have a problem with that but I would
10 like to have the legal clarify in between and
11 then possibly bring the methodology questions
12 back to the Procedures Subcommittee and come
13 back to the full Board with a better
14 understanding.

15 CHAIRMAN ZIEMER: Well and
16 certainly if we agree to task, we can have a
17 motion to do exactly what you described.

18 MEMBER GRIFFON: So I guess I'm
19 speaking partially in support of the motion.
20 I guess I support that motion to task.

21 CHAIRMAN ZIEMER: Any other
22 comments? Okay, let's just vote, voice vote.

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1 All in favor of the motion to task, say aye.

2 (Chorus of ayes.)

3 CHAIRMAN ZIEMER: And opposed? The
4 motion carries. No abstains.

5 Was there a no?

6 MEMBER MUNN: Yes, I voted no.

7 CHAIRMAN ZIEMER: I'm sorry I
8 missed that. There is a no, okay. The motion
9 carries. I would like to ask and I'm not sure
10 counsel can answer at this point but let us
11 suppose that the motion is to task to do high-
12 fired plutonium, which is the multiple site
13 issue. I don't think we know or you have
14 raised the question whether or not we know
15 that those sites for which that has been an
16 issue are those people automatically
17 conflicted.

18 MEMBER GRIFFON: I'm pretty sure we
19 wouldn't have anybody at the table or a
20 majority left to vote on that one.

21 MS. HOWELL: Give me a ballpark of
22 how many sites that affects?

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1 CHAIRMAN ZIEMER: Jim Neton might.

2 It affects quite a number of sites. Maybe
3 people could split their votes and I would
4 like high-fired plutonium addressed but for
5 all but my site.

6 DR. NETON: I can think of at least
7 three sites, but there are probably more, like
8 four or five would be my guess.

9 38? Okay, well it's a huge number.
10 I'm sorry. I was thinking the original model
11 was developed on --

12 CHAIRMAN ZIEMER: Yes, I understood
13 that but now it applies to many, many sites.

14 DR. NETON: So I guess it is
15 something like 38.

16 MS. HOWELL: I would say based on
17 the information we have received at this time
18 that would be something that would be a
19 particular matter of general applicability
20 that even --

21 CHAIRMAN ZIEMER: Broad enough.

22 MS. HOWELL: -- that everyone could

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1 vote on. I reserve the right to change that
2 in a future meeting date.

3 CHAIRMAN ZIEMER: Well it maybe too
4 late Emily. Okay, thank you. That is
5 helpful. It does have broad applicability,
6 not that site specific. Now, Mark, do you
7 want to make a follow up motion in terms of
8 process.

9 MEMBER GRIFFON: No, first I wanted
10 to clarify. You said when we did the voice
11 vote. You said a motion to task. I think the
12 original motion that Josie offered was a
13 motion to task one.

14 CHAIRMAN ZIEMER: Yes, that was my
15 understanding.

16 MEMBER GRIFFON: Task one, okay.

17 CHAIRMAN ZIEMER: Okay.

18 MEMBER GRIFFON: I guess a follow
19 up motion would be to have the Procedures
20 Subcommittee look at methodology concerns
21 regarding how we are going to approach the PER
22 reviews including review of the SC&A PER

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1 procedure, if we haven't reviewed that yet.

2 CHAIRMAN ZIEMER: Okay, that's a
3 motion. Is there a second?

4 MEMBER SCHOFIELD: I'll second.

5 CHAIRMAN ZIEMER: Okay. Phil,
6 comment?

7 MEMBER SCHOFIELD: Oh, no I think
8 Mark just kind of said what I was --

9 CHAIRMAN ZIEMER: Okay, thank you.
10 Wanda?

11 MEMBER MUNN: Yes. I was going to
12 comment on the fact that of the list that is
13 before us, there are only two that have, I
14 mean one that has high selection criteria and
15 high science involved and we've not and the
16 Board had a discussion that I'm aware of as to
17 whether or not we agree with the criteria that
18 SC&A has used in terms of their priority here.

19 CHAIRMAN ZIEMER: And that is, oh
20 on this list?

21 MEMBER MUNN: Yes.

22 CHAIRMAN ZIEMER: Oh yes. And

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1 certainly that would be an issue for the
2 Subcommittee to review if Mark's motion
3 passes.

4 MEMBER MUNN: I would think so.

5 CHAIRMAN ZIEMER: Yes. Are we
6 ready to vote? All in favor, aye? This would
7 be to ask the Subcommittee to review the
8 criteria and the SC&A review procedures?
9 Question?

10 MR. KATZ: Does this need to be
11 roll call for methods? Is the motion about
12 methods, which is general applicability? So
13 this is a vote about tasking the Subcommittee
14 on Procedures to take up the question of what
15 methodology should be applied by SC&A when
16 they do their procedure review. And then how
17 the Board will then disposition that
18 subsequently. Okay.

19 CHAIRMAN ZIEMER: Unrelated to any
20 sites. Unrelated to any sites as far as I
21 know. Okay. A voice vote is okay. All in
22 favor, aye?

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1 (Chorus of ayes.)

2 CHAIRMAN ZIEMER: Opposed?
3 Abstentions? Motion carries. The final thing
4 then would be to have a motion for the
5 specific tasking to be undertaken.

6 MEMBER BEACH: So are you talking
7 about specific PER?

8 CHAIRMAN ZIEMER: Yes. We have
9 agreed to task one PER and we now we have to
10 identify that.

11 MEMBER BEACH: Well I would make a
12 motion to task the third construction trade
13 workers as the first one.

14 MEMBER SCHOFIELD: Second.

15 MEMBER GRIFFON: To task SC&A?

16 MEMBER BEACH: To task SC&A, yes.

17 CHAIRMAN ZIEMER: Okay, wait. I do
18 want to ask a question on this one. Do we
19 have any conflicted members?

20 MS. HOWELL: This one may be more of
21 a problem. That's why I asked for
22 clarification for what the motion was. I

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1 thought the motion had been to task the high-
2 fired plutonium.

3 CHAIRMAN ZIEMER: No. We have not
4 made any motion yet. The previous motion just
5 had to do with having the Subcommittee review
6 how SC&A was going to process. Now we are
7 asking for a motion which I thought was going
8 to be high-fired plutonium but was
9 construction works. High-fired plutonium we
10 already have agreed is broad enough that it
11 would be considered complex-wide and we
12 probably don't have conflicts. We don't know
13 if that is the case on this one.

14 MEMBER BEACH: Then I would like to
15 modify my motion to the first PER.

16 CHAIRMAN ZIEMER: You withdraw the
17 original motion.

18 MEMBER BEACH: Correct.

19 CHAIRMAN ZIEMER: And you are
20 moving that the first PER on highly insoluble
21 plutonium be tasked to the contractor?

22 MEMBER BEACH: Correct, thank you.

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1 CHAIRMAN ZIEMER: And is there a
2 second?

3 MEMBER SCHOFIELD: Second.

4 CHAIRMAN ZIEMER: And seconded by
5 Phil. Further discussion on that? Okay. Do
6 we need a roll call vote on this Emily?

7 MS. HOWELL: Yes.

8 CHAIRMAN ZIEMER: Okay. Roll call
9 vote.

10 MR. KATZ: Ms. Beach?

11 MEMBER BEACH: Yes.

12 MR. KATZ: Mr. Clawson?

13 MEMBER CLAWSON: Yes.

14 MR. KATZ: Do I need to get votes
15 for these?

16 CHAIRMAN ZIEMER: This is not a
17 recommendation to the Secretary. I don't know
18 believe others votes?

19 MR. KATZ: Okay, Mr. Griffon?

20 MEMBER GRIFFON: Yes.

21 MR. KATZ: Dr. Lockey?

22 CHAIRMAN ZIEMER: No, he's not

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1 here.

2 MR. KATZ: I'm sorry. I didn't
3 realize that. Ms. Munn?

4 MEMBER MUNN: I'll abstain.

5 MR. KATZ: Abstain. Dr. Poston?

6 MEMBER POSTON: Yes.

7 MR. KATZ: Mr. Presley?

8 MEMBER PRESLEY: Yes.

9 MR. KATZ: Dr. Roessler?

10 MEMBER ROESSLER: Yes.

11 MR. KATZ: Mr. Schofield?

12 MEMBER SCHOFIELD: Yes.

13 MR. KATZ: Dr. Ziemer?

14 CHAIRMAN ZIEMER: Yes.

15 MR. KATZ: Okay.

16 CHAIRMAN ZIEMER: The motion
17 carries and you are so tasked Dr. Mauro to get
18 underway with that review. I believe we have
19 completed the agenda. Does anyone have any
20 issues that we need to get covered?

21 MEMBER POSTON: I move adjournment.

22 CHAIRMAN ZIEMER: Motion for

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1 adjournment.

2 Second.

3 CHAIRMAN ZIEMER: All in favor will
4 please leave, thank you.

5 MEMBER GRIFFON: Are we adjourned?

6 CHAIRMAN ZIEMER: Do you have an
7 issue?

8 MEMBER GRIFFON: Yes, just one
9 thing that came up yesterday. The question of
10 the document review process and I think Ted we
11 talked about maybe clarifying that today at
12 the meeting of exactly what the public
13 commenter was talking about, anonymity and the
14 question of when they are interviewed and I
15 think it has really become an issue at several
16 of the sites lately. It is complicated by the
17 classification issues.

18 CHAIRMAN ZIEMER: We haven't voted
19 yet to adjourn. The adjournment assignment
20 was to leave the table. Nobody did. We are
21 still in session. So who can speak to this
22 issue on document review?

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1 MEMBER GRIFFON: I was going to ask
2 if maybe if maybe Joe Fitzgerald has been
3 pretty close to it. If he could at least
4 describe what currently is the policy and I
5 think it's outlined in the DOE policy that we
6 have but maybe you can give an overview of
7 that.

8 MR. FITZGERALD: This issue has
9 been treated certainly in the past six to
10 eight months pretty heavily. I mean the DOE
11 security policy which I think you are all
12 familiar with, the PROC-0010 and 11 exchange
13 we went through. The way it is laid out is
14 pretty clear. What isn't properly as clear is
15 the evolution. The first I would say three or
16 four years of the program, we would in this
17 case conduct interviews at sites and we would
18 tell the interviewees that they are specific
19 interviews. The individual interviews would
20 be held confidential and we would in fact
21 generalize them in a report to NIOSH so that
22 their identity would be protected. Now, with

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1 the advent of the DOE security policy. This
2 is about a year, a bit over a year ago. It
3 became very clear that there would be a very
4 rigorous screening by DOE of all we use
5 including interviews. So at that point in
6 time we had to adjust and make it very clear
7 to interviewees that no, we could not assure
8 them of any anonymity on their specific
9 interviews because essentially all the raw
10 interview notes would go through DOE
11 classification screening first and there would
12 be reason for them to want to know who the
13 interviewees are. That was sort of the second
14 iteration that we went through about a year,
15 over a year ago where we had to make it clear
16 to the interviewee that no, there would be no
17 longer any assurance given that certainly
18 those specific interviews identified by the
19 individual interview could be kept
20 confidential of any sort. And we gave a
21 little disclaimer up front. So that's been an
22 evolving process. Now the third iteration is

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1 perhaps more recent, although I think there's
2 been some discussions over the past six months
3 or so, which is this question of government, I
4 use that in a broader sense, access to
5 anything the support contractor, meaning us,
6 would gain access to. Meaning that if we did
7 an interview, essentially the interview notes
8 from that interview would be accessible by,
9 certainly by NIOSH and CDC. So in essence
10 that wasn't clear perhaps in the beginning of
11 the process that was the case. And it's only
12 been over I guess the last several months
13 where Ted and others clarified the fact that
14 any documents that we received, any interviews
15 that we conduct are immediately accessible by
16 the government, by NIOSH. And so in addition
17 to the security implication that the fact that
18 DOE would have access, in this case, in terms
19 of the raw interview notes, certainly NIOSH
20 has access as well. So we have adjusted yet
21 again to make clear to the interviewees that
22 essentially any interviews that we conduct

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1 will be accessible by the government DOE
2 and/or NIOSH and the identity of those
3 interviewed would in fact be accessible as
4 well. I think this realization and our more
5 or less notifying the interviewees of this
6 reality, I think has caused some concern
7 obviously since this is somewhat an evolving
8 process and now there is some concern over
9 whether an early process identified last
10 night, whether the identity of the interviewee
11 is something that we can't really protect. We
12 can't give any assurances on. I think that is
13 pretty where it sits right now. So to some
14 extent we have evolved during this five or six
15 year time span in terms of the recognition and
16 this is not just our recognition but the
17 recognition in NIOSH and DOE of what the
18 status of information collected would be. I
19 think this is where we are right now. So this
20 is really a current issue but it has had a
21 history.

22 MR. KATZ: Joe, could you also

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1 elaborate the person commented last night was
2 under the impression that all your interviews
3 with the named individuals in all cases goes
4 immediately to DOE from you for that kind of
5 scrutiny and I thought when we discussed this
6 after the meeting, I understood from you that
7 that's not really the case. That at sites
8 that have high sensitivity in terms of
9 security concerns, anyone who has, for
10 example, who is interviewed and that had a Q
11 clearance for example, theirs would certainly
12 go for review but that at sites where isn't
13 such the same concerns, an individual wouldn't
14 necessarily his information provided
15 automatically to DOE for review. Is that
16 correct?

17 MR. FITZGERALD: That's kind of the
18 interpretation we have been operating under
19 but I'll put an asterisk beside that. In one
20 instance where we did an interview a non-
21 classified site, unclassified interviews, an
22 issue arose because you do have people moving

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1 around the sites and it may come about that
2 somebody has information which may be
3 sensitive. So, you know, I think we along
4 with DOE on the security side are learning
5 some of these issues. So I would say that was
6 the one area where we could not have gone
7 through that process necessarily but we find
8 exceptions that arise. So even there I'm not
9 sure whether DOE may not insist to see all the
10 interview notes from all sites. And the way
11 the DOE policy reads and the way we have
12 submitted this, is everything that is
13 collected, anything that would be in fact
14 reported, would be screened by DOE for
15 security reasons. We have followed that. So
16 there isn't any exceptions to that. Anything
17 that is generated goes to DOE for security
18 review.

19 MR. KATZ: Thank you Joe.

20 CHAIRMAN ZIEMER: Thank you Mark.
21 Did you want to follow up?

22 MEMBER GRIFFON: Yes, one follow

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1 up. I mean this might be really a DOE
2 question but when you say DOE, Joe, I think in
3 most cases you are talking like at Pantex it
4 would be, it wouldn't be headquarters? This
5 is a site DOE?

6 MR. FITZGERALD: Yes.

7 MEMBER GRIFFON: Because that might
8 make a difference to people.

9 MR. FITZGERALD: The policy is if
10 they are in fact as an operating site and this
11 is as compared with a site that has been
12 closed. If there is an operating site, that
13 site would handle the security review. The
14 premise being they would understand better the
15 operation. So for Pantex it would be the
16 Pantex security office that would review all
17 of our material.

18 MEMBER GRIFFON: Which is an
19 interesting possibility to follow up. I mean
20 I also know that, I believe that -- well I
21 won't say that. I'll withdraw that comment.
22 But I think that some people might, although I

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1 think that this does have a stifling affect
2 possibly on some people coming forward to
3 interview. I mean the issue has been not only
4 in current workers but also former because
5 they have relatives still at the sites and
6 there is concern. But anyway, the possibility
7 of having headquarters do the review may
8 slightly alleviate some of their concerns
9 rather than having it done at the site level
10 because then they are pretty sure that it's
11 going to be close to home.

12 MR. FITZGERALD: I think this is
13 the issue that Dr. Ziemer asked to be taken
14 back to Glenn Podonsky, which is there a way
15 to mitigate some of these concerns.

16 MEMBER GRIFFON: Right.

17 MR. FITZGERALD: And I think that
18 is something we will have to look at.

19 CHAIRMAN ZIEMER: And I think last
20 time when Glenn Podonsky was here he
21 indicated, somebody asked about generating a
22 letter from the highest levels indicating the

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1 policy that there be no retaliation and Glenn
2 indicated that in his experience those kinds
3 of things haven't been very effective and it
4 is what has to be done and I think committed
5 to trying to do it to get to those at the top
6 level and make sure and follow up that word
7 gets down into middle management and below
8 that really has got to be enforced because as
9 you have indicated and we heard in the public
10 comment period there certainly can be a
11 stifling affect if people believe that there's
12 not some either confidentiality which we can
13 assure or some level of assurance that there
14 won't be some kind of retaliation or some or
15 they at least feel like some bad things will
16 happen if they say anything. Or some don't
17 want to take the chance.

18 MR. FITZGERALD: Right. And this
19 is a real ongoing issue at Pantex. I just
20 conducted interviews there this summer and
21 there are some real questions because a Pantex
22 security officer was present at all the

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1 interviews, which I think may have an
2 implication. That wasn't an option on our
3 part of course. The other issue is that we've
4 had to reschedule an onsite interview visit in
5 November because the petitioners and other
6 workers don't feel comfortable going to Pantex
7 to be interviewed. And they are looking for
8 an offsite venue. So it is definitely a
9 burden at least at the Pantex review.

10 MEMBER GRIFFON: Perhaps this is
11 something that we can DOE to come to our next
12 meeting, even on the phone possibly and give
13 us at least an update and where they stand and
14 a possible path forward. I mean I know for
15 and it was a different format but for some of
16 the interviews I did with the medical
17 surveillance work, we had a circumstance where
18 we had DOE Oak Ridge actually come in and
19 initiate the meeting and in that format it
20 ended up being -- I was very reluctant at the
21 start but I kind of had no choice. So if I
22 was going to do the interviews and the net

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1 result actually was positive because in that
2 case the DOE Oak Ridge individual sort of gave
3 these retirees an update on what they could
4 because you know a lot of them were reluctant
5 even in a classified setting to say anything.

6 And he says let me just give you an update.
7 Some of the things that you in the fifties
8 that were classified are now not, have been
9 declassified. And so he kind of gave them a
10 briefing on that and it actually expanded the
11 dialogue probably for me in that setting. But
12 we are talking about compensation here and it
13 is a little, it's a different program and so I
14 think we should at least ask DOE to reexamine
15 this and see if we can improve it.

16 CHAIRMAN ZIEMER: Thanks. Brad do
17 you have a comment?

18 MEMBER CLAWSON: Yes, I just want
19 to make a comment and Joe want to. One of the
20 things that is kind of bad is like Joe said,
21 it goes to headquarters but right now when we
22 do interviews and I'm just going to say Pantex

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1 because also the same thing happened at
2 Hanford, all of our notes that are taken are
3 initially then handed right over to the site.

4 Those people have those notes and it is the
5 site DOE. They review it. Then it goes to
6 DOE headquarters and in my personal opinion it
7 has had a stifling affect on a lot of things.

8

9 CHAIRMAN ZIEMER: Thanks. Well
10 clearly we will have to follow up on this with
11 DOE and we will make sure that happens. Then
12 I am going to now ask for action on Dr.
13 Poston's motion. All in favor of adjourning
14 say aye.

15 (Chorus of ayes.)

16 CHAIRMAN ZIEMER: We are adjourned.
17 Thank you very much, all of you for your
18 participation.

19 (Whereupon, the above-entitled
20 matter went off the record at 12:05 p.m.)

21

22

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