

THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
PUBLIC HEALTH SERVICE  
CENTERS FOR DISEASE CONTROL AND PREVENTION  
NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

convenes

MEETING 52

ADVISORY BOARD ON  
RADIATION AND WORKER HEALTH

VOL. IV  
DAY THREE

The verbatim transcript of the 52nd  
Meeting of the Advisory Board on Radiation and  
Worker Health held at the Suncoast Hotel and Casino,  
Las Vegas, Nevada, on Jan. 10, 2008.

STEVEN RAY GREEN AND ASSOCIATES  
NATIONALLY CERTIFIED COURT REPORTERS  
404/733-6070

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### TRANSCRIPT LEGEND

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-- "\*" denotes a spelling based on phonetics, without reference available.

-- (inaudible)/ (unintelligible) signifies speaker failure, usually failure to use a microphone.

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3       College of Medicine, University of Cincinnati

4       MELIUS, James Malcom, M.D., Ph.D.  
5       Director  
6       New York State Laborers' Health and Safety Trust Fund  
7       Albany, New York

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AND IDENTIFIED TELEPHONIC PARTICIPANTS

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AKRAM, M.  
BALDRIDGE, SANDRA, FERNALD  
BLOCK, SHARON, SEN. KENNEDY  
BREYER, LAURIE, OCAS  
BROEHM, JASON, CDC  
CAMERON, BUCK, ATL INT  
CANO, GINA, DOE  
CHANG, CHIA-CHIA, NIOSH  
ELLISON, CHRIS, NIOSH  
FUNK, JOHN R.  
GIOVACCINI, GERALD, SANDIA  
GLOVER, SAM, NIOSH  
HILL, STEVEN, CONG. SHAVITZ  
HINNEFELD, STU, NIOSH  
HOMOKI-TITUS, LIZ, HHS  
HOWELL, EMILY, HHS  
JERISEN, DEB, EECAP  
KOTSCH, JEFF, U.S. DOL  
LEWIS, GREG, DOE  
LEWIS, MARK, ATL  
MAKHIJANI, ARJUN, SC&A  
MAURO, JOHN, SC&A  
MCFEE, MATTHEW, ORAU  
MCKEEL, DAN, SINEW  
OSTROW, STEVE, SC&A  
RICHLOW, CALVIN C., SEN. REID  
ROBERTS, LAURIE  
ROZNER, KATHLEEN, SEN. REID  
RUTHERFORD, LAVON, NIOSH  
STEPHAN, ROBERT, SEN. OBAMA  
TACK, JEFF, DOE

## P R O C E E D I N G S

(8:40 a.m.)

WELCOME AND OPENING COMMENTSDR. PAUL ZIEMER, CHAIRDR. CHRISTINE BRANCHE, DFO

1 DR. ZIEMER: Good morning, everyone. All the Board  
2 members are present here, with the exception of  
3 Dr. Roessler and -- and Mark Griffon. Gen  
4 Roessler, are you on the line this morning?

5 (No responses)

6 Gen Roessler on the line?

7 **UNIDENTIFIED:** She intended to be.

8 **DR. ZIEMER:** Okay, we'll -- we'll check again  
9 later. I believe Mark does intend to join us  
10 later, at the time of the reports.

11 Oh, John Poston had to leave, actually. John -  
12 - I'm sorry, John is flying overseas today.

13 **UNIDENTIFIED:** (Off microphone)

14 (Unintelligible)

15 **DR. ZIEMER:** I didn't hear that Gen was on the  
16 line.

17 **DR. BRANCHE:** Can we please test the line?

18 **DR. ZIEMER:** Is -- are the telephone lines  
19 open?

20 Oh, I think I hear -- Gen Roessler?

1 (No responses)

2 I don't hear --

3 **DR. BRANCHE:** We're trying to hear if she's on  
4 the line.

5 **DR. ZIEMER:** Okay, I -- I can't tell if Dr.  
6 Roessler's on the line or not. I think I'm  
7 hearing some background sound. I'm not hearing  
8 --

9 **DR. BRANCHE:** If everyone in the room could sit  
10 down, we're trying to establish the phone  
11 connection.

12 **DR. ZIEMER:** I'm not hearing it, though.  
13 Somebody's talking, but I can't really -- can  
14 we -- can we check the volume a little bit?

15 **MS. MUNN:** It may be the attorney who was  
16 conversing with his wife for a long period of  
17 time.

18 **DR. ZIEMER:** Gen Roessler, are you on the line?

19 (No responses)

20 **DR. BRANCHE:** Is anybody on the line?

21 **DR. ZIEMER:** Are there any others on the line?  
22 We're trying to check and see if we have any  
23 callers on the line.

24 **UNIDENTIFIED:** Yes, Dr. Ziemer.

25 **MR. HILL:** This is Steven Hill from Congressman



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**DR. ZIEMER:** Oh, very good.

**MR. HILL:** -- (Unintelligible)'s office.

**DR. ZIEMER:** At least we know that the lines are open. Thank you very much. Before we get into the agenda items for today, a couple of housekeeping things. Board members, I have -- this was left here at the Board table. It appears to be a phone charger connection, Motorola, if any -- Phil, it's yours. Well, good, because they found it by your spot, but everyone claimed it -- oh, okay. I guess they checked everybody but you, Phil. Okay, thank you.

Usual reminders to register your attendance, if you haven't already done so today. Also some comments from Dr. Branche.

**DR. BRANCHE:** Good morning. I'm going to be your Designated Federal Official this morning, but Dr. Wade will wink at me if I'm doing something wrong, so I thank you.

For those of you participating by phone, if you would please mute your phone until the time that you're speaking, we would very much appreciate that. Can't express enough the

1           quality of the line so that everyone  
2           participating by phone can hear. But also to  
3           let all of you who are participating by phone  
4           know that we really can hear quite a bit of  
5           what's happening at your --

6           **DR. ZIEMER:** Especially if your dog is barking.

7           **DR. BRANCHE:** Yes, so the person with -- there,  
8           I think we got rid of that. Okay.

9           Also for those of you participating in the  
10          meeting room, if you could please mute or  
11          silence your phone, that also will help with  
12          the quality because we are really having a  
13          difficult time hearing everyone speak.

14          So Dr. Ziemer, it's a pleasure to be working  
15          with you today. Thank you.

16          **DR. ZIEMER:** Thank you. We're pleased to have  
17          you here at the table with us, as well.

18          **SEC PETITION UPDATE**

19          We're going to begin this morning with a report  
20          on SEC petitions status -- that is the status  
21          of SEC petitions, plural. LaVon Rutherford  
22          from the OCAS staff will make that  
23          presentation. Good morning, LaVon.

24          **MR. RUTHERFORD:** Good morning, Dr. Ziemer.

25          Thank you very much. As Dr. Ziemer mentioned,

1 I'm going to give you an update on the status  
2 of existing SEC petitions. Again, this is to  
3 provide an update to the Board and hopefully  
4 this will give the Board enough information  
5 that they can prepare for upcoming workgroup  
6 meetings and future Board meetings.

7 As of December 14th we had received 104  
8 petitions, and we have four petitions that are  
9 in the qualification process. We have  
10 qualified 51 petitions. Of those 51, we've  
11 completed our evaluation on 39, and 12 of those  
12 are in progress. We did not qualify 49 of the  
13 petitions. This may have changed just a little  
14 bit over the last few weeks, but again, it's as  
15 of December 14th.

16 Now I want to talk about existing evaluation  
17 reports that are with the Board and awaiting  
18 recommendation. We have Chapman Valve, the  
19 Chapman Valve -- the evaluation report was sent  
20 to the -- was approved and sent on August 31st,  
21 2006. We presented our evaluation at the  
22 September 2006 Advisory Board meeting. The  
23 Advisory Board established a workgroup at that  
24 meeting, and the workgroup presented its  
25 findings in May of 2007. At that time a

1 decision was made to postpone a recommendation  
2 until SC&A was -- report could be received by  
3 the petitioners. At the July meeting a vote  
4 was taken to -- to not add a class and came up  
5 with a six-six vote. In light of that vote,  
6 the Advisory Board asked Department of Labor  
7 and DOE to address potential -- additional  
8 areas that may be covered at the -- at the Dean  
9 Street facility. Prior to the October 2007  
10 Board meeting Department of Labor provided a  
11 response to the Advisory Board. DOE provided a  
12 response during the November 2007 Advisory  
13 Board conference call, although DOE is  
14 continuing its investigation. The current  
15 status is the petition and evaluation report  
16 are with the Board for recommendation, and I  
17 believe the Department of Energy is schedule to  
18 provide an update at this meeting.

19 Blockson Chemical, Wanda did give us an update  
20 on Blockson yesterday, but the evaluation  
21 report was initially approved and sent in  
22 September 2006. We presented that evaluation  
23 report at the December 2006 meeting. However,  
24 we withdrew that evaluation report after it was  
25 discovered that we had not addressed all

1 covered exposures at the facility. The  
2 Advisory Board established a workgroup at that  
3 meeting and NIOSH issued a revised evaluation  
4 report at the -- in July -- early July of 2007.  
5 We presented that evaluation report at the July  
6 2007 Advisory Board meeting and a workgroup  
7 meeting was held in August in Cincinnati and a  
8 public meeting was held in September -- in  
9 September to explain the dose reconstruction  
10 technical approach. Then the workgroup held a  
11 conference in November, and the current status  
12 is petition and evaluation report are with the  
13 workgroup. And as of the discussion yesterday,  
14 there are a couple of issues that Dr. Melius is  
15 looking into for that workgroup.

16 Feed Materials Production Center, the  
17 evaluation report was approved and sent to the  
18 Advisory Board and the petitioners in November  
19 of 2006. NIOSH presented the evaluation report  
20 at the February 2007 Advisory Board meeting.  
21 The Advisory Board established a workgroup led  
22 by Brad Clawson at that February meeting. In  
23 May of 2007 SC&A issued their draft review of  
24 the evaluation report and the workgroup met in  
25 Cincinnati in August and in November of 2007.

1 Current status is the workgroup review of the  
2 Feed Materials Production Center evaluation  
3 report is ongoing.

4 Bethlehem Steel -- again, a reminder these are  
5 petitions that are with the Board right now for  
6 recommendation. Bethlehem Steel, the  
7 evaluation report was approved and sent to the  
8 Advisory Board and the petitioners in February  
9 2007. We presented -- NIOSH presented the  
10 evaluation report at the May 2007 Advisory  
11 Board meeting, and at that time the Advisory  
12 Board determined that it needed further  
13 information before making a recommendation on  
14 the SEC. The Advisory Board tabled the  
15 discussion on Bethlehem Steel until the  
16 workgroup -- the surrogate data workgroup  
17 evaluates the use of surrogate data at  
18 Bethlehem Steel. Current petition -- the  
19 current status the petition and the evaluation  
20 report are with the Advisory Board for  
21 recommendation, and an update was provided at  
22 this meeting.

23 Sandia National Lab Livermore, this is a --  
24 actually an evaluation of a small class of  
25 workers at Sandia. The evaluation report was

1 approved and sent to the Advisory Board on  
2 March 2007. However, in late April of 2007,  
3 just before the May meeting, we received new  
4 information from the petitioner. We went ahead  
5 with our presentation at the May meeting and  
6 discussed the new information. The Advisory  
7 Board asked NIOSH to provide an update that  
8 addressed that new information. We issued an  
9 addendum to the evaluation report, presented  
10 that addendum at the October 2007 Advisory  
11 Board meeting. The Advisory Board tabled the  
12 vote at that meeting until further -- until the  
13 information that the petitioner discussed at  
14 that meeting could be reviewed by the Board.  
15 And I do have an additional -- we did ensure  
16 that all the information that the petitioner  
17 had identified was made available to the Board,  
18 and at the November conference call the  
19 Advisory Board had indicated they wanted to  
20 review that information before they made a -- a  
21 recommendation. Status is an update is  
22 scheduled for this meeting.

23 Hanford Part 2, as you know, we had -- we broke  
24 it into two parts, Hanford 1 being the early  
25 years and Hanford 2 being the later years of

1 '47 to '90. The evaluation report was approved  
2 and sent the Advisory Board and the petitioners  
3 in September of 2007. NIOSH presented our  
4 evaluation at the October Advisory Board  
5 meeting, and the Advisory Board sent the report  
6 to their contractor, SC&A, and the Hanford  
7 (sic) Board workgroup for review. Current  
8 status is the petition and evaluation report  
9 are with the Advisory Board and SC&A for  
10 review.

11 Nevada Test Site, we -- the evaluation report  
12 was approved and sent to the Advisory Board and  
13 the petitioners in September and we presented  
14 the evaluation report at this Advisory Board  
15 meeting. And after yesterday that evaluation  
16 report was sent to the Nevada Test Site  
17 workgroup, the one that's dealing with the site  
18 profile.

19 Lawrence Livermore National Lab, the evaluation  
20 report was approved and sent to the Advisory  
21 Board and petitioners in December 2007. NIOSH  
22 presented our evaluation yesterday at this  
23 Advisory Board meeting and the Advisory Board  
24 took action on that presentation, agreeing with  
25 NIOSH's recommendation to add a class.



1 Mound Plant, the evaluation report was approved  
2 and sent the Advisory Board and petitioners in  
3 December, and we presented our evaluation  
4 report and path forward at this Advisory Board  
5 meeting. The Advisory Board concurred with our  
6 recommendation to add a -- add a class from  
7 those earlier years and agreed that continued  
8 work should -- should go on with the later  
9 years.

10 Combustion Engineering, 19-- the evaluation  
11 report was approved and sent to the Advisory  
12 Board and petitioners in December and we  
13 presented our evaluation report at the Advisory  
14 Board meeting yesterday. The Advisory Board  
15 concurred with our recommendation to add a  
16 class for Combustion Engineering.

17 Currently there are a number of SEC petitions  
18 that have qualified or in the evaluation  
19 process. We have a Pantex petition that covers  
20 1950 to 1991, and we expect this evaluation to  
21 be complete in April of 2008.

22 We have Texas City Chemical, which is a January  
23 1, 1952 to December 31, 1956. We have held  
24 onto issuing that evaluation report. We wanted  
25 to -- till the Board made a decision on

1           Blockson Chemical. After the meeting yesterday  
2           I think there'll be further discussion with Dr.  
3           Neton and Larry Elliott to determine whether we  
4           want to go ahead and issue that report.

5           Santa Susana Field Lab, we anticipate the  
6           evaluation report being complete this month.  
7           Horizons, Inc., we have an evaluation report  
8           that we anticipate completing in February of  
9           2008.

10          At this time, due to some review issues -- back  
11          on the Pantex one -- we don't anticipate having  
12          the -- the evaluation report complete in time  
13          for the April Board meeting. However, we do  
14          anticipate Texas City, Santa Susana and  
15          Horizons, Inc. all being ready for the April  
16          Board meeting.

17          Westinghouse Atomic Power Development, we  
18          anticipate having that evaluation report  
19          complete in March and ready for the April Board  
20          meeting.

21          The next three are 83.14s where we've  
22          identified that -- to an existing claim that  
23          dose reconstruction was not feasible.

24          Kellex/Pierpont, we anticipate that evaluation  
25          report complete in January. MIT, which is

1           Massachusetts Institute of Technology, will be  
2           complete in January -- again, of 2008; SAM  
3           Laboratory in February of 2008. All of these  
4           we anticipate presenting at the next Apr-- in  
5           the April Board meeting.

6           In addition there are seven sites that are in  
7           the early phases of the 83.14 process. We have  
8           a little due diligence work that we're doing on  
9           that. And one of those, the NUMEC (Parks), we  
10          anticipate having that approved and ready to  
11          present at the April Board meeting. We had  
12          hoped to have that one done for this Board  
13          meeting, but we ran into some review issues  
14          that held us up a little bit.

15          And that's it.

16          **DR. ZIEMER:** Okay. Thank you, LaVon, for that  
17          summary. Let's take a moment to see if there  
18          are questions from the Board members. Dr.  
19          Melius.

20          **DR. MELIUS:** Just a comment that if the -- if  
21          you're certain that the Pantex report isn't  
22          going to be ready by the April meeting, I think  
23          we need to reconsider our schedule out there  
24          then.

25          **DR. ZIEMER:** We will in fact do that --

1           **DR. MELIUS:** Yeah.

2           **DR. ZIEMER:** -- and that's on the agenda for  
3 today.

4           **DR. MELIUS:** Yeah.

5           **DR. ZIEMER:** For a variety of reasons, it's  
6 fairly clear that that is likely not to be  
7 ready, and therefore we will look at an  
8 alternate site for that next meeting.

9           **DR. MELIUS:** Uh-huh.

10          **DR. ZIEMER:** And that will come up during our  
11 work session. Thank you.

12          Other comments?

13                               (No responses)

14          Okay. Thank you, LaVon. It's a very helpful  
15 summary for us -- oh, yeah, another comment.

16          Okay, hold on.

17          **DR. MELIUS:** I think -- I'm not sure we -- just  
18 want to -- for -- procedurally need to be sure  
19 on this, but with those 83.14 petitions, we --  
20 I don't know if we have sort of a standing  
21 policy on how we're doing that, but the SEC  
22 evaluation workgroup at times has been  
23 reviewing these -- trying to review these ahead  
24 of the -- the meetings to try to move it along  
25 --

1 DR. ZIEMER: Actually --

2 DR. MELIUS: -- I think --

3 DR. ZIEMER: -- actually we don't have a --

4 really a sort of codified policy.

5 DR. MELIUS: Right.

6 DR. ZIEMER: I think it's been somewhat *comme*

7 *ci, comme ça*, as they say, but it certainly

8 would be helpful if those are ready --

9 DR. MELIUS: Yeah.

10 DR. ZIEMER: -- in advance that the SEC

11 workgroup could take an early look at those,

12 partic-- particularly those 83.14s --

13 DR. MELIUS: Right, yeah, there's a --

14 DR. ZIEMER: -- there's what, three of those?

15 DR. MELIUS: Looks like --

16 MR. RUTHERFORD: Actu--

17 DR. MELIUS: -- looks like --

18 MR. RUTHERFORD: Four.

19 DR. MELIUS: -- there's four listed on --

20 DR. ZIEMER: Oh, yeah, okay.

21 DR. MELIUS: -- the last slide.

22 DR. ZIEMER: Right.

23 MR. RUTHERFORD: I would anticipate there being

24 more, though. I mean you are going to get

25 NUMEC (Parks) as well.

1           **DR. MELIUS:** Yeah, so --

2           **MR. RUTHERFORD:** And -- and what we'll do is --  
3           at -- what I did in December with the past  
4           83.14s, I will make sure that -- that that  
5           workgroup is -- we -- we get -- I will make a -  
6           - send an e-mail to you, make -- to Dr. Melius,  
7           letting him know that they are ready and they  
8           are available on the O drive for review.

9           **DR. ZIEMER:** Very good.

10          **DR. MELIUS:** That was my Christmas present from  
11          LaVon, Christmas Eve this year.

12          **DR. ZIEMER:** Happy -- Happy New Year. Okay,  
13          thank you very much.  
14          Again, any further questions for LaVon?

15    (No responses)

16          Okay. Thank you, LaVon, for that presentation.

17    (Pause)

18          **SEC PETITION STATUS UPDATES**

19    Next we have updates on some particular sites  
20    that include Chapman Valve, Dow Chemical,  
21    Fernald and Sandia Livermore, and we're going  
22    to begin with Chapman Valve. We -- we're going  
23    to hear from Dr. Worthington from DOE on that,  
24    and also I believe -- I was informed that  
25    Sharon Black (sic) from Senator Kennedy's

1 office is on the line as well. Sharon, are you  
2 there this morning? Sharon Black -- or Block,  
3 it is. I'm sorry, Sharon Block -- get the  
4 correct name.

5 (No responses)

6 **UNIDENTIFIED:** (Off microphone)

7 (Unintelligible) they have confirmation of  
8 (unintelligible).

9 **DR. ZIEMER:** Stand by just one moment. Let's  
10 check here.

11 (Pause)

12 Okay, we're going to proceed with Dr.  
13 Worthington's report, and then we'll check  
14 again to see if Sharon Block has joined us.  
15 Thank you. Welcome again, Patricia.

16 **CHAPMAN VALVE**

17 **DR. WORTHINGTON:** Good morning. Can you hear  
18 me okay?

19 I want to give you a couple of updates today,  
20 and -- and certainly I want to start off in the  
21 beginning by saying that we were -- we'll come  
22 to you with the updates and the final decisions  
23 as soon as we could. Certainly we recognize  
24 the need to be timely on these matters, but we  
25 want to follow all the leads through.

1           Sometimes a quick response is not necessarily a  
2           comprehensive or complete one, so we wanted to  
3           follow all the leads and then to come back with  
4           you in terms of where we are.

5           Again, I'll start with Chapman Valve, and the  
6           Chapman Valve facility's currently covered  
7           under EEOICPA as an Atomic Weapons Employer for  
8           1948 to 1949 for work with uranium for the  
9           Brookhaven National Laboratory. NIOSH asked  
10          the Department of Energy to research whether  
11          there were any additional sources of  
12          radioactive material -- for example, transfer  
13          points of manifolds from Oak Ridge for testing  
14          at Chapman Valve Dean Street, which may have  
15          contained enriched uranium. So that's what we  
16          were -- we were asked to do.

17          DOE tasked our research specialists with  
18          researching the relationship between Chapman  
19          Valve Dean Street location and work done with  
20          AEC. We went to a number of locations to  
21          gather information, both within DOE and outside  
22          sources, and I'll just mention a few of them.  
23          We looked at just -- many records from the --  
24          the MED history book. We did FUSRAP reviews,  
25          we've -- Y-12 searches -- extensive researches



1 on a wide range of keywords, went to various  
2 sites -- Savannah River -- and so there were  
3 many places that we actually looked. We looked  
4 and read very carefully the worker affidavits,  
5 the worker testimonies from public meetings,  
6 and we actually traveled to one person's home,  
7 a former Chapman employee, and talked with them  
8 and gained some valuable insights. And again,  
9 I want to thank all of you that actually  
10 provided information -- questions, insights,  
11 data, things that we should look at. We  
12 certainly appreciated that.

13 Based on our research -- which we believe was  
14 comprehensive -- evaluation of the documents  
15 that we were able to review -- I want to give  
16 you kind of the -- the results in terms of two  
17 parts. Based on our research, DOE recognizes  
18 that the Chapman Valve building located at Dean  
19 Street was considered part of the parent Indian  
20 Orchard facility and not a distinct and  
21 separate facility. DOE will update the DOE  
22 facility list database to specify that the Dean  
23 Street building was part of the main facility,  
24 and also covered during the designated period,  
25 1948 to 1949.

1 With respect to looking for additional sources,  
2 again, we -- we believe we had a fairly  
3 exhaustive review. We were unable to  
4 substantiate that work involving additional  
5 sources of radioactive material were conducted  
6 on behalf of the AEC.

7 So this is where we are with Chapman Valve.  
8 This is -- we've finished our work. We have  
9 now forwarded these findings in a letter report  
10 to DOL and to NIOSH, and we are available now  
11 to ask -- answer any additional questions that  
12 you might have. Gina Cano is here with me  
13 today, as well as Greg Lewis, and we have one  
14 of our researchers on the line, Jeff Tate --  
15 Jeff Tack is on the line.

16 **DR. ZIEMER:** Okay, thank you. Let's open it  
17 for questions, begin with -- Dr. Melius, do you  
18 have a question or --

19 **DR. MELIUS:** No, I'm sorry.

20 **DR. ZIEMER:** -- your sign is just up from  
21 habit. Okay. Let -- let me ask also, or I'll  
22 give you the floor here, Jim. I just want to  
23 ask the NIOSH folks if they can give the Board  
24 in a moment some idea of what the path forward  
25 is with this addition. What -- what are the

1 next steps that will occur?

2 **DR. MELIUS:** Oh, Gen can't hear.

3 **DR. ZIEMER:** Gen -- I -- is she on the line?

4 You got an e-mail from her --

5 **DR. ROESSLER:** Hey, Paul.

6 **DR. ZIEMER:** Okay, we can hear you, Gen.

7 **DR. ROESSLER:** Okay. What's happening on the  
8 phone line is we are alternating between talk  
9 mode and silent mode, and I think that's  
10 probably why you didn't get a response from the  
11 person you wanted on the line earlier.

12 **MS. BLOCK:** Yeah, I'm on the line now. This is  
13 Sharon Block from Senator Kennedy's office.

14 **DR. ZIEMER:** Oh, thank you, Sharon. Okay.

15 **DR. ROESSLER:** But we seem to be okay right  
16 now, but it is going back and forth between us  
17 not being able to respond and also not being  
18 able to hear the presentation.

19 **DR. ZIEMER:** Okay. Do we have some way to --  
20 how will we know when that's occurring?

21 **DR. ROESSLER:** Well, if Christine got my e-mail  
22 --

23 **DR. BRANCHE:** I did.

24 **DR. ROESSLER:** -- then I -- I will try and  
25 communicate with you whenever we seem to have a

1                   problem.

2                   **DR. BRANCHE:** Thank you. But I do know that  
3 when a -- the mute -- I go back to the muting  
4 'cause I know that it seemed as if someone's  
5 line was open. When a person on the line  
6 doesn't mute, it makes it difficult for  
7 everyone else participating by phone to hear.

8                   **DR. ROESSLER:** Oh, that might be what's  
9 happening.

10                  **DR. BRANCHE:** And so throughout LaVon's  
11 presentation, as well as Dr. Worthington's,  
12 someone's line was open.

13                  **DR. ZIEMER:** Okay. Well, let us hear from Jim  
14 Lockey, and then Sharon, if you have some  
15 comments, we'll --

16                  **DR. LOCKEY:** That was my only --

17                  **DR. ZIEMER:** Oh, okay, that was Jim's comment.  
18 Sharon, did you have some comments? Did you  
19 hear Dr. Worthington's presentation?

20                  **MS. BLOCK:** I did, yes, thank you. I was -- I  
21 was able to -- to see, and I -- you know, I  
22 just want to thank Pat for all the work that  
23 she's obviously put into researching this and  
24 appreciate that and -- and getting some notice  
25 that -- of what her results were was very

1 helpful. Senator Kennedy's just very  
2 concerned that Chapman Valve petitioners have  
3 come this far and just want to make sure that  
4 this new information that Pat has brought and  
5 information about the scope of the search that  
6 -- that she and her office have done, you know,  
7 that the Board is given some time to -- to make  
8 sure that, you know, really every stone has  
9 been unturned and that -- and that, you know,  
10 every possible avenue for these petitioners has  
11 been pursued. So that's just -- that's our  
12 perspective, is that we just want to be sure  
13 that the Board is given an ample opportunity to  
14 review what Department of Energy has brought  
15 them today and that, you know, we can make the  
16 best decision -- you can make the best decision  
17 you can for these petitioners.

18 **DR. ZIEMER:** Thank you. And indeed we -- we  
19 need to determine what the impact of this  
20 change will be overall. I'm assuming that  
21 NIOSH will examine this at the appropriate time  
22 and there may be some addition to the  
23 evaluation report of some sort. But --

24 **DR. WORTHINGTON:** As NIOSH is coming forward,  
25 we provided the report to NIOSH just on the 7th

1 of January so --

2 **DR. ZIEMER:** Right --

3 **DR. WORTHINGTON:** -- we were just getting it to  
4 them.

5 **DR. ZIEMER:** -- and has the official change in  
6 the designation actually been made by Labor,  
7 or...

8 **DR. WORTHINGTON:** No.

9 **DR. ZIEMER:** Probably hasn't even occurred yet,  
10 but -- there will be a series of steps, I  
11 guess, but what happens then, Jim, as you  
12 understand it?

13 **DR. NETON:** We certainly need to look at the  
14 report and evaluate it in a little more detail.  
15 But from what I'm hearing, DOE's research did  
16 not identify any additional sources of radioac-  
17 -

18 **DR. WORTHINGTON:** That's correct.

19 **DR. NETON:** -- radiation exposure, so in  
20 effect, if that is true, nothing changes in our  
21 evaluation report. The only identified source  
22 of exposure that we are evaluating is the  
23 machining of the uranium slugs for the  
24 Brookhaven Reactor that occurred at Chapman.  
25 And we maintain in our evaluation report that

1 we can reconstruct those doses.

2 **DR. ZIEMER:** Right.

3 **DR. NETON:** I don't -- if it's what I bel--

4 **DR. WORTHINGTON:** The AWE itself will -- now  
5 will show that the Dean Street location is the  
6 same as the -- as -- as the others, and so --

7 **DR. NETON:** Right, and so Dean Street becomes  
8 part of the (unintelligible) --

9 **DR. WORTHINGTON:** That's correct.

10 **DR. NETON:** We -- we know of no radiation work  
11 that went on at Dean Street that would change  
12 our -- our evaluation report, but --

13 **DR. ZIEMER:** But there would --

14 **DR. NETON:** -- we certainly will --

15 **DR. ZIEMER:** -- be a slightly -- a slight  
16 modification of the -- of the description of  
17 the class.

18 **DR. NETON:** The class definition --

19 **DR. ZIEMER:** Right.

20 **DR. NETON:** -- would possibly change.

21 **DR. ZIEMER:** Right. So once we have that final  
22 description, I guess we'd be in a position then  
23 to -- to take further action. I would assume  
24 that this might be ready by the time of our  
25 next face-to-face meeting.

1 Brad Clawson.

2 **MR. CLAWSON:** I guess my question is, is we had  
3 three samples, two of them that showed low-  
4 enriched and one that was enriched. What are  
5 we going to -- what are we going to do with  
6 that?

7 **DR. ZIEMER:** Well, that -- that can certainly  
8 be a part of the deliberations then.

9 **DR. NETON:** We covered that in the evaluation  
10 report, and -- and we pulled the thread  
11 further. We've gone to the FUSRAP regulatory  
12 document that was filed in the cleanup of that  
13 site. There's no indication that there was  
14 enriched material that was processed there. We  
15 just cannot identify the source of that  
16 material.

17 I would state that if there were additional  
18 sources, it could be covered under an  
19 additional Special Exposure Cohort evaluation.  
20 All we're saying is with the radiation  
21 activities that we know occurred there, we've  
22 evaluated them and we're saying that we can  
23 reconstruct the doses that occurred based on  
24 that campaign to machine those slugs. If  
25 something else would come out in the future, it



1           could be evaluated under a separate Special  
2           Exposure Cohort. It doesn't have to be done  
3           all at one time.

4           **MR. CLAWSON:** Okay. Thank you.

5           **DR. ZIEMER:** Thank you. Any other questions or  
6           comments for Dr. Worthington, or in general?  
7           Okay, Jim Melius.

8           **DR. MELIUS:** Yeah, I would only ask that if  
9           we're going to try to deal with this at the  
10          April meeting that we also have SC&A follow up.  
11          They've been -- already I think done a review  
12          on the SEC evaluation report or the site  
13          profile, I can't remember the -- the details.  
14          But they ought to also follow up on this issue  
15          since they are -- I think actually interviewed  
16          more people at the site and more familiar with  
17          the site than anybody else. So far as I  
18          understand, the DOE was -- report is -- there's  
19          a number of documents that were put onto the O  
20          drive, but there's als-- they've interviewed  
21          one additional person and I think we need to  
22          pull this all together and SC&A's in the best  
23          position to do that.

24          **DR. ZIEMER:** And -- and we can -- we can -- we  
25          can certainly ask -- we do have a Chapman Valve

1 workgroup and -- and ask them to work on -- on  
2 any follow-up that's needed on this particular  
3 issue.

4 Okay, any further questions or comments? Brad,  
5 did you have an additional com-- no? Okay.

6 (No responses)

7 **DOW CHEMICAL COMPANY**

8 Okay. Next let's move on to Dow Chemical.  
9 Again Dr. Worthington has some remarks on that,  
10 and...

11 (Whereupon, an off-microphone conversation  
12 ensued.)

13 **DR. ZIEMER:** Oh, Robert is -- Robert Stephan  
14 has arrived, and we're just going to discuss  
15 Dow now. So Dr. Worthington, go ahead.

16 **DR. BRANCHE:** But before you do, Dr.  
17 Worthington -- again, if you're on the line, if  
18 you could please mute your phone if you're not  
19 speaking, we'd appreciate it. Thank you.

20 **DR. WORTHINGTON:** I'll continue with the Dow  
21 Chemical Madison, Illinois information. Again,  
22 this is a final report from Department of  
23 Energy. There've been a number of questions  
24 raised as to whether or not Dow Chemical in  
25 Madison, Illinois sold magnesium/thorium alloys

1 to the AEC; and if so, whether the sale of the  
2 product -- if that would be sufficient basis to  
3 satisfy the statutory requirements for  
4 additional coverage as an Atomic Weapons  
5 Employer under EEOICPA. I want to talk a  
6 little bit about the things that we did, and  
7 kind of the rationale that we used.

8 DOE has determined that sheets and plates made  
9 from magnesium/thorium alloys did go directly  
10 into atomic weapons from 1956 to 1969, and that  
11 Dow Chemical in Madison, Illinois produced and  
12 sold magnesium/thorium sheets and plates to the  
13 AEC during the late 1950s. Therefore, the  
14 selling of magnesium/thorium alloys sheets and  
15 plates, which required an AEC license, to the  
16 AEC meets the definition of an a-- an Atomic  
17 Weapons Employer as defined by EEOICPA. DOE  
18 will be updating the description of the covered  
19 facility to state that Dow Chemical Madison,  
20 Illinois as having supplied magnesium/thorium  
21 sheets and plates to the AEC from 1957 to 1958.  
22 We want to thank the workers and many of the  
23 other interested parties that -- for providing  
24 us with information that helped us to come to  
25 our decision. Cooperation and sharing of

1 information is -- is indeed very helpful to us,  
2 and we feel that we had enough information to  
3 render what we believe to be a -- a fair  
4 decision, a fair position.

5 A little bit more specific information.  
6 EEOICPA establishes that three conditions need  
7 to be met in order to be designated as an  
8 Atomic Weapons Employer. One was that  
9 materials was produced -- was processed or  
10 produced for use by the United States;  
11 materials emitted radiation; and materials were  
12 used in an atomic weapon.

13 We reviewed purchase orders from Mallinckrodt  
14 Chemical Works from 1957 to 1963 to Dow  
15 Chemical Madison, Illinois. The purchase  
16 orders were obtained from the Dow Chemical  
17 attorneys. Invoices from 1957 and 1958  
18 established that Dow Madison supplied  
19 Mallinckrodt with magnesium/thorium sheets and  
20 plates. That supported number one.

21 We also reviewed worker testimony that  
22 discussed the production of sheets and shipment  
23 of this material to the AEC. The Bureau of  
24 Mines and Minerals' annual yearbooks, that was  
25 another source of information for us, from the

1           early 1950s indicated that Dow Chemical  
2           Corporation was a primary developer and  
3           producer of magnesium/thorium alloys. Dow  
4           Chemical Corporation also held a patent for a  
5           process related to magnesium/thorium alloys.  
6           The production of magnesium/thorium alloys  
7           required an AEC license -- or what we now know  
8           as an NRC license. Mallinckrodt Chemical  
9           Works, Uranium Division, conducted a variety of  
10          activities that supported research, development  
11          and production programs for the nuclear weapons  
12          complex.

13          DOE has determined that sheets and plates made  
14          from magnesium/thorium alloy did go directly  
15          into atomic weapons from 1956 to 1959. So this  
16          is what we've done and we'll be happy to answer  
17          any questions that you may have regarding DOE's  
18          research and its conclusions on this particular  
19          topic.

20          **DR. ZIEMER:** Okay. Thank you, Pat. I'm going  
21          to give Robert Stephan an opportunity if he  
22          wants to comment on this at this time. You  
23          don't need to, Robert, but you're welcome to.

24          **MR. STEPHAN:** You know me, Dr. Ziemer, I'm not  
25          going to shy away from a chance to comment to

1           you guys.

2           Thank you, number one. And number two, thank  
3           you to DOE, Pat, and to --

4           **DR. WORTHINGTON:** Gina and Greg.

5           **MR. STEPHAN:** -- Gina and to Greg, and to Mr.  
6           Podonsky. I think this decision is a long time  
7           coming and took a significant amount of hard  
8           work, and so I just want to commend you, you  
9           know, for -- for, you know, what we've been  
10          fighting for for almost three years now. We  
11          think the evidence is -- is very clear.  
12          We would like to see some relatively swift  
13          action on this item by the Board, if that is  
14          possible. I believe we have a couple of  
15          outstanding items. Number one, we do need to  
16          hear from DOL -- is that correct -- in an  
17          official way as to their...

18          **DR. WORTHINGTON:** We provided the -- the  
19          letters to DOL just on January 7th, so --

20          **MR. STEPHAN:** Okay.

21          **DR. WORTHINGTON:** -- they just received the --  
22          the letters, and so we will look to them, and  
23          we will update our designation.

24          **DR. ZIEMER:** Well, I -- I might note that Dr.  
25          McKeel, with perhaps some bit of perception,

1           has already kind of figured out the path  
2           forward. He suggested to us what that might be  
3           and I suspect he was fairly close to the mark.  
4           Labor will have to take some formal action. I  
5           believe that NIOSH has some action in terms of  
6           what they do on the class designation. This is  
7           the cleanup period comes into play here now.  
8           And then there would be perhaps a -- another  
9           recommendation to the Board that would cover  
10          including this time period.

11          I don't know, Jim, if -- if you're prepared to  
12          speak to that, but I think roughly those steps  
13          have to occur. But I don't see any reason why  
14          they can't move ahead with reasonable velocity.  
15          Jim Neton.

16          **DR. NETON:** There -- there are some things that  
17          NIOSH has to do now that thorium is considered  
18          covered exposure under -- under EEOICPA. And  
19          most -- most significantly, that is we now have  
20          to determine if we can actually reconstruct  
21          doses for thorium exposure during the residual  
22          contamination period. We haven't even  
23          attempted that yet because up till now it was  
24          not required to be reconstructed under the Act  
25          and so we'll have to pursue that.

1           **DR. ZIEMER:** So we can anticipate what will  
2 amount to an evaluation report from NIOSH, and  
3 there's a fair likelihood we may want our  
4 contractor to review that evaluation report, as  
5 well, and then come to a decision. But those  
6 things will need to occur and we'll move ahead  
7 on that.

8           **MR. STEPHAN:** Jim or LaVon, can you guys speak  
9 to a time frame that -- that you anticipate?  
10 Sorry to put you on the spot, LaVon, but the  
11 main thing I'm wondering is, you know, with  
12 this being done in time for the April meeting.

13           **DR. ZIEMER:** Well, there's a little pow-wow  
14 here and Mr. Hinnefeld is coming forward, too.  
15 He might be able to speak to this.

16           **MR. HINNEFELD:** Stu Hinnefeld from NIOSH.  
17 While we -- you know, we intend to give this a  
18 -- like the highest, or a very high, priority  
19 in the research efforts in order to arrive at  
20 an answer as quickly as possible, I'm  
21 pessimistic about April. And -- but we will --  
22 I really can't provide a -- I don't think a  
23 good date with any -- with any certainty.

24           **DR. ZIEMER:** Okay. But committed to treating  
25 this as high priority and moving ahead on it as



1 rapidly as possible.

2 **MR. STEPHAN:** So my understanding is that the  
3 April meeting was going to be in Amarillo and  
4 maybe that's not the case, but the -- the  
5 meeting after that, do you have a location for  
6 the meeting after that?

7 **DR. ZIEMER:** I don't think we have a location,  
8 but we do have a date. Let's see what the date  
9 is --

10 **MR. PRESLEY:** May the 14th.

11 **DR. ZIEMER:** Do we have a -- we have a --

12 **UNIDENTIFIED:** (Off microphone)

13 (Unintelligible)

14 **DR. ZIEMER:** We have a face-to-face meeting in  
15 June -- in June, right.

16 **DR. BRANCHE:** And no locations for...

17 **DR. ZIEMER:** No -- no location yet established  
18 on that.

19 **MR. STEPHAN:** Okay. I'm just wondering if --  
20 if we know roughly that it's -- this is not  
21 going to be done by April, if we can kind of  
22 work together with NIOSH to get a sense that if  
23 they'll be ready in June, they -- I believe  
24 this is roughly 100 workers -- is that right,  
25 Dr. McKeel, we're talking about? So --

1           **DR. MCKEEL:** (Off microphone) (Unintelligible)

2           **MR. STEPHAN:** We don't know? But -- but  
3           several, potentially -- several dozen,  
4           potentially. So if that's the case, then I  
5           think it would warrant -- unless you -- there's  
6           another site that it would need -- that would  
7           be a higher priority, that maybe we'd come to  
8           St. Louis for these Dow workers.

9           **DR. ZIEMER:** Okay. Thank you. Dr. McKeel,  
10          who's the petitioner, may have some additional  
11          comments here on this issue.

12          **DR. MCKEEL:** Yeah, I had one specific question  
13          for Pat Worthington while she's here. I'm of  
14          course thrilled by this new development. I do  
15          know that we still have to go through the  
16          formality of having Department of Labor change  
17          the coverage period formally. And one of the  
18          issues that they raised is that e-- even if we  
19          had proven that mag/thorium was sold to  
20          Mallinckrodt, that they would impose the burden  
21          on us of proving that it went into nuclear  
22          weapons. And my -- my argument, made a long  
23          time ago, was that the very fact that they sold  
24          mag/thorium to a facility, the Uranium Division  
25          of Mallinckrodt, whose only function was to

1 produce nuclear weapons was, by definition,  
2 proof of that. But I -- I'm delighted that DOE  
3 came to the same conclusion, and the question  
4 is, was there any additional information that  
5 was turned up in your research that proved that  
6 particular point, or basically did you accept  
7 my rationale.

8 **DR. WORTHINGTON:** We did not use a single data  
9 source or a single datapoint to reach our  
10 conclusions. We looked at the actual invoices  
11 themselves and determined if there was  
12 something about the invoices that specifically  
13 tied them to the weapons-related activity. We  
14 looked at the -- the mission of the  
15 organization. We looked at materials. I mean  
16 -- so it was not -- we looked at the -- the  
17 information from -- testimony from the -- from  
18 the workers and other things. It was not a  
19 single -- so I do want to clarify it was not  
20 just -- you know, this is what they were doing;  
21 we assumed it went into the weapon in that  
22 location. We took the various pieces together  
23 and collectively those pieces led us to believe  
24 that it was a -- a strong likelihood that this  
25 was the case.

1           **DR. MCKEEL:** Okay. Well, thank you. The --  
2           the other comment I have for the Board is that  
3           we do have a report from SC&A from August of  
4           2007 that the Board tasked SC&A to look at some  
5           specifics of the thorium operations at Dow.  
6           However, in that report they state explicitly  
7           that, based on recommendations they got, or  
8           instructions from the Board, that they did not  
9           look at any of the petitioner-submitted  
10          information, which would actually include, for  
11          example, the reports that I presented to the  
12          Board last May that Pangea Group is actively  
13          and has been since 2003 doing licensed  
14          decommissioning work at that site. And as late  
15          as 2005 there was really quite a large amount  
16          of thorium metal product scattered around the  
17          entire plant at Dow Madison. So I'm going to -  
18          - Paul, you mentioned this, that maybe SC&A  
19          would take another look. And -- and certainly  
20          the work they did in that report stands on its  
21          own. But in addition to that, I -- I -- I wish  
22          that you could extend that tasking to involve  
23          looking at our informa-- looking at the  
24          totality of the information, including this new  
25          information that we, again, are delighted that

1 Department of Energy concurs with and -- and  
2 has established now as a -- as a formal  
3 finding, so...

4 **DR. ZIEMER:** Okay. Thank you. We have  
5 somebody by phone trying to make a comment?

6 **UNIDENTIFIED:** (Unintelligible)

7 **DR. ZIEMER:** We can't -- if there's someone on  
8 the phone trying to make a comment, we cannot  
9 hear you.

10 Okay. Robert, did you have an additional  
11 comment?

12 **MR. STEPHAN:** Yeah, the -- the main interest  
13 here is -- you know, now that we have this  
14 development, is to be expeditious as we move  
15 forward, obviously. I mean you -- you guys  
16 will recall that we had fairly significant  
17 discussions in Denver about this issue and were  
18 very close to voting, so it will be almost a  
19 year from then that we're going to pick this up  
20 again. So my question is, if we determine that  
21 dose can be constructed on thorium, and you  
22 would seek to ask for SC&A to give an opinion  
23 about that, can we make the request now that  
24 they do some preliminary work so that we can  
25 jump-start that process if that's the event

1           that we end up in so that we don't have to come  
2           back in June and I make the request in June and  
3           we're prolonging this out into August or  
4           September.

5           **DR. ZIEMER:** We can --

6           **MR. STEPHAN:** Is that reasonable?

7           **DR. ZIEMER:** -- we can certainly do that, and  
8           actually we have a -- be-- before our next  
9           face-to-face meeting even, we have a conference  
10          call and I -- Board conference call, at which  
11          time I think we will have a better feel, both  
12          for the status of this from a legal point of  
13          view and an idea of where NIOSH is on their  
14          evaluation because I think we're going to need  
15          a NIOSH evaluation also before we dig into  
16          this.

17          **DR. NETON:** I -- I guess I'd like a little  
18          clarification on what Robert Stephan was -- was  
19          requesting. NIOSH has not yet developed a -- a  
20          methodology for -- or determined if we can  
21          reconstruct the dose. We would need to do that  
22          first before SC&A could review our product.  
23          Otherwise, we'd be developing these  
24          methodologies in parallel, which is not  
25          something that --

1           **DR. ZIEMER:** No.

2           **DR. NETON:** -- we -- we normally --

3           **DR. ZIEMER:** And that was my point, that by --  
4           by our next meeting, we may have an idea -- by  
5           our phone meeting -- as to where NIOSH is on  
6           this and we can make a determination of at --  
7           at what point we can come in and ask our  
8           contractor to assist.

9           **MR. STEPHAN:** Yeah.

10          **DR. ZIEMER:** 'Cause obviously it's NIOSH's job  
11          to develop that methodology. That's not the  
12          work of this Board to do that. Ours is one of  
13          review.

14          **MR. STEPHAN:** Uh-huh. No, I -- I think we're  
15          in agreement. I just want to make sure we have  
16          some consensus today that --

17          **DR. ZIEMER:** And -- and --

18          **MR. STEPHAN:** -- we don't want to wait until  
19          June.

20          **DR. ZIEMER:** No, and we have the ability to  
21          task NIOSH on --

22          **MR. STEPHAN:** Okay.

23          **DR. ZIEMER:** -- very short -- or not -- not  
24          NIOSH, to task our contractor on very short  
25          notice, once we know what the task is going to

1 be.

2 **MR. STEPHAN:** Okay. Is -- is there some  
3 preliminary work that -- that SC&A could and/or  
4 should be doing as we proceed now -- from  
5 today, or no?

6 **DR. ZIEMER:** It's not clear to me that there  
7 is. I think we need to have some idea of what  
8 that --

9 **MR. STEPHAN:** Okay.

10 **DR. ZIEMER:** -- evaluation's going to be --  
11 look like.

12 **MR. STEPHAN:** Okay.

13 **DR. ZIEMER:** I -- comment, Jim.

14 **DR. MELIUS:** Yeah, I -- I recall that -- a long  
15 time ago, probably in Denver or whatever, that  
16 you actually tasked the SEC working group to  
17 follow the Ma-- Dow situation, and we  
18 essentially haven't had to do anything 'cause  
19 we've been dealing with this issue since that  
20 time. But I would suggest that we get the  
21 workgroup involved again and -- and --

22 **MR. STEPHAN:** Thank you.

23 **DR. MELIUS:** -- then deal with some of these  
24 issues like, you know, timing and so forth. We  
25 can do that between meetings. That way we



1 don't have to hold things up and can keep  
2 things moving, and we'd also have a mechanism  
3 to report back to the Board --

4 **DR. ZIEMER:** Right, the --

5 **DR. MELIUS:** -- on it.

6 **MR. STEPHAN:** Excellent.

7 **DR. ZIEMER:** -- the SEC workgroup is in place  
8 to -- to monitor this, so I -- I'm anticipating  
9 that we will have a better feel by the time of  
10 our phone meeting as to where we are and at  
11 that point, if tasking is needed, we can do  
12 that. We can do that before that if indeed we  
13 have --

14 **DR. MELIUS:** I was going to say if NIOSH can  
15 keep us informed on what their plans are --

16 **DR. ZIEMER:** The work -- the workgroup --

17 **DR. MELIUS:** -- if there are any visits to the  
18 site or what's going on --

19 **MR. STEPHAN:** Right.

20 **DR. MELIUS:** -- that would be helpful.

21 **MR. STEPHAN:** Thank you.

22 **DR. ZIEMER:** The workgroup can step in if  
23 needed and define some tasking.

24 **DR. WORTHINGTON:** Dr. Ziemer, if I could --

25 **DR. ZIEMER:** Oh --

1           **DR. WORTHINGTON:** -- follow up on the --

2           **DR. ZIEMER:** -- Patricia and then Dan.

3           **DR. WORTHINGTON:** -- on the one thing when I  
4           said that we didn't take any single pieces of  
5           information in terms of making the decision, it  
6           was a collective -- collection of a number of  
7           pieces, one of the key points was actually the  
8           -- the information from Livermore, the fact  
9           that the weapons design information they gave  
10          us was key in making a determination that  
11          material did go into the weapon. Thank you.

12          **DR. ZIEMER:** Thank you.

13          **MR. STEPHAN:** Ju-- just a final point, Dr.  
14          Ziemer -- two -- two final points. One is that  
15          now -- now that we have this information, and  
16          it will lead wherever it leads, I -- I am  
17          sympathetic to the restrictions that all of the  
18          agencies have, by statute or by regulation, et  
19          cetera, but I'm hopeful that as we proceed we  
20          will not get back into a situation where we --  
21          we not only don't accept eyewitness testimony,  
22          we don't accept, you know, pretty much rock  
23          solid testimony. We -- we put ourselves into a  
24          situation where we're back to, you know, having  
25          to -- to be in 1960 again and having every

1 single document and every single transcript and  
2 -- and every worker is alive again and can  
3 testify to all these issues in real time 'cause  
4 that's not the situation that we're in. And it  
5 is not -- it is not something we can  
6 necessarily deal with now, but some of these  
7 restrictions, through regulation and through  
8 the statute, that these agency have are  
9 obviously burdensome -- extremely burdensome,  
10 to the point that they do -- do not accept  
11 eyewitness testimony, a standard that is not in  
12 any of our judicial system whatsoever. So I  
13 would just hope that that high standard the  
14 Board will not be trying to meet as we go  
15 forward.

16 And then just one last point is to again thank  
17 DOE for their work. It just -- excellent work,  
18 I think. You guys have been working very hard  
19 and I just can't say enough -- you know, Pat  
20 and Gina and Greg and Mr. Podonsky -- how  
21 thankful we are just to get us to this point.  
22 Thank you.

23 **DR. ZIEMER:** Dr. McKeel.

24 **DR. MCKEEL:** I have one final comment. Now I'm  
25 talking as the co-petitioner for Dow. I -- I'm

1 extremely disturbed, because in this whole  
2 process, which I -- I would remind everyone, we  
3 got the call about this being an 83.14 SEC from  
4 NIOSH and LaVon Rutherford September 5th and  
5 6th of 2006. And you know, in all due respect,  
6 in -- on May 4th information I presented to the  
7 Board was basically exactly the same conclusion  
8 that we're coming to today. But for instance,  
9 Pat mentions these documents from Livermore,  
10 and I think she alluded to those in e-mails and  
11 at the November the 27th meeting. And  
12 subsequent to that, I asked repeatedly what  
13 were those documents, when would we get to see  
14 those. I have never seen those documents. And  
15 so without going into a -- a lot of detail, I  
16 can just say this: I -- I do not feel like  
17 everything has been shared with me as the  
18 petitioner all the way along. And I -- I think  
19 that's extremely unfortunate because I -- I do  
20 have the task, when all is said and done, of  
21 defending whatever conclusions there are before  
22 this Board. And I take that as a very serious  
23 responsibility. Just like you, I cannot do my  
24 job unless the documents are put in my hands.  
25 Also not mentioned or part of the documentation

1 is a revised report from the FBI, and I  
2 understand that that document has been  
3 delivered to DOE and I have never seen that  
4 report, either. So I -- I'm just making a plea  
5 that I -- I can actually try to help and  
6 facilitate all of this, among the agencies,  
7 with the Board, and I think you all know by now  
8 I take that seriously and try to do that. But  
9 I can't do it unless people share things with  
10 me right along. And this process needs to be  
11 as open as possible. So I'm -- I'm just making  
12 that plea to everybody.

13 **DR. ZIEMER:** Okay.

14 **DR. WORTHINGTON:** I would like to make a quick  
15 comment. We certainly appreciate your efforts  
16 and the efforts of many others in trying to  
17 address the concerns of the workers. I -- I  
18 believe that DOE is very serious about being  
19 open and -- and working with everyone.  
20 Sometimes people may misunderstand the  
21 information. If we say that we've contacted  
22 Livermore and Livermore is in the process of  
23 looking for the documents, or meeting to try to  
24 determine, or give us specifics regarding  
25 whether it was used in a weapon or not doesn't

1 mean the documents are in our hands right now.  
2 And the people that we're dealing with  
3 typically are juggling many types of activities  
4 and so we have to wait for them to certainly  
5 come back to us. And I -- I thought that I  
6 made it clear in my discussions with you, but I  
7 obviously failed and so I will try one more  
8 time. We have not received the report from the  
9 FBI, which is what I told you. When I left the  
10 office on Monday night I had not received that  
11 report. When we receive the report we will, as  
12 we promised, forward it on to you. And so I  
13 think that in some cases there's some  
14 misunderstanding about what we're telling you.  
15 We are sharing information that can be shared  
16 and we're being as timely as we can in  
17 everything. And again, we appreciate your  
18 efforts and the efforts of everybody else, and  
19 we are working and juggling all these things to  
20 the best that we can, and so --

21 **DR. MCKEEL:** I understand that, but --

22 **DR. WORTHINGTON:** -- we're not withholding  
23 information that can be made available.

24 **DR. MCKEEL:** -- can -- can I get the Livermore  
25 reports?

1           **DR. WORTHINGTON:** We may have already provided  
2 you with Livermore reports. In --

3           **DR. MCKEEL:** No, no --

4           **DR. WORTHINGTON:** -- some cases there were  
5 meetings that we had with experts at Livermore  
6 regarding discussions on weapons and what kinds  
7 of things went into weapons. But we will look  
8 to see if there is any other material that --

9           **DR. MCKEEL:** I a--

10          **DR. WORTHINGTON:** -- we have not provided that  
11 should be provided to you, and then we'll make  
12 every effort to do that, so again, thank you  
13 very much.

14          **DR. MCKEEL:** As far as I know, I've gotten no  
15 records of meetings or reports, technical  
16 reports --

17          **DR. WORTHINGTON:** We've sent you --

18          **DR. MCKEEL:** -- for any --

19          **DR. WORTHINGTON:** -- numerous e-mails and  
20 responses to e-mails. In some cases you've  
21 asked questions in e-mails for which we have  
22 responded. But again, in fairness to the  
23 others, I think there are a number of things  
24 coming on after this. I don't want to delay  
25 the schedule. We will review your requests to

1 us and to see if there are -- anything that's  
2 still outstanding and make every effort to get  
3 it to you.

4 **DR. MCKEEL:** Okay.

5 **DR. WORTHINGTON:** Thank you.

6 **DR. MCKEEL:** Then the final thing I need to  
7 say, Paul, is that there is one thing that it  
8 seems -- bit of business that might be taken  
9 care of in April, and that is that the August  
10 2007 SC&A report, as far as I'm aware, has  
11 never been presented to the Board about Dow.  
12 And there are actually quite a number of  
13 details in that report that I would like to  
14 respond to before the Board. There -- there's  
15 a lot of use of data from other Dow sites, not  
16 at Dow Madison, and that are applied, I think,  
17 inappropriately to the Dow Madison site. And  
18 that's something -- that's sort of an interim  
19 thing. It's not the -- maybe the complete  
20 report that Dow might -- that SC&A might issue,  
21 but we could -- we could get that out of the  
22 way and that might facilitate actually the  
23 NIOSH deliberations as well, so I'd be pleased  
24 if we could -- just something --

25 **DR. ZIEMER:** Yeah, I'm going --



1           **DR. MCKEEL:** -- for the Board to think about.

2           **DR. ZIEMER:** -- to suggest -- we'll -- we'll  
3 ask the SEC workgroup to take a look at that  
4 issue and then they can make a determination on  
5 how to proceed on that as well.

6           Again, we thank you for your input. And I -- I  
7 might say, I've -- I know this has been kind of  
8 a long process, and of course it's involved  
9 Labor and it's involved DOE, as well as NIOSH  
10 and Health and Human Services. But I -- I  
11 think in the past maybe six months or so, with  
12 -- particularly with Pat's efforts, we've had a  
13 kind of breakthrough on this. I know that it  
14 has seemed like a long, long effort, and I  
15 think they've -- they've really dug in, and  
16 I've been impressed because, you know, at the  
17 front end of this, this -- and you're aware of  
18 this -- this whole issue was kind of outside of  
19 this Board's purview per se. So we got to sort  
20 of dabbling in other people's business, to some  
21 extent with the prodding of Dr. McKeel, to some  
22 extent with our own concerns, but I think in  
23 fairness to the other agencies, I think they  
24 have really responded beyond what we typically  
25 see in -- in the bureaucracy. So Pat, we do

1           thank you, as well as those in Labor, who --  
2           who have been responsible.

3           **DR. WORTHINGTON:** Thank you for your attention.

4           **DR. ZIEMER:** Let's see, do we have any other  
5           comments on Dow? Board members -- I think  
6           Wanda -- Wanda Munn.

7           **MS. MUNN:** Just a point of information I think.  
8           Dr. McKeel, did you say you didn't think that  
9           the Board had seen SC&A's August report?

10          **DR. MCKEEL:** I -- I'm sure that the report was  
11          delivered to the Board, but I -- what I don't  
12          think -- I don't thi-- I have not heard the  
13          Board discuss that report, and I've not heard  
14          SC&A come before the Board to present their  
15          findings to them.

16          **MS. MUNN:** I think that's probably correct. I  
17          just wanted to --

18          **DR. MCKEEL:** Yeah.

19          **MS. MUNN:** -- reassure you that if I have that  
20          report, which I do, then certainly the Board  
21          has the report.

22          **DR. MCKEEL:** Yes.

23          **MS. MUNN:** It doesn't come to me if it doesn't  
24          go to everybody else. So we have it.

25          **DR. MCKEEL:** No, no, I was sure that you all

1 had the report --

2 **MS. MUNN:** Oh, right. I misunder--

3 **DR. MCKEEL:** -- I just don't think it's  
4 formally --

5 **MS. MUNN:** I misunderstood you. Thank you.

6 **DR. MCKEEL:** No, I think it's not been formally  
7 considered.

8 **MS. MUNN:** Thank you.

9 **DR. ZIEMER:** I think you're correct. Okay,  
10 before we go on to Fernald, Dr. Branche has an  
11 additional comment here.

12 **DR. BRANCHE:** Yes, we really understand that  
13 there's a struggle for some of you who don't  
14 have a mute button on your phones, and so  
15 technology has finally caught up with us and if  
16 you do not have a mute button at your disposal,  
17 if you could use star-6 on your phone to mute  
18 your line when you're not speaking, you can  
19 then use that same star-6 to un-mute your phone  
20 line when you are ready, and we would  
21 appreciate everyone making every opportunity to  
22 use whatever they can to mute the line when  
23 you're not speaking. Thank you so much.

24 **MR. PRESLEY:** (Off microphone) One person  
25 (unintelligible).

**FERNALD**

1  
2       **DR. ZIEMER:** It works. Thank you. Okay, next  
3 item is report on Fernald, but -- well, let's  
4 see, we do have a comment to bring to the  
5 record.

6       **MR. BROEHM:** Some filler for you. We have a  
7 letter from Senator Sherrod Brown on Fernald  
8 site, and it reads (reading) Dear Dr. Ziemer, I  
9 write to express my support for the Special  
10 Exposure Cohort status number 0046 petition  
11 filed by the former employees and their  
12 survivors of the Feed Materials Center, also  
13 known as Fernald.

14       The Energy Employees Occupational Illness  
15 Compensation Program was created by Congress in  
16 2000 to ensure that American Energy workers  
17 were compensated for the serious diseases  
18 resulting from their exposure to radiation and  
19 other toxic substances during the course of  
20 their work. Workers at Fernald in Cincinnati,  
21 Ohio were involved in important, often top  
22 secret work during the Cold War, and the  
23 dangers of this work were frequently hidden or  
24 unknown. The lack of information about their  
25 exposure is especially troublesome, as under

1 EEOICPA it is claimant's responsibility to  
2 demonstrate exposure levels and prove the  
3 relationship between exposure and illness.  
4 However, as claimants and program  
5 administrators noted in the Senate's Health,  
6 Education, Labor and Pensions Committee hearing  
7 on EEOICPA in September, the lack of available  
8 information prevents full and accurate dose  
9 reconstructions.

10 For many employees at Fernald the exact  
11 exposure amount is extremely difficult, if not  
12 impossible, to determine and so they cannot  
13 obtain benefits. Special Exposure Cohorts were  
14 created so that workers and their survivors  
15 would not be denied benefits due to incomplete  
16 information. Because much of the necessary  
17 Cold War information is imprecise, inaccurate  
18 or simply non-existent, the former employees of  
19 Fernald should be granted SEC status. Granting  
20 SEC status to all Fernald workers will fulfill  
21 the intentions of EEOICPA.

22 I encourage the Advisory Board to make a prompt  
23 decision in favor of Fernald's SEC petition. I  
24 thank the Board for its attention to this  
25 matter and its serious consideration of SEC

1           Petition Number 00046. Sincerely, Sherrod  
2           Brown, United States Senator.

3           **DR. ZIEMER:** Okay. Thank you for reading that  
4           into the record, Jason. Now we earlier had a  
5           brief report from LaVon Nelson (sic) on the --  
6           or -- LaVon Nelson; I know a LaVon Nelson --  
7           LaVon Rutherford on -- on the Feed Materials  
8           Production Center, Fernald. You recall he  
9           reported on the workgroup meetings, including  
10          the November meeting, and gave us a brief  
11          status report.

12          The chairman of that workgroup is Brad Clawson,  
13          and Brad, do you want to add -- give us some  
14          additional comments on the status of the SEC  
15          evaluation for -- or the workgroup's work on  
16          Fernald?

17          **MR. CLAWSON:** I'd love to. Fernald, we've  
18          already had two meetings. SC&A established a  
19          matrix that we have worked through. November  
20          7th we finally got through with it. There's  
21          several issues that we're dealing with right  
22          now to be able to work through the process and  
23          so forth. We're hoping to be able to set up  
24          another meeting in probably mid-February or  
25          maybe even late January, somewhere in there, to

1           be able to go through this, but we've still got  
2           to get documentation back to be able to be  
3           reviewed.

4           **DR. ZIEMER:** Okay, so that is -- as LaVon had  
5           indicated, that work is ongoing and hopefully  
6           we'll be approaching some conclusive steps or  
7           points fairly soon.

8           **MR. CLAWSON:** Yes.

9           **DR. ZIEMER:** Let me ask, Board members, any  
10          questions on Fernald or its status? And for  
11          the record, the members of your workgroup, can  
12          you --

13          **MR. CLAWSON:** Mark Griffon, Bill -- Robert  
14          Presley, myself and -- aren't you, Wanda?

15          **MS. MUNN:** (Off microphone) (Unintelligible)

16          **DR. ZIEMER:** Yeah, I am.

17          **MR. CLAWSON:** Oh, Dr. Ziemer -- you know how I  
18          -- I con--

19          **DR. ZIEMER:** This is -- this is just --

20          **MR. CLAWSON:** -- I confuse you two --

21          **DR. ZIEMER:** -- a test, Brad.

22          **MR. CLAWSON:** -- I'm sorry. Okay, sorry.

23          **DR. ZIEMER:** Okay.

24          **MR. CLAWSON:** (Off microphone) (Unintelligible)  
25          Phil (unintelligible).

1           **DR. ZIEMER:** Phil was added recently as well,  
2           that's correct. Okay.

3           Very good. Let's go on to Sandia --

4           **MS. BALDRIDGE:** Dr. Ziemer?

5           **DR. ZIEMER:** Oh, hold on. Yes?

6           **MS. BALDRIDGE:** This is Sandra Baldrige, the  
7           petitioner.

8           **DR. ZIEMER:** Oh, Sandra, I'm sorry, we didn't  
9           check to see if you were on the line. Please  
10          go ahead.

11          **MS. BALDRIDGE:** That's okay. You were talk--  
12          they were talking earlier about interference.  
13          It seems private conversations -- I don't know  
14          if they're, you know, around the table there or  
15          on the line, but --

16          **DR. ZIEMER:** I think they're on the line, as  
17          far as I can tell.

18          **MS. BALDRIDGE:** They were data capture  
19          discussions. Anyway, it makes it difficult to  
20          hear.

21          I do have a question concerning the revisions  
22          of the site profile.

23          **DR. ZIEMER:** Okay.

24          **MS. BALDRIDGE:** At the last working group  
25          meeting Mr. Elliott suggested that the



1 environmental portion of the site profile  
2 revision was in the neighborhood of three weeks  
3 from being ready and submittable. And I was  
4 wondering if there has been any progress in the  
5 preparation of the site profile revisions for  
6 Fernald.

7 **DR. ZIEMER:** Okay. Stu Hinnefeld is going to  
8 address that, Sandra, and he's approaching the  
9 mike here.

10 **MR. HINNEFELD:** I can't speak precisely about  
11 where that document is in its publication  
12 process, its revision process, but as a -- as a  
13 -- I guess a tactical matter, we at NIOSH  
14 intend to publish, or at least finalize and  
15 publish, several chapter revisions which we  
16 think will occur because of the discussion  
17 that's going on now. This -- the site -- the  
18 SEC evaluation discussion and ultimate decision  
19 will -- will essentially dictate not only how  
20 the environmental chapter of the site profile  
21 will change, but other chapters as well. And  
22 since we -- when we change an approach for dose  
23 reconstruction, we then have to -- we then have  
24 to re-evaluate cases previously completed. We  
25 would like to do that re-evaluation once, and

1           therefore publish the revisions, you know,  
2           essentially simultaneously and look at all  
3           those changes as we evaluate the impact on  
4           previously-completed claims.

5           **DR. ZIEMER:** So the -- the three-week estimate  
6           that was originally mentioned may not be  
7           accurate. Is that what you're suggesting?

8           **MR. HINNEFELD:** Right. I think three weeks  
9           would not -- is not going to fit. I think this  
10          thought process sort of arrived since probably  
11          the last workgroup meeting because we were --  
12          you know, when there's discussion of a changed  
13          -- when there's discussion of a changed  
14          document or revision to a document or revision  
15          to the way we do things at a site, it's  
16          certainly far better for us to capture all  
17          those at one time and revisit these claims  
18          once. And I think really it's -- it's probably  
19          better to the -- for the claimants, as well, to  
20          revisit them once rather than to keep telling -  
21          - you know, sending them the letters -- well,  
22          we're going to revisit your claim again, or  
23          we're going to revisit your claim again.

24          **DR. ZIEMER:** Right. In any event, we need to  
25          be sure that the petitioners are kept abreast

1 of -- of those changes as they come.

2 Sandra, do you have additional questions or  
3 comments?

4 **MS. BALDRIDGE:** Well, this discussion was at  
5 the October 24th meeting in Cincinnati and  
6 we're looking at how many months now since that  
7 time --

8 **DR. ZIEMER:** Yeah, well, two months have gone  
9 by, or a little more.

10 **MS. BALDRIDGE:** Right, and my concern is with  
11 the timeliness issue that is supposed to be  
12 utmost in the processing of information as well  
13 as claims. And when I had contacted NIOSH  
14 after submitting the petition and the  
15 additional data concerning thorium, which has  
16 been over two years now, I inquired as to when  
17 that data would be used in -- in the  
18 reconsideration of previously-denied claims.  
19 And I was told that it was NIOSH's policy not  
20 to re-evaluate any claims until the site  
21 provision (sic) is complete, which is what Stu  
22 just referenced to. But in Section 82.27 of  
23 the rules and regulations, it permits NIOSH to  
24 review a completed dose reconstruction on its  
25 own initiative when it obtains records or

1 information on radiation exposure of DOE or AWE  
2 employees that could substantially increase the  
3 level of radiation doses estimated in the  
4 completed dose reconstruction.

5 The problem that I have with -- with the -- the  
6 delay and the directives to wait until a site  
7 profile is complete. I see where it, you know,  
8 could entail more work, but the information on  
9 the thorium that was submitted with the  
10 petition was available to NIOSH prior to the  
11 petition's presentation.

12 The documents that I provided in the SEC  
13 petition were Fernald documents used in the  
14 1994 trial. And at that time the court ordered  
15 that those records be earmarked for future use  
16 for dose reconstruction. Now former Fernald  
17 workers are employed by NIOSH. The trial was  
18 conducted in Cincinnati, the home of NIOSH, and  
19 I feel that NIOSH was remiss when they failed  
20 to locate and use those Fernald documents at  
21 the onset of the site profile development  
22 process. The result has been a delay which I  
23 do not feel falls into the timeliness  
24 requirement for the evaluation of information.

25 **DR. ZIEMER:** Okay. Okay, thank you. Any --

1 any further comments, Stu, from NIOSH? No.

2 Okay, they've heard your concerns --

3 **MR. HINNEFELD:** We can -- we're at a little bit  
4 of a disadvantage because our Fernald people  
5 are not here anymore --

6 **DR. ZIEMER:** Yeah.

7 **MR. HINNEFELD:** -- the people who've been  
8 working on -- I mean the people who've been  
9 working on the Fernald SEC evaluation are not  
10 here.

11 **DR. ZIEMER:** Right.

12 **MR. HINNEFELD:** We can --

13 **DR. ZIEMER:** I know the workgroup will keep  
14 Sandra informed in the course --

15 **MR. HINNEFELD:** We'll do that as well.

16 **DR. ZIEMER:** -- I think and she'll be able to  
17 attend that meeting, hopefully, that Brad  
18 referred to which is coming up. And Sandra,  
19 we're -- we're aware of your concerns. We  
20 certainly want to try to minimize further  
21 delays on this.

22 **MS. BALDRIDGE:** I appreciate it.

23 **DR. ZIEMER:** Do you have additional questions  
24 or comments?

25 **MS. BALDRIDGE:** No, actually I don't. I think

1 the remainder of my concerns will be discussed  
2 at the working group meeting.

3 **DR. ZIEMER:** Right, and we'll keep you informed  
4 of the dates on that.

5 **MS. BALDRIDGE:** Okay. Thank you very much.

6 **SANDIA NATIONAL LABORATORY-LIVERMORE**

7 **DR. ZIEMER:** We have Sandia listed here next.  
8 LaVon, do we have additional material on  
9 Sandia?

10 **MR. RUTHERFORD:** Yeah, Dr. Ziemer, I really  
11 don't have additional material. As we  
12 presented at the Novem-- at the conference call  
13 in November, all the documents have been  
14 provided to the Board. And if anyone does have  
15 a technical question concerning that evaluation  
16 and our decision, Dr. Glover, who is our lead  
17 on that one, he is available to answer those  
18 questions. But I think we have provided  
19 everything to the Board.

20 **DR. ZIEMER:** Thank you.

21 (Pause)

22 Is there anyone amongst the Sandia petitioners  
23 that is on the line that wishes to comment?

24 **MR. GIOVACCINI:** This is Gerald Giovaccini, the  
25 petitioner.

1           **DR. ZIEMER:** Okay, thank you. Go ahead.

2           **MR. GIOVACCINI:** I just wanted to wish everyone  
3 a happy new year and I have no new comments at  
4 this time. I -- you can proceed.

5           **DR. ZIEMER:** Okay. Well, at this point it was  
6 simply a status report, so this is an ongoing  
7 item under consideration and we'll certainly  
8 keep you informed as we mo-- move forward on  
9 this in the future as well.

10          **MR. GIOVACCINI:** Thank you.

11          **DR. ZIEMER:** We're a little bit ahead of  
12 schedule. I think perhaps I'll go ahead and  
13 start the workgroup reports and -- oh -- or the  
14 subcommittee reports --

15          **DR. BRANCHE:** If you could just check to see if  
16 Mark Griffon is on the line.

17          **DR. ZIEMER:** Yeah, we -- we do want to involve  
18 Mark if he's on the line. Mark Griffon, are  
19 you with us this morning? We're a little  
20 earlier than -- we -- we can delay the  
21 subcommittee report till after the break, but  
22 maybe we sh-- could go ahead and start the  
23 workgroup reports. I know some of the Board  
24 members have flights out early afternoon so we  
25 need to be as concise as we can on the

1           schedule.

2           SUBCOMMITTEE, WORK GROUP REPORTS

3           **DR. BRANCHE:** Shall I go down the list?

4           **DR. ZIEMER:** Maybe we'll just go down the list  
5           on the -- on the workgroups to get updates,  
6           particularly for those that have not already  
7           reported. So Christine, if you would go ahead  
8           and kind of do us a roll call here and we'll  
9           just go through the -- the workgroup reports  
10          first.

11          **DR. BRANCHE:** Certainly. We're going to skip  
12          Rocky Flats 'cause Mark Griffon is the chair.  
13          Nevada Test Site site profile? He stepped  
14          away.

15          **DR. ZIEMER:** Well, we've had --

16          **DR. BRANCHE:** We've had a lot of discussion.

17          **DR. ZIEMER:** -- a Test Site report already.

18          **DR. BRANCHE:** Okay. Hanford site profile and  
19          SEC petition?

20          **DR. ZIEMER:** And Jim --

21          **DR. BRANCHE:** Dr. Melius?

22          **DR. ZIEMER:** -- sort of reported, but  
23          additional comments on Hanford?

24          **DR. MELIUS:** Yeah, only -- I don't think I have  
25          anything additional to report to what we've



1 already talked about. We're -- we're -- we're  
2 in progress and I think -- I think, as I  
3 mentioned earlier, the main issue has been  
4 holding up on the access to records. We will -  
5 - as said, we are -- we will have some reports  
6 to circulate shortly among the group. We have  
7 one that's in review now I believe, Privacy Act  
8 review, and then we have another one that will  
9 go in there shortly.

10 **DR. BRANCHE:** Savannah River Site site profile  
11 -- I didn't have any notes from Mark Griffon  
12 about this one.

13 **DR. ZIEMER:** I don't believe Savannah River  
14 workgroup has met since our last meeting.

15 **MR. CLAWSON:** No -- if I could speak for Mark  
16 Griffon, I'm on the Savannah River workgroup --  
17 we haven't met since -- we did go down and  
18 review some of the data in the incident  
19 database and we've been processing through  
20 that. Now it has changed over -- Mark Griffon  
21 has become the chair of that one in the last  
22 little while. In speaking with him, we're  
23 trying to set up a workgroup to be able to  
24 process through some of that information that  
25 we did get at this time, but we had -- we do

1 not have a precise date set.

2 **DR. ZIEMER:** And Jim, do you have a --

3 **DR. MELIUS:** Yeah, --

4 **DR. ZIEMER:** -- question or comment?

5 **DR. MELIUS:** -- let me bring up one issue  
6 regarding Hanford, though I don't have an  
7 answer yet from NIOSH, I don't think, on this  
8 issue. We had a conference call with the NIOSH  
9 group -- what, about a week ago or so--  
10 something like that, just Arjun and I, just to  
11 sort of figure out where things are. One of  
12 the things we would like to be able to move  
13 forward with is the -- the parts of the SEC  
14 evaluation actually recommended that there be a  
15 SEC granted for the parts of -- parts of the  
16 facility. We had questions about the scope of  
17 that and I think NIOSH agrees with us that  
18 there are some scope issues, what buildings and  
19 -- and areas are -- are covered for that.  
20 We're trying to reach an agreement on -- on --  
21 on a particular new designation and so forth  
22 that was based on SC&A's review of the -- of  
23 the site and some information that was  
24 available at the time. We're in a little  
25 difficult position because if we actually have

1           to go back and forth with NIOSH to do some of  
2           this -- resolve some of these issues, then this  
3           records access issue becomes important. But I  
4           think we'll be able to reach agreement at least  
5           on an initial designation (unintelligible)  
6           would allow parts of the facility for -- number  
7           of years to be added to -- to the SEC. If we  
8           do that, we may very well want to be able to do  
9           that at the -- even at our next conference call  
10          meeting rather than have to wait until April.  
11          NIOSH is going to -- was going to look over  
12          some of the information and decide, and we  
13          should hear about that shortly. So if that --  
14          that does take place, if we can reach agreement  
15          on that, then we may very well have something  
16          to present at our next conference call. We'll  
17          also -- we've -- already been some discussions  
18          with the petitioners about that and -- and we  
19          will probably do a workgroup meeting or --  
20          probably about -- more likely a conference call  
21          prior to the next Board conference call in  
22          order to get the workgroup involved and make  
23          sure we've, you know, reached ap-- appropriate  
24          agreement on that, so that -- that -- sort of  
25          an action item that's -- that's coming up.

1           **DR. ZIEMER:** Okay, so that's part of the  
2           Hanford workgroup report.  
3           And Brad, did you have additional things on the  
4           Savannah River? I think you pretty much  
5           completed that.

6           **MR. CLAWSON:** We -- we've pretty much completed  
7           that. In speaking with Mark, we're -- we're  
8           trying to get off and get processing  
9           information that we do have and go from there.  
10          There's been several stumbling blocks, but I  
11          think that we've passed through them at this  
12          time.

13          **DR. ZIEMER:** Okay.

14          **DR. BRANCHE:** SEC issues group, including 250-  
15          day issue and preliminary review of 83.14 SEC  
16          petition; Dr. Melius, chair.

17          **DR. MELIUS:** Yeah, we have -- we have had a  
18          meeting in -- in Cincinnati, I can't remember  
19          when it was, a month or two ago, on that which  
20          was a -- a very good meeting and if -- update  
21          everybody. We have been discussing, in terms  
22          of the 250-day issues, two particular sites,  
23          one being the Nevada Test Site issue, the other  
24          being the Ames Laboratory in Iowa. After some  
25          discussions on the Ames Laboratory about -- one

1 (unintelligible) there's a whole number of --  
2 of incidents within the thorium facility at --  
3 at Ames and SC&A had done a report on that.  
4 After sort of discussions of that we decided  
5 that -- that maybe the approach to dealing with  
6 -- with Ames is to not to deal with it as an  
7 SEC issue but to deal with it as a dose  
8 reconstruction issue. So NIOSH -- Jim Neton is  
9 looking in -- into the feasibility of doing  
10 that, may be in the situation of where while it  
11 may not be feasible to estimate chronic  
12 exposures there, it may be feasible to estimate  
13 short-term exposures from these very frequent  
14 fires that oc-- that occurred within the  
15 facility there. So NIOSH is working on that  
16 and I don't have a schedule but I suspect we'll  
17 have a report from them sometime in the near  
18 future on that.

19 On the Nevada Test Site issue we've actually  
20 reached out to DTRA for some information from  
21 them. SC&A's working on that and to try to  
22 work out an approach that might be used to deal  
23 with short-term exposures with some of the  
24 nuclear weapons testing that went on at -- at  
25 the Nevada Test Site and that's ongoing. And

1           again, I suspect we'll have another workgroup  
2           meeting to discuss that sometime in the next  
3           couple of months.

4           **DR. BRANCHE:** Okay. Procedures review, Ms.  
5           Munn chair.

6           **MS. MUNN:** The procedures review group met  
7           Monday morning -- rather Monday afternoon at  
8           1:00 o'clock. We have a number of items that  
9           we have approaching closure. We spent a great  
10          deal of our efforts in recent weeks working  
11          with our technical contractor to revise the  
12          format that's being used. I know I've  
13          mentioned this before and you're hearing a  
14          great deal about it, but we consider it a  
15          significant change in the way we approach the  
16          presentation of material and archiving of  
17          material. We further project that this type of  
18          reporting may become much more widely used by  
19          the Board and by its other groups as -- as we  
20          go through these issues, simply because it  
21          provides such an excellent method for archival  
22          retrieval of information. After we've done  
23          what we've done we're being able to follow  
24          through step by step what's been done.  
25          The problem with respect to setting that

1 database up has been resolved very promptly and  
2 very efficiently by our technical  
3 subcontractor. The population of the data is  
4 now the major issue and that will take a  
5 considerable amount of input on the part of our  
6 same technical contractor. So we're -- we're  
7 working very closely with that.

8 We have anticipated for the March meeting --  
9 before the March meeting that the agency will  
10 have at least one white paper with reference to  
11 OTIB-17 -- white paper which had been presented  
12 to us by our technical contractor. That will  
13 be forthcoming in March, we believe.

14 We've also had considerable discussion with the  
15 discussion of the use of parametric and non-  
16 parametric 95th percentile data effects,  
17 especially as regards OTIB-19. Those  
18 discussions are ongoing and have not yet been  
19 resolved.

20 We're re-evaluating the occasion -- the  
21 equation that's being used in OTIB-25, and our  
22 review of that particular document I believe is  
23 now complete. There's no further data to be  
24 included, so that's one of our totally closed  
25 items.

1 We have had need to expedite review of two of  
2 the procedures that have been issued during the  
3 last year and have spent significant effort on  
4 Proc. 92 and Proc. 90. Those are, for the most  
5 part, complete at this juncture and we  
6 anticipate that those will be wrapped up in  
7 their entirety quite quickly.

8 We have at this point responses to virtually  
9 all of the open items from our first and our  
10 second set of procedures. We will be  
11 addressing those at a teleconference between  
12 now and the March Board meeting to see where we  
13 stand with those if it's necessary to do so.  
14 Otherwise, we plan on undertaking very shortly  
15 the next set of procedures which we have not  
16 yet addressed the full matrix for. We're  
17 hoping by that time the new format will be  
18 before us and we will be able to populate that  
19 differently than we have our preceding  
20 matrices.

21 **DR. BRANCHE:** Blockson Chemical SEC petition,  
22 Ms. -- oh, I'm sorry.

23 **DR. MELIUS:** Let me ask a question.

24 **DR. ZIEMER:** Sure, a question.

25 **DR. MELIUS:** Yeah. Again, just to follow up on



1           some discussion yesterday, I think it would be  
2           useful if we could have some sort of process  
3           where we could reach closure on some of these  
4           procedure reviews, much like we have a process  
5           with our dose reconstruction reviews. I'm not  
6           quite sure what the process should be for doing  
7           that, but perhaps to schedule something for the  
8           next meeting where the -- the workgroup, in  
9           conjunction with SC&A, will provide some sort  
10          of report or something to the -- the Board,  
11          maybe that -- next meeting's premature, but at  
12          some meeting in the future I think it's --  
13          concern that we have ongoing activity and then  
14          -- other than the group --

15         **DR. ZIEMER:** Actually on this one I think,  
16         Wanda, your -- your workgroup is fairly close  
17         to closing out all the items on the first set  
18         of reviews, is it not?

19         **MS. MUNN:** Yes, that's correct, and as --

20         **DR. ZIEMER:** That would be an appropriate time  
21         I think to bring that to us, highlight issues  
22         that were of -- I -- I don't think you need to  
23         highlight every item in the matrix, but issues  
24         that were of sort of primary concern and -- and  
25         the nature of the closeout. I think that's

1 perhaps what's being suggested so that the  
2 Board has a feeling for what occurred and how  
3 it's been closed; and if we need to give it a  
4 final blessing, that would be fine.

5 **MS. MUNN:** I can provide the Board  
6 electronically, within the next week, a list --  
7 a bare list indicating what we have addressed,  
8 what has been closed and what the status of the  
9 existing matrix is. I will see that every  
10 member of the Board receives that. You will  
11 not be able to tell from that precisely what  
12 transpired from each one of those items, which  
13 is the reason why we're spending so much time  
14 with the new format.

15 **DR. ZIEMER:** Yeah.

16 **MS. MUNN:** Under the new format you will have a  
17 sheet which will give you a blow by blow, date  
18 by date description of what transpired, what  
19 instructions were given, what action was taken  
20 and what closure was received. You will not be  
21 able to see that from what I send.

22 **DR. ZIEMER:** One thought I have here is that  
23 perhaps at the April meeting -- I mean you can  
24 give the Board that in advance. Perhaps at the  
25 April meeting we could have a summary report to

1 cover that first group. And the other part I  
2 think might be helpful would be an introduction  
3 to the new database, the access database that  
4 this workgroup is now using and actually how  
5 the Board can go into the O drive and -- and  
6 actually look at items there and track them if  
7 they wish. Perhaps Kathy could help make such  
8 a presentation to the Board.

9 **MS. MUNN:** It was our hope that the example, if  
10 not the completed database, would be available  
11 for the Board in the April meeting.

12 **DR. ZIEMER:** That would be good. We could have  
13 a two-part report; one on the actual procedures  
14 reviewed and one on the new format that's being  
15 used.

16 **MS. MUNN:** It was our plan to attempt to do  
17 that.

18 **DR. ZIEMER:** Okay.

19 **DR. MELIUS:** So this may be one of these  
20 questions, be careful what you ask for, but the  
21 -- I -- I don't believe the Board -- all the  
22 members of the Board have access to the  
23 individual reviews -- procedure reviews from  
24 SC&A. I don't know if that's there on the web  
25 site or -- or -- or what the nature of those

1 are, but I think some way of linking to those,  
2 if we have questions, would help us to...

3 **DR. ZIEMER:** The procedures review report?

4 **DR. MELIUS:** Yeah, reports. We -- I may -- we  
5 may have received it and I may have missed it.

6 **DR. ZIEMER:** I thought we did. John, didn't --

7 **DR. MAURO:** Yes, there are three major reports  
8 that were delivered, these big three-ring  
9 binders --

10 **DR. MELIUS:** Yeah.

11 **DR. MAURO:** -- hard copy. The first set had 30  
12 procedure reviews that was delivered. That's  
13 the one that was referred to earlier as being  
14 close to having all items and issues addre--  
15 associated with every one of those --

16 **DR. MELIUS:** Okay.

17 **DR. MAURO:** -- so that's -- second set had  
18 another 30 that has been delivered, hard copy  
19 bound, loaded into this database and -- and  
20 we're well along on the closeout of that one.  
21 And the third set, which is the more recent  
22 deliverable over the last couple of months, a  
23 third large, thick volume --

24 **DR. MELIUS:** Uh-huh.

25 **DR. MAURO:** -- 45 procedures were reviewed,

1 delivered to the -- to everyone --

2 **DR. MELIUS:** Okay.

3 **DR. MAURO:** -- and -- but that one is the one  
4 that only has recently been populated by SC&A  
5 and is yet -- I believe it's in the process of  
6 being populated -- and when I say populated,  
7 I'm talking about this new matrix -- with  
8 NIOSH's response to each of the findings for  
9 each of these -- so yes, you do have the three  
10 volumes. And if anyone doesn't, because it's  
11 so much paper, we'd be happy to provide you  
12 with another copy.

13 **DR. ZIEMER:** And what I was suggesting that we  
14 have these three sets of reviews, that we come  
15 to closure on the first set that's close to  
16 being done as far as the workgroup, can be  
17 brought to the full Board with a summary  
18 report, including highlighting the major issues  
19 -- I don't think we need to go through every  
20 item in the matrix, but at least highlight some  
21 of the -- the key ones and then show the  
22 closeout.

23 **DR. MAURO:** Ar-- Arjun just reminded me of  
24 something that's very important. In addition  
25 to those three big ones, we did have some

1 special deliverables --

2 **DR. ZIEMER:** Yes.

3 **DR. MAURO:** -- like OTIB-92 --

4 **MS. MUNN:** 92.

5 **DR. MAURO:** -- OTIB -- fif-- the one dealing  
6 with the construction workers, the --

7 **MS. MUNN:** 53 --

8 **DR. MAURO:** -- 52. These were actually  
9 delivered in hard copy separate --

10 **DR. ZIEMER:** As separate items, right.

11 **DR. MAURO:** So in addition to the three big  
12 ones, there are -- I believe there might be  
13 three or so smaller ones. As I said, if anyone  
14 needs any of that, we'd -- happy to provide it  
15 electronically or hard copy.

16 **DR. MELIUS:** Yeah, well, what --

17 **DR. ZIEMER:** Dr. Wade has a comment here, and  
18 then --

19 **DR. WADE:** I mean I think Dr. Melius raises an  
20 interesting question. If you think about the  
21 Board's work on individual dose reconstruction  
22 reviews, you naturally coalesce through a  
23 letter you'll write to the Secretary. If you  
24 think of your work on SEC, that comes to a  
25 vote. There are some things like procedures

1           where the Board has no natural mechanism to  
2           draw these things to closure. I think you need  
3           to decide what that is. I think that's a good  
4           discussion to have. It's a new issue you're  
5           facing and procedures would be a good one to  
6           sort of sharpen your wit and your knife on.

7           **DR. ZIEMER:** And actually, just as a matter of  
8           course, there's nothing that would prevent us  
9           from reporting to the Secretary that in fact  
10          we've reviewed these certain sets of procedures  
11          and -- and how we closed them out. We wouldn't  
12          be advising him on anything specifically, but  
13          we could do that as well if the Board so  
14          wished.

15          Other comments on this?

16          **MS. MUNN:** There's a staggering amount of data  
17          here.

18          **DR. ZIEMER:** Yes.

19          **MS. MUNN:** And if you do want to undertake to  
20          review each of the items --

21          **DR. ZIEMER:** I was not suggesting that --

22          **MS. MUNN:** That have been placed before you,  
23          then --

24          **DR. ZIEMER:** -- for the full Board meeting --

25          **MS. MUNN:** -- certainly you are free to delve

1 through those notebooks --

2 **DR. ZIEMER:** No.

3 **MS. MUNN:** -- at will, but they're --

4 **DR. ZIEMER:** As I say, look for highlighting  
5 particular issues of --

6 **DR. BRANCHE:** Summary.

7 **DR. ZIEMER:** -- major concern and go from  
8 there.

9 **DR. MELIUS:** We're asking the workgroup to, you  
10 know, synthesize for -- synthesize that for us,  
11 so...

12 **DR. ZIEMER:** Thank you.

13 **DR. BRANCHE:** Ready?

14 **DR. ZIEMER:** Let's take one or two more before  
15 the break.

16 **DR. BRANCHE:** Blockson Chemical SEC petition,  
17 Ms. Munn chair.

18 **MS. MUNN:** I believe that's been adequately  
19 covered today.

20 **DR. ZIEMER:** Well, Blockson we covered, so I  
21 think we can --

22 **DR. BRANCHE:** All right.

23 **DR. ZIEMER:** -- proceed.

24 **DR. BRANCHE:** Fernald as well?

25 **DR. ZIEMER:** Fernald has been covered.



1           **DR. BRANCHE:** Chapman Valve as well?

2           **DR. ZIEMER:** Uh-huh.

3           **DR. BRANCHE:** Dr. Melius -- use of surrogate  
4 data, Dr. Melius chair.

5           **DR. MELIUS:** I've reported on that.

6           **DR. ZIEMER:** Yes, that was reported on in  
7 connection with Bethlehem Steel.

8           **DR. BRANCHE:** All right. Worker outreach,  
9 Michael Gibson chair.

10          **DR. ZIEMER:** Michael Gibson.

11          **MR. GIBSON:** There's nothing new since the last  
12 conference call we had. Wanda and Josie and  
13 Phil and I have got some common dates together  
14 and so hopefully we're going to have a meeting,  
15 maybe in Cincinnati later this month, and get  
16 things rolling.

17          **DR. ZIEMER:** Okay. Thank you.

18          **DR. BRANCHE:** Linde Ceramics site profile, Dr.  
19 Roessler chair but Dr. Lockey presided over the  
20 last meeting.

21          **DR. ROESSLER:** Actually --

22          **DR. BRANCHE:** Okay, Gen, just before you go, I  
23 just want to let Dr. Ziemer know that we also  
24 have something to be read into the record from  
25 Senator Schumer.

1           **DR. ZIEMER:** Okay, we'll do that in just a  
2 moment. I also note, and maybe Gen Roessler  
3 provided this, we do have a report on the  
4 workgroup's January 8th meeting. I think it  
5 was just distributed to us a few moments ago.  
6 Gen, is that your report?

7           **DR. ROESSLER:** That's my report. I'm on the  
8 line and I'm not muted. Can you hear me?

9           **DR. ZIEMER:** We can hear you very well.

10          **DR. ROESSLER:** Yes. Are you ready? I'm going  
11 to present a brief oral report so it goes into  
12 the record --

13          **DR. ZIEMER:** Okay, let's do that --

14          **DR. ROESSLER:** -- (unintelligible) --

15          **DR. ZIEMER:** -- and then we'll hear from  
16 Senator Schumer's office as well.

17          **DR. ROESSLER:** Do you want me to go first?

18          **DR. ZIEMER:** Yes, go ahead.

19          **DR. ROESSLER:** Okay. Our workgroup met this  
20 past Tuesday morning, workgroup members Josie  
21 Beach, Mike Gibson and Jim Lockey were present.  
22 I presented -- I participated by phone. Joe  
23 Guido, NIOSH, and Steve Ostrow of SC&A and  
24 others were present. To save time today I  
25 prepared the written summary that you have

1           gotten so I'm not going to read it, but I do  
2           want to orally point out several pertinent  
3           points.

4           The Tuesday morning was the second meeting of  
5           the workgroup. We first met March 26th, 2007.  
6           Steve Ostrow presented the matrix of the 22  
7           issues that SC&A had raised at the March  
8           meeting. He did this Tuesday morning. He  
9           stated Tuesday morning that SC&A agrees that 16  
10          are now closed. Steve then discussed the six  
11          remaining open issues with Joe Guido of NIOSH,  
12          the workgroup and others, and these are the  
13          items that I have summarized in the written  
14          report that you have. A resolution was reached  
15          on five of the six issues.

16          There now remains one open issue, and that's  
17          the one I want to just mention a few things  
18          about. And this has to do with the burlap bags  
19          that were used to bring ore to Linde. After  
20          these bags were emptied, they were stored  
21          behind Building 30. In an interview a site  
22          expert stated that workers would sit on these  
23          bags while resting or eating lunch on into the  
24          1950s. NIOSH says that documents that they  
25          have indicate that the bags had been removed by

1           1946. Recall that the Linde SEC covers the  
2           time period from October 1942 -- October 1st,  
3           1942 through October 31st, 1947. So this  
4           discussion about when the bags were there and  
5           when they might not have been there is very  
6           important.

7           We spent quite a bit of time on this and our --  
8           our workgroup decided that there's not enough  
9           information at this time to properly evaluate  
10          the validity of the site expert's statement and  
11          the documented information presented by NIOSH.  
12          So NIOSH was then -- in consultation with SC&A  
13          -- was asked to summarize all of the facts on  
14          this issue as soon as they could get to it, and  
15          present that summary to the working group. At  
16          that time then a technical call or -- will be  
17          set up to do this discussion and workgroup  
18          members will participate.

19          So that summarizes what happened at our meeting  
20          Tuesday. I wonder if any workgroup members  
21          have any comments.

22          **DR. ZIEMER:** I don't see -- oh, Wanda Munn has  
23          a comment.

24          **MS. MUNN:** Just have one question, Gen.

25          **DR. ZIEMER:** Or a question.

1           **MS. MUNN:** What kind -- was -- was it uranium  
2 ore? What was in the burlap sacks?

3           **DR. ROESSLER:** Yes, it was ore that was being  
4 brought into the facility --

5           **MS. MUNN:** Okay, okay, so it was untreated ore.

6           **DR. ROESSLER:** That's my recollection on it,  
7 and some of it surely would be assumed to be  
8 fairly high in radioactivity. As I understand  
9 it, the bags had been emptied before they were  
10 -- and maybe even washed, I'm -- I'm not sure  
11 about that. In fact, one of the problems with  
12 our meeting on Tuesday morning was that I was  
13 on the phone and, again, that's always  
14 difficult. I couldn't hear much of the  
15 discussion. But this will all be covered when  
16 NIOSH and SC&A get together on this technical  
17 call.

18           **MS. MUNN:** Okay. I just wanted to -- to know  
19 whether it had been processed ore of any kind.  
20 Thank you.

21           **DR. ROESSLER:** Perhaps somebody in the audience  
22 there can more specifically answer your  
23 question.

24           **DR. ZIEMER:** Okay. Thank you, Gen. Okay, here  
25 we go.

1           **DR. OSTROW:** Hi, this is Steve Ostrow.

2           **DR. ZIEMER:** Steve.

3           **DR. OSTROW:** Your recollection is correct, Gen.  
4           This was unprocessed ore that was brought into  
5           the site. That's how they used to get it there  
6           and literally they had something around 100,000  
7           burlap bags that they were bring the ore into -  
8           - and it's not a technical question we have  
9           right now, it's a -- it's sort of doing a  
10          little bit -- research. When were the bags  
11          actually there, when were they taken off the  
12          site. That's what we're really trying to  
13          determine with NIOSH together.

14          **DR. ZIEMER:** Okay. Thank you, Steve. We do  
15          have a record from -- or a letter from the  
16          Senator's office to read into the record so  
17          we'll do that now. Go ahead.

18          **MS. CHANG:** Testimony of Senator Charles E.  
19          Schumer, Advisory Board on Radiation and Worker  
20          Health, Linde Ceramics site profile and dose  
21          reconstructions, January 8 through 10, 2008.  
22          Thank you very much for the chance to address  
23          the Board regarding the ongoing efforts of  
24          former employees of Linde Ceramics to receive  
25          compensation for the illnesses they incurred

1 while working at the Department of Energy  
2 during the Cold War.

3 I understand that no one has yet submitted a  
4 petition to have these later periods at Linde  
5 added as classes of the Special Exposure Cohort  
6 under the Energy Employees Occupational Illness  
7 Compensation Program Act. This is -- this is  
8 due in part to several ongoing difficulties  
9 that applicants for former Linde employees have  
10 had in obtaining important documents from the  
11 National Institute for Occupational Safety and  
12 Health. I ask the Board to please direct NIOSH  
13 to cooperate fully with the people representing  
14 Linde workers so that their case can be  
15 promptly decided on its merits.

16 Specifically, I encourage the Board to expedite  
17 the necessary privacy review of the NIOSH/Oak  
18 Ridge Associated Universities' document so that  
19 it may be made public. Advocates for Linde  
20 need to have access to this document as soon as  
21 it is practicable in order to continue either  
22 (sic) important work obtaining restitution for  
23 the former workers of Linde.

24 While other difficulties in this petition have  
25 arisen, they are outside the scope of the

1 Board's authority. I, and all the former  
2 workers of Linde Ceramics, appreciate the  
3 Board's patience as this application is  
4 prepared, and I look forward to a time when I  
5 will be able to testify in support of it.  
6 The men and women who worked at Linde Ceramics  
7 are veterans and heroes of the Cold War. We  
8 owe our continued safety to their hard work and  
9 sacrifices. That many of these Cold War heroes  
10 have become sick as a result of their service  
11 is a great tragedy, and one which we must do  
12 everything we can to rectify. Their great  
13 sacrifice merits our greatest thanks, and we  
14 can show some small share of what we owe to  
15 these men and women by supporting their appeals  
16 for restitution.

17 Again, thank you for the opportunity to address  
18 the Board on this important issue.

19 **DR. ZIEMER:** Thank you very much.

20 **DR. ROESSLER:** Paul, I would like to comment on  
21 one of her comments.

22 **DR. ZIEMER:** Yes, go ahead, Gen.

23 **DR. ROESSLER:** And I think one of our lawyers  
24 present could probably verify this. She asked  
25 for the NIOSH document to be made available as



1           soon as possible, and I believe that that was  
2           cleared and made available several weeks ago,  
3           if I'm thinking of the right document.

4           **DR. ZIEMER:** Okay. Liz is approaching the mike  
5           and maybe she can enlighten us here. Is it the  
6           -- what document is it that's being referred  
7           to?

8           **DR. ROESSLER:** I think she's referring to the  
9           NIOSH response to our meeting of March 22nd.

10          **MS. HOMOKI-TITUS:** I actually --

11          **DR. ROESSLER:** Is that correct?

12          **MS. HOMOKI-TITUS:** -- can't really help you  
13          much because we only assist the DFO by  
14          reviewing SC&A documents, so I don't know where  
15          a NIOSH response would be.

16          **DR. ROESSLER:** I'd -- I'd ask the speaker to  
17          maybe contact me and I think we can clarify  
18          that.

19          **DR. ZIEMER:** I'm -- I'm wondering if we're --  
20          are we talking about NIOSH input to the matrix  
21          that's -- that was developed?

22          **DR. ROESSLER:** I'm -- I -- I'm thinking that's  
23          what she's referring to, and that was cleared  
24          and --

25          **DR. ZIEMER:** Okay.

1           **DR. ROESSLER:** -- made available several weeks  
2 ago.

3           **DR. ZIEMER:** Yeah. Well, if the workgroup  
4 could --

5           **DR. BRANCHE:** Yeah, --

6           **DR. ZIEMER:** -- workgroup can --

7           **DR. BRANCHE:** -- Senator Schumer's office.

8           **DR. ZIEMER:** -- and make sure that they have  
9 the documents. If there are some that they  
10 have not yet received, why we can make sure  
11 that that occurs.

12          **DR. ROESSLER:** We'll -- we'll do that.

13          **DR. ZIEMER:** Thank you very much. I think this  
14 would be an appropriate time for us to take a  
15 15-minute break. Those on the phone, we'll  
16 simply mute the phone here until we return,  
17 so...

18          (Whereupon, a recess was taken from 10:20 a.m.  
19 to 10:35 a.m.)

20          **DR. ZIEMER:** I know some have planes to catch  
21 shortly after lunch, so let us return to our  
22 seats and we will continue in our discussion of  
23 the workgroup reports. Again we want to check  
24 the line. I'm going to ask Dr. Branche if she  
25 would just remind the folks on the line of

1 their telephone etiquette.

2 **DR. BRANCHE:** People in the room, we're  
3 starting. Everyone in the room, we're  
4 starting.

5 **DR. ZIEMER:** Okay.

6 **MR. PRESLEY:** Dr. Wade.

7 **DR. BRANCHE:** Thank you, this is -- thank you,  
8 this is Christine Branche, and we are starting  
9 again. For those people who are participating  
10 on the line, before I ask you to mute I would  
11 like to know a couple of things. Mark Griffon,  
12 are you on the line?

13 (No responses)

14 If there are members of Congress or their  
15 representatives on the line, would you please  
16 identify yourselves?

17 **MR. HILL:** This is Steven Hill from Congressman  
18 Shavitz's office.

19 **DR. BRANCHE:** Thank you so much. Now, for  
20 those of -- for those of you who are  
21 participating by phone, if you would please  
22 mute your phone. If you don't have a mute  
23 button, then please use the star-6 option to  
24 mute your line. And when you're ready to speak  
25 you can use that same star-6 to un-mute your

1 line. That really is enhancing the quality of  
2 our deliberations today.

3 And so Dr. Ziemer, if Mr. Griffon is not on the  
4 line, I do have his report that I can read into  
5 the record.

6 **DR. ZIEMER:** Okay, that'll be fine. Let's  
7 check first to see if Board member Gen Roessler  
8 is on the line.

9 **DR. ROESSLER:** I'm on the line.

10 **DR. ZIEMER:** Thank you, Dr. Roessler. And  
11 again, we'll kind of check once again -- Mark  
12 Griffon, if you're on the line, please  
13 identify.

14 (No responses)  
15 Apparently not. Mark did have to deal with  
16 some health issues in his family.  
17 Christine, I think it would be appropriate --  
18 are we at that point --

19 **DR. BRANCHE:** Yes.

20 **DR. ZIEMER:** -- as far as the workgroup list?

21 **DR. BRANCHE:** We have the subcommittee and the  
22 Rocky Flats workgroup --

23 **DR. ZIEMER:** Let's do the Rocky Flats  
24 workgroup. We have the report from Mark he's  
25 left with Christine, so --

1           **DR. BRANCHE:** You want to start with Rocky  
2           Flats or the subcommittee?

3           **DR. WADE:** I don't think you have a quorum at  
4           the moment.

5           **MR. PRESLEY:** We don't have anybody else out  
6           yonder in the hallway, either.

7           **DR. WADE:** Well, with Gen on the line, you have  
8           a quorum; Robert's in the room.

9           **DR. ZIEMER:** We have -- we have a quorum.

10          **DR. BRANCHE:** We have a quorum.

11          **DR. WADE:** Robert's in the room.

12          **DR. BRANCHE:** Dr. Ziemer, would you like me to  
13          begin --

14          **DR. ZIEMER:** Yes.

15          **DR. BRANCHE:** -- with Rocky Flats?

16          **DR. ZIEMER:** Do Rocky Flats.

17          **DR. BRANCHE:** Okay. Mr. Griffon writes  
18          (reading) Since the last Board meeting we had a  
19          workgroup conference call where we discussed  
20          the questions of the implementation of the SEC  
21          class. Essentially how was -- how was  
22          "monitored, or should have been monitored, for  
23          neutrons" being determined. This call was  
24          initiated due to some concerns raised in Rocky  
25          Mount-- in the *Rocky Mountain News* stories.

1           The data referenced in the news articles was  
2           from the University of Colorado research,  
3           specifically Martin -- excuse me, Margaret  
4           Ruttenber. The workgroup asked, as an action,  
5           for NIOSH to discuss this with Margaret  
6           Ruttenber. Mark Griffon would be on the call  
7           representing the Board.

8           This technical call took place just before the  
9           holidays. Mark took minutes from the call and  
10          will provide a draft later to be reviewed.  
11          Resulting actions from the meeting include:  
12          NIOSH is to work with Margaret Ruttenber to  
13          obtain the database developed by the University  
14          of Colorado. Both NIOSH and Margaret believe  
15          that the data are the same, and that the Board  
16          has had access to it, just in a more useable  
17          format. These data will be reviewed to make  
18          sure they are based on the same raw data that  
19          the Board had access to.

20          A second action is that the workgroup will have  
21          another conference call meeting to discuss the  
22          implementation of the class. The primary  
23          problem is if you have workers with work  
24          history cards showing that the worker worked in  
25          a non-neutron building -- for example, a

1 maintenance building. The analysis included in  
2 the *Rocky Mountain News* article shows that you  
3 can't be sure that the worker didn't go to  
4 other areas where they may have been exposed to  
5 neutrons. This, therefore, makes it hard to  
6 base the determination on building.

7 And that is all that he writes about Rocky  
8 Flats.

9 **DR. ZIEMER:** Okay, thank you. Let's continue  
10 with the next report.

11 **DR. BRANCHE:** The subcommittee?

12 **DR. ZIEMER:** This'll be the su-- are -- do we  
13 have any other workgroups?

14 **DR. BRANCHE:** No.

15 **DR. ZIEMER:** Okay.

16 **DR. BRANCHE:** The only one -- wait -- rather,  
17 the only one that remains, Dr. Ziemer, is the  
18 one for which Mr. Griffon is the chair, the Los  
19 Alamos National Lab, but he's not provided a  
20 report --

21 **DR. ZIEMER:** I don't believe they've met since  
22 --

23 **DR. BRANCHE:** I don't think so, either.

24 **DR. ZIEMER:** -- the last meeting so there would  
25 be no report.

1           Then we'll go to the subcommittee on dose  
2           reconstruction, which Mark also chairs, and  
3           that subcommittee met earlier this week. We --  
4           they have identified a list of suggested dose  
5           reconstructions, the next 60. And my  
6           understanding now, and again I'll turn it back  
7           to you, Christine, but my understanding is Mark  
8           simply -- is not asking the Board to approve  
9           those today, but is giving those -- the list to  
10          us for information because there's a  
11          possibility that some of these may drop off the  
12          list.

13          I believe it is important, though, as you look  
14          at the list, if the Board members wish to add  
15          any to this list, they have that prerogative.  
16          Even though we will not be approving the final  
17          list, this will be a list which will be the  
18          basis for the next group, recognizing that some  
19          of these, for a variety of reasons, may fall  
20          off the list. I think they perhaps are not all  
21          fully completed yet. We only review completed  
22          dose reconstructions, but -- do you have  
23          additional comments from Mark on this?

24          **DR. BRANCHE:** Yes. For the subcommittee on  
25          dose reconstruction Mr. Griffon writes



1 (reading) You have the 60 cases that the  
2 subcommittee pre-selected. He wanted to remind  
3 us all that this is only a preliminary list --  
4 list. NIOSH -- specifically Stu Hinnefeld --  
5 is going to take the list and add the  
6 additional information for these cases --  
7 specifically more detail -- which will allow  
8 the subcommittee to determine what procedures  
9 were used for internal, external -- I guess  
10 internal and external, and if the case had  
11 neutrons before 1970 or after 1970, et cetera.  
12 Therefore, at this point we don't need the full  
13 Board to vote on this as the final list for  
14 SC&A to start working on. We should be able to  
15 vote on a list, which Mark expects to be close  
16 to the one that they came up with in their  
17 meeting on Tuesday, at the next Board phone  
18 call, which would be in February.

19 And that is the conclusion of his com-- of his  
20 remarks.

21 **DR. ZIEMER:** Thank you. Board members, do you  
22 all have a copy of the list? And I believe --  
23 at least on the copy that I have -- the circled  
24 cases begin on page 6 of the list called "full  
25 internal and external". There's a separate

1           readout called "random selections", which is  
2           just the original ran-- well, I guess they're  
3           circled on that one as well, let's see.

4           **DR. WADE:** Yeah, there -- there are circled on  
5           both lists.

6           **DR. ZIEMER:** Yes.

7           **DR. WADE:** Since I was at the subcommittee  
8           meeting, the subcommittee started at the back  
9           of the list because it wants to review the most  
10          recent cases and therefore work back. It used  
11          a cutoff date of like 2003 to say we don't want  
12          to go to anything older than that. But they  
13          did select from both lists.

14          **DR. ZIEMER:** So now I'd like to ask the Board  
15          members if -- and you had this list last night,  
16          as we suggested you take a look at it. Are  
17          there any cases that you wish to add to these  
18          suggestions by the subcommittee? And the  
19          reason we ask that is because if other Board  
20          members have cases they think should be  
21          included, we recognize that in the end of the  
22          subcommittee's process they may lose some of  
23          these 60 and so additional cases may be  
24          necessary anyway. Are there any Board members  
25          that wish to add to this list? If not, this

1            simply will be the list. We're not approving  
2            it. The subcommittee's going to gather some  
3            additional information and I think, perhaps at  
4            our phone call meeting, will present us with  
5            the final recommendation on this. Is that  
6            correct?

7            **DR. WADE:** Yes, two -- two things could take  
8            something off the list that's on it. The --  
9            the subcommittee asked for a first pull that  
10           looks at best estimate dose reconstructions.  
11           Sometimes they find with -- when they look at  
12           it with more detail that they really weren't  
13           best estimate dose reconstructions. That's  
14           simply a field checked by someone that might be  
15           misleading.

16           The other things are you can't look at  
17           something that might be under appeal, so the  
18           list has to go to DOL to make sure that there's  
19           nothing that has been preliminary selected  
20           that's under appeal. That could par the list  
21           down. If it was, other additions by the Board  
22           or the subcommittee would hopefully get us to  
23           the 60. They're trying to give SC&A the full  
24           60 in one gulp so that they can have a -- a  
25           jump-start on doing all 60 for this year.

1           **DR. ZIEMER:** Thank you. Okay, any comments or  
2 questions on this?

3                                 (No responses)

4           I believe that completes the report of that  
5 subcommittee then.

6           **DR. BRANCHE:** Then that concludes the update.

7           **DR. ZIEMER:** That then re-- concludes the  
8 updates on subcommittee and workgroups.

9           **BOARD WORKING TIME**

10                  Next we will move into the Board working time.

11           **REVIEW OF SEC PETITION WRITE-UPS**

12                  The first item is review of the SEC petition  
13 writeups. These are the two actions that we  
14 took earlier in the week. We have the hard  
15 copy drafts of the formal recommendations that  
16 would go to the Secretary. Did you all get  
17 copies of those?

18           **DR. BRANCHE:** Yes, they were in the -- They  
19 were in the documents that I handed out along  
20 with the Linde report. Those were the  
21 additional two pages.

22           **DR. ZIEMER:** One of these was already read  
23 fully at the --

24           **DR. MELIUS:** (Off microphone) (Unintelligible)

25           **DR. ZIEMER:** Oh, they -- it wasn't --

1           **DR. MELIUS:** Combustion Engineering.

2           **DR. ZIEMER:** Oh, Combustion Engineering was  
3 read, so you haven't given us that copy.

4           **DR. MELIUS:** Yeah, these are the other --

5           **DR. ZIEMER:** I'm sorry. So these are the other  
6 two. Combustion Engineering basically is  
7 completed because you read the full motion to  
8 us and it was approved.

9 We don't have to take formal action on this.

10 What I want you to do is indicate if there are  
11 any editorial changes. This is the formal --  
12 we've already approved these two motions.

13 Also, if copies have been made available to  
14 counsel and to NIOSH, I want -- and to Labor, I  
15 want to make sure that if there's any questions  
16 on the description of the classes, that those  
17 are identified.

18           **DR. MELIUS:** Could -- can -- can I comment?

19           **DR. ZIEMER:** You certainly may.

20           **DR. MELIUS:** First of all, on the Mound draft  
21 there are a couple of typos. I was -- I don't  
22 know what, stuttering, what do you call -- I  
23 repeated some language, I was cut and pasting  
24 some stuff, so there's a -- in the second  
25 bullet towards the bottom, thorium is repeated;

1 and in the second paragraph, the Board  
2 respectfully twices -- twice, so it needs to be  
3 a -- just cut out that -- that line and so  
4 forth. The --

5 **DR. ZIEMER:** What line is that?

6 **DR. MELIUS:** The third -- fourth line down, the  
7 Board respectfully recommends, that's repeated  
8 later in the -- in the fifth line.

9 Now it actually -- both of these definitions  
10 came from -- for both Mound and for Lawrence  
11 Livermore came from NIOSH in consultation with  
12 the Department of Labor, and I have shared  
13 these drafts with -- with NIOSH staff ahead of  
14 time. I don't know if Jim Neton or anybody  
15 wants to comment 'cause these are different  
16 than what are in the evaluation reports, and I  
17 believe on both of them NIOSH was sort of going  
18 to amend the evaluation reports to clarify --  
19 you know, to -- to match these -- thi-- this  
20 wording and -- and this has to do with -- with  
21 how their discussion with the Department of  
22 Labor on how to best implement these two SECs,  
23 so...

24 **DR. NETON:** That's correct, the definitions  
25 have changed from what you have in the proposed

1 definitions for the evalua-- that are in the  
2 evaluation reports, but they are consistent  
3 with the -- with the write-ups that are  
4 contained in those evaluation reports and so we  
5 just tried to better match what's in the write-  
6 up, after consultation with Department of  
7 Labor.

8 **DR. ZIEMER:** So you're in concurrence with --

9 **DR. NETON:** We're in concurrence, yes.

10 **DR. ZIEMER:** -- the wording here?

11 **DR. NETON:** We've reviewed these and are in  
12 concurrence with the words, right.

13 **DR. MELIUS:** So -- so in Mound they're -- the  
14 language of "monitored, or should have been  
15 monitored" is not included. And in --

16 **DR. NETON:** Right.

17 **DR. MELIUS:** -- Lawrence Livermore it is now  
18 included and --

19 **DR. NETON:** Right.

20 **DR. MELIUS:** -- deals with the issues related  
21 to that, I think is the --

22 **DR. NETON:** This will help the Department of  
23 Labor adjudicate the class.

24 **DR. ZIEMER:** Okay.

25 **DR. MELIUS:** Yeah.

1           **DR. ZIEMER:** Okay, thank you. Are there any  
2 other editorial modifications or questions?  
3 Okay, Chia-Chia?

4           **MS. CHANG:** For both of those, in the first  
5 line (sic) where it says "predecessor agencies,  
6 contractors or subcontractors who worked in all  
7 areas", I would suggest changing that to "any  
8 area" 'cause "all areas" implies that they need  
9 to work in every single area to be covered. I  
10 think all you mean is "any" -- anybody who  
11 worked in any area.

12           **DR. MELIUS:** Well, that's okay with your --

13           **MS. CHANG:** 'Cause "all areas" --

14           **DR. MELIUS:** -- other staff at NIOSH 'cause  
15 it's their wording. Don't -- don't blame me.

16           **DR. BRANCHE:** Chia-Chia, can you say again  
17 where you are?

18           **DR. ZIEMER:** What line are --

19           **MS. CHANG:** Let's say in LANL it would be line  
20 two, four, six -- eight.

21           **DR. BRANCHE:** Second paragraph?

22           **MS. CHANG:** Second paragraph, line two, four,  
23 six, seven -- two, four --

24           **DR. BRANCHE:** Oh, yes.

25           **MS. CHANG:** Yes, change the "all" to "any".



1           **DR. MELIUS:** And -- and then "area" becomes  
2 singular, not plural.

3           **MS. CHANG:** And do that -- and obviously do  
4 that for both.

5           **DR. ZIEMER:** That's all employees.

6           **DR. BRANCHE:** "And all" becomes "any".

7           **DR. ZIEMER:** No, that's all areas. I see it on  
8 the Mound, where you say "all areas," it  
9 implies they have to have worked in every one  
10 of those areas. And that one would say "any  
11 area"? "Any area," and the LANL draft where --

12           **MS. CHANG:** It's ac-- it's actually not in LANL  
13 so don't worry about LANL.

14           **DR. ZIEMER:** Okay, it's only that one. Thank  
15 you.

16 We all agree to make that editorial change, and  
17 Jim, you -- be sure to make that --

18           **DR. MELIUS:** Yeah, I'll make that when I --

19           **DR. ZIEMER:** -- in the -- in the electronic  
20 copy.

21           **DR. MELIUS:** -- when I electronically submit  
22 this to --

23           **DR. ZIEMER:** Okay, any others?

24           **DR. MELIUS:** -- Paul --

25           **DR. ZIEMER:** Thank you, Chia-Chia.

1           **DR. MELIUS:** -- and you and everybody.

2           **DR. ZIEMER:** I will, as I always do, send each  
3 of the Board members a copy of the -- of the  
4 draft that I'm sending to John Howard for  
5 transmittal to the Secretary, and you'll have a  
6 final look at the -- at the formal letter that  
7 goes to the Secretary at that point, and  
8 that'll be within the next three weeks.

9           **REDACTION OF BOARD TRANSCRIPTS AND MINUTES POLICY**

10           Okay, that completes that item. It was  
11 requested that we have a discussion relating to  
12 redaction. The -- first of all, everybody's  
13 aware of the new redaction policy, and let me  
14 ask if there are any questions on the new  
15 policy per se. It's been read to us several  
16 times in the course of this meeting. I -- I  
17 think, Jim, you asked that we discuss this  
18 relative perhaps to previous documents.

19           **DR. MELIUS:** Yeah, my -- my question was about  
20 whether it was going to be feasible or  
21 appropriate to do this retrospectively. I  
22 think it was -- Dr. McKeel had raised that  
23 issue and --

24           **DR. ZIEMER:** Yeah, the --

25           **DR. MELIUS:** -- I just wanted some

1 (unintelligible).

2 **DR. ZIEMER:** -- question was what happens to  
3 the documents that were redacted during that  
4 time period, and I've -- I'm not sure exactly  
5 how long that was. It may have been as much as  
6 a year or roughly a year, but whatever it was,  
7 there's a series of documents that were  
8 previously redacted under the -- the prior  
9 policy.

10 **DR. BRANCHE:** I'm ready.

11 **DR. ZIEMER:** Dr. Branche, can you speak to that  
12 issue in terms of either the agency's position  
13 or whatever concerns may relate to that?

14 **DR. BRANCHE:** Certainly.

15 **DR. ZIEMER:** And in -- and -- and maybe in that  
16 regard, I think the Chair would certainly ask  
17 the Board what their feelings are on the issue  
18 of -- of un-redacting, if I can use that word,  
19 the -- the transcripts and documents that were  
20 redacted during that period.

21 **DR. BRANCHE:** Would you like me to respond  
22 first --

23 **DR. ZIEMER:** Yes --

24 **DR. BRANCHE:** -- or you'd like the Board first?

25 **DR. ZIEMER:** No, go ahead, and you can make a

1 statement, then --

2 **DR. BRANCHE:** Apparently Lew -- Liz, yes?

3 **MS. HOMOKI-TITUS:** No, I'm -- I just wanted to  
4 make one comment because I think there's some  
5 misunderstanding of the new policy by some  
6 members of the public. This policy does not  
7 mean that these documents will not be redacted  
8 at all.

9 **DR. ZIEMER:** Understood, that's --

10 **MS. HOMOKI-TITUS:** They will be redacted for  
11 third-party personal information --

12 **DR. ZIEMER:** Right, and that is --

13 **MS. HOMOKI-TITUS:** -- and (unintelligible)  
14 issues.

15 **DR. ZIEMER:** -- in the -- that's in the  
16 information --

17 **MS. HOMOKI-TITUS:** Yeah, but it's --

18 **DR. ZIEMER:** -- that we give. Right?

19 **MS. HOMOKI-TITUS:** Some people from the  
20 audience apparently didn't understand that. So  
21 just so that you know, just because you're  
22 going back and un-redacting those documents,  
23 they are still going to have to be then re-  
24 reviewed --

25 **DR. ZIEMER:** Something may still be redacted --

1           **MS. HOMOKI-TITUS:** Right.

2           **DR. ZIEMER:** -- it's the -- the names of the  
3 presenters would appear, and the other --

4           **DR. BRANCHE:** Right, according to --

5           **DR. ZIEMER:** -- items identified --

6           **DR. BRANCHE:** -- the policy.

7           **DR. ZIEMER:** -- yes. Go ahead, Christine.

8           **DR. BRANCHE:** Well, we appreciate all the  
9 comments that people have had to make about the  
10 redaction policy. And as you know, at the --  
11 towards the end of 2007 and at our November  
12 29th (sic) conference call we talked about a  
13 revised policy. And it appears as well in the  
14 *Federal Register* notice. We've had some  
15 deliberations and appreciate all the e-mails  
16 and comments that people have made about what  
17 to do about the transcripts from these -- from  
18 the Board meetings and conference calls during  
19 the period of time when the redaction -- the  
20 more stringent redaction policy was in place.  
21 And we've made the decision to go back and  
22 apply this new policy -- I don't want to say  
23 unredact -- apply this new policy to those  
24 meetings. We have some additional staff who  
25 can assist with that -- I'm looking at Chris

1                     Ellison's face -- some additional staff who can  
2 assist in getting that done, and we want to do  
3 it in a timely fashion. But yes, we will apply  
4 this -- this revised policy to those Board  
5 meetings, face-to-face meetings and the Board  
6 conference calls -- to those transcripts.

7                     **DR. ZIEMER:** Okay, thank you very much. And I  
8 might point out and -- and the Chair certainly  
9 recognizes that this imposes some additional  
10 work, so there may be a little time lag in  
11 getting that done, but we ask for patience on  
12 the part of those who have those -- had those  
13 concerns, both Board members and members of the  
14 public, that we will achieve that, hopefully in  
15 a relatively timely fashion. Thank you very  
16 much.

17                     Other comments?

18   (No responses)

19                     Okay, I think that then completes that item.

20                     **TRACKING STATUS OF TRANSCRIPTS AND MINUTES**

21                     We're ready to talk about tracking of Board  
22 actions. Oh, incidentally, talking about  
23 transcripts, we do have the -- you -- you  
24 should have an update on the status of all the  
25 transcripts at your place.

1           **DR. BRANCHE:** Yes, this has a green border or -  
2           - yes, yours is black and white. And I -- Dr.  
3           Ziemer, I have a comment about this as well.

4           **DR. ZIEMER:** Yeah, go ahead, Christine.

5           **DR. BRANCHE:** I've got my body armor on. In  
6           our due haste to apply the -- a couple of  
7           different policies, the redaction policy under  
8           which the Board was living -- all of us were  
9           living through most of 2007, as well as  
10          promises that were made to the Board to get the  
11          transcripts from our court reporter and have  
12          them go through all of the different policy  
13          offices in a timely fashion, and we promised 45  
14          days. We did that for the Naperville meeting  
15          in October and the Board confer-- and some  
16          other meetings. We've only -- we -- what we've  
17          come to understand is that we overloo-- in our  
18          haste to get that done, we did not get the July  
19          transcripts posted on the web site. And I can  
20          offer you my sincere apology and our efforts to  
21          re-- to get that taken care of as fast as we  
22          can. And so I do apologize.

23          **DR. ZIEMER:** Okay, well, this gives you an  
24          update as to where we are on all of those --

25          **DR. BRANCHE:** Dr. Wade.

1           **DR. ZIEMER:** Dr. Wade, additional comments.

2           **DR. WADE:** Yeah, Christine mentioned something  
3 that I really need to stand in front of you and  
4 report on. There was a discussion at the last  
5 meeting about how quickly we could get stuff on  
6 the web site. Dr. Melius advocated for 30  
7 days. I said I would go back and -- and do an  
8 analysis. I think we can commit to having  
9 Board meeting transcripts on the web site in 45  
10 days. We will -- will require them in 30 days  
11 from our court reporter. We think now with the  
12 streamlined redaction policy we should be able  
13 to have redacted Board transcripts on the web  
14 site within 45 days. We worked very hard to  
15 get that for the call that was just completed,  
16 and that we did.

17 As Christine mentioned, in the confusion of the  
18 changing policy, July was let sit fallow and  
19 that's something we will fix immediately. But  
20 45 days is our proposal back to you. We stand  
21 to hear your concerns about that. We think  
22 that's a reasonable compromise and doable.

23           **DR. ZIEMER:** Okay, thank you.

24           **DR. MELIUS:** We'll agree to 38 days.

25           **DR. ZIEMER:** Obviously as a -- as a practical



1 matter, particularly with the increased number  
2 of SEC petitions, this -- the use of these  
3 minutes (sic) has become more critical than it  
4 may have been several years ago. So we  
5 appreciate the efforts to be timely in getting  
6 these minutes (sic) into -- really into the  
7 public arena so they can be utilized, both by  
8 the Board and by petitioners and others.  
9 Board members, I'm not going to ask for a vote  
10 on the time. I think we recognize there are  
11 some limitations, both for the court reporter  
12 and for the staff, but that certainly seems  
13 like a reasonable goal to achieve.

14 **DR. WADE:** We'll come back -- before each  
15 meeting you'll get this report and you can see  
16 how we're doing.

17 **DR. ZIEMER:** Right.

18 **DR. WADE:** The workgroups are a different  
19 issue. You know, for workgroups, if a  
20 workgroup chair wants an expedited transcript,  
21 then we'll get them an expedited transcript.  
22 That means that some others might slip, so  
23 we're not saying 45 days for workgroups, but we  
24 will produce an expedited workgroup transcript  
25 if asked by the chair.

1           **DR. ZIEMER:** And workgroup chairs, I want to  
2 remind you, please don't go to Ray directly and  
3 ask him to do that for you. We want to  
4 coordinate all of this through Christine or Dr.  
5 Wade, or both, and gradually it's going to be  
6 Christine as Dr. Wade phases out, but in any  
7 event, they need to coordinate because  
8 everybody -- every workgroup chairman is -- is  
9 quite confident that their minutes (sic) are of  
10 highest priority and somebody's got to referee  
11 this.

12           **DR. BRANCHE:** Dr. Ziemer, if I can -- I -- I  
13 appreciate Dr. Wade's comments. I just want  
14 the Board members and the public to understand  
15 that any request for a workgroup report really  
16 will delay the other work that's in the stream.  
17 And -- the same number of hands are involved in  
18 the process. There aren't any new resources  
19 that are put to this, so please understand if  
20 we end up telling you that Board transcripts  
21 are delayed, it's likely because of a request  
22 for other transcripts before that. I just --  
23 just want everybody -- full disclosure.

24           **DR. ZIEMER:** Okay, thank you.

25           **DR. BRANCHE:** Thank you.

1           **UNIDENTIFIED:** (Off microphone) number one  
2           court reporter.

3           **DR. ZIEMER:** I hope the court reporter ignores  
4           that remark. He can legally --

5           **DR. WADE:** Our court reporter is doing the best  
6           he can.

7           **DR. ZIEMER:** Okay.

8           **DR. MELIUS:** Question.

9           **DR. ZIEMER:** Question, yes.

10          **DR. MELIUS:** Re-- re-- regarding workgroup --  
11          re-- for -- regarding various workgroup  
12          documents and -- and SC&A documents and so  
13          forth in here, we-- we're getting these updates  
14          at the times of the meetings. I mean they're  
15          being handed out, so we're not always aware of  
16          what's going on. Christine, are -- are you  
17          taking responsibility for assuring that when we  
18          have something on the agenda that's being dealt  
19          with, a SEC petition evaluation review,  
20          whatever it is that's -- that's on the agenda,  
21          that the petitioners are -- when it's on the  
22          agenda and we are taking action on it, in  
23          particular, I -- I want to be assured that  
24          someone is communicating back to the  
25          petitioners about, one, that that item's on the

1 agenda; number two, makes them aware of -- of  
2 documents that are relevant to that --  
3 workgroup documents, so forth -- become  
4 available, and those are being made available  
5 in a timely fashion so that we're not in this  
6 position of having to take action on a  
7 particular SEC evaluation report at a time when  
8 the petitioners have not had an ample  
9 opportunity to review the documents relative --  
10 relevant to our decision. And -- and it's very  
11 difficult for us to, you know, determine that  
12 particularly since the agenda's kind of a last,  
13 you know, minute and we're not always sure what  
14 -- what the actions are and -- and so forth and  
15 I don't want to have us take an action and then  
16 find out in retrospect that people haven't been  
17 properly informed.

18 **DR. ZIEMER:** Basically you're asking who --  
19 who's going to assure that the appropriate  
20 documents are distributed, both to the Board  
21 and to the petitioners, for such actions.

22 **DR. MELIUS:** Yeah.

23 **DR. ZIEMER:** Maybe we have a partial answer  
24 here as well.

25 **MS. BREYER:** Well, I typically take the

1 responsibility of making sure all the  
2 petitioners know of the workgroup meetings --  
3 if I get the agenda in advance for a workgroup  
4 meeting, which a lot of times there's not  
5 agendas -- will get a copy of that either by e-  
6 mail or by phone -- a lot of people I have  
7 constant e-mail contact with; sometimes they'll  
8 get an e-mail and a phone call, usually within  
9 a day or two of me receiving notification that  
10 there's going to be a workgroup meeting.  
11 As far as the Board meetings, as soon as I get  
12 the agenda, petitioners get copies of that. I  
13 speak to them by phone and again by e-mail as  
14 well. Any documents that come out of a  
15 workgroup meeting from SC&A or from NIOSH that  
16 are passed to me get FedExed to the petitioner  
17 so they get that the next day.

18 **DR. ZIEMER:** Right.

19 **MS. BREYER:** So the process has been  
20 streamlined a little better and we're trying to  
21 do the best job we can of tracking everything  
22 that comes from the different workgroups --

23 **DR. ZIEMER:** Right.

24 **MS. BREYER:** -- the different petitioners, from  
25 SC&A, from the Board, making sure that they get

1 everything.

2 **DR. ZIEMER:** Right. And I've seen a lot of  
3 those e-mails now that -- that indicate to me  
4 that that -- there's much more attention being  
5 paid to that. But a comment, Christine, did  
6 you have --

7 **DR. BRANCHE:** Well, Dr. Melius asked me what I  
8 was taking responsibility for, and I want to be  
9 very careful about my parameters. I'm  
10 responsible for developing the agenda, and I  
11 appreciate Laurie and others who are, in their  
12 roles, trying to make certain that the  
13 appropriate petitioners and others are aware of  
14 the documents. One thing I can assure is that  
15 in the deve-- in developing the agenda, which  
16 I'm tr-- I'm certainly trying to do earlier, we  
17 did have this bit of a calendar challenge  
18 because we had a major holi-- couple of  
19 holidays in advance of this meeting. But in  
20 working with the NIOSH staff, who in turn are  
21 working with the workgroup -- and we're working  
22 with the workgroup chairs to make certain that  
23 whatever is on the agenda really -- that the  
24 timing of that topic is appropriate. And so in  
25 my note-taking and in my conferring with

1 various members of you over the next couple of  
2 days, I have a *Federal Register* announ-- notice  
3 that I need to prepare for the February 20th  
4 call, and I want to make certain that the  
5 things that we're due to discuss during the  
6 call and in April, we can get these items  
7 identified as early as possible.

8 Several things happen with earlier notice. We  
9 can get the materials for your review so that  
10 you can be much more prepared to discuss  
11 issues, whether it's at a call or at a meeting,  
12 and have those materials distributed to you  
13 earlier than on a key fob. The key fob really  
14 should be -- or sorry, the thumb drive should  
15 be something that is available to you for your  
16 -- for your ease during this meeting, but I --  
17 I certainly understand the challenge of getting  
18 an SEC profile or other large documents the day  
19 before the meeting. Again, we did have a  
20 challenge of the holiday just prior to this  
21 meeting.

22 And we're trying to use the web site or the O  
23 drive to get as much information to you as  
24 possible. I would say in turn to the workgroup  
25 chairs, my own observation in my relatively

1 short time beginning to assume this role, is  
2 that some workgroup meetings are scheduled on  
3 the short. And so the staff and everyone else,  
4 and getting travel, there are a lot of things  
5 that have to fall in place, as I know you're  
6 aware. But it's -- I -- I have to ask you as  
7 workgroup chairs to use your -- to use your  
8 calendars with as much sensitivity in  
9 scheduling your workgroup meetings as well.

10 Thank you.

11 **DR. ZIEMER:** Okay, thanks.

12 **DR. MELIUS:** Just one --

13 **DR. ZIEMER:** Comment?

14 **DR. MELIUS:** -- comment. I think we've  
15 discussed this before. It would help I think  
16 the Board members when we receive the agenda to  
17 sort of know what's ex-- what's going to be  
18 happening with that item on that and just if  
19 it's --

20 **DR. ZIEMER:** Whether it's an action item or a  
21 report or whatever?

22 **DR. MELIUS:** Yeah, li-- li-- listing -- the  
23 listing was helpful, but it was the -- I wasn't  
24 sure what to expect on a number of these and --  
25 yeah.



1 DR. ZIEMER: Yeah. Is it just -- just a --

2 DR. BRANCHE: I will take responsibility --

3 DR. ZIEMER: -- a status report or is --

4 DR. BRANCHE: -- for amending that.

5 DR. ZIEMER: -- it ready for action or what,  
6 that -- that would help everyone.

7 DR. MELIUS: Yeah, right.

8 DR. ZIEMER: Particularly now when we have so  
9 many of them that are --

10 DR. BRANCHE: Right.

11 DR. ZIEMER: -- various stages of development,  
12 which ones are ripe and going to be acted on  
13 and -- and so on, I think probably would help  
14 all of us.

15 DR. BRANCHE: So I'll be working with workgroup  
16 chairs and NIOSH staff to make sure that we can  
17 better identify what action is likely to occur.

18 DR. ZIEMER: Good. Thank you.

19 DR. BRANCHE: Thank you.

20 DR. ZIEMER: We've already talked about  
21 tracking status of transcripts and minutes.

22 **TRACKING OF BOARD ACTIONS**

23 Tracking of Board actions, I think that's the  
24 master document that's under development, which  
25 tells us what -- where we are on site profile

1 reviews --

2 **DR. WADE:** We do -- we do have the master  
3 document. I think the effective thing to do is  
4 to make that presentation when Wanda lets the  
5 Board know about this tool that's being  
6 developed because the tool will really become  
7 the substance of -- of that overall tracking  
8 activity. So I think that's the most effective  
9 way to proceed.

10 **DR. ZIEMER:** Right. I -- I think we also  
11 originally thought that that -- an update on  
12 that might even be helpful in ad-- in advance  
13 of meetings, in connection with, for example,  
14 the information on what action items we have,  
15 to have that as backdrop.  
16 Any other comments on tracking of Board  
17 actions?

18 (No responses)

19 Okay. I've made a note here that we were going  
20 to appoint a Mound workgroup. Did -- did we  
21 commit to doing that today?

22 **UNIDENTIFIED:** (Off microphone)

23 (Unintelligible)

24 **DR. ZIEMER:** Yeah -- well, I think -- didn't --  
25 did you get some names already, Lew -- do you

1           have those?

2           **DR. BRANCHE:** For Mound? Wait a minute, I  
3           don't have it. No, if they're -- if they're  
4           names, you would have them. Our attorneys to  
5           the rescue.

6           **DR. ZIEMER:** I -- I -- I didn't write them down  
7           because I thought Lew was writing them down,  
8           but maybe Emily did this and --  
9           That was -- that was your suggestion. Right?

10          **DR. BRANCHE:** This is -- this is the Mound  
11          workgroup?

12          **MS. HOWELL:** Beach, Schofield, Presley,  
13          Clawson, Griffon and Ziemer.

14          **DR. BRANCHE:** Could you say it one more time,  
15          please?

16          **MS. HOWELL:** Beach, Schofield, Presley,  
17          Clawson, Ziemer.

18          **DR. ZIEMER:** Beach, Presley -- who was the  
19          third one?

20          **DR. BRANCHE:** Schofield.

21          **MS. HOWELL:** Schofield, Clawson --

22          **DR. BRANCHE:** Clawson.

23          **MS. HOWELL:** -- Griffon, Ziemer.

24          **DR. WADE:** And Mark.

25          **DR. ZIEMER:** Right, and actually I'm -- I'm

1 going to leave Mark off of this one. He's  
2 overloaded with workgroups and there's some  
3 health issues in his family right now that I  
4 think we'll let Mark take a breather on this.  
5 And actually I think Ms. Munn also volunteered  
6 to be on this and -- Beach, Presley, Schofield,  
7 Clawson, Ziemer --

8 **DR. BRANCHE:** I'm reading -- I'm reading five  
9 names. Is that you as well?

10 **DR. ZIEMER:** Right. Actually we only need  
11 four. I'll go on as an alternate and that --  
12 therefore let -- and Josie, if you're willing  
13 to chair that, I will so appoint you.

14 **DR. BRANCHE:** She's not saying no.

15 **DR. ZIEMER:** She's not saying no.

16 **MS. BEACH:** I said with help.

17 **DR. ZIEMER:** Presley will help, Schofield will  
18 help, Clawson will help and Ziemer will make  
19 sure they help.

20 **MS. BEACH:** Thank you.

21 **DR. ZIEMER:** Okay. So that workgroup is  
22 appointed.

23 **DR. BRANCHE:** Is there supposed to be another  
24 workgroup appointed?

25 **DR. ZIEMER:** I think that's the only one I had

1           for now.

2           **FUTURE PLANS AND MEETINGS**

3           Let's talk about future meetings. We -- we  
4           have already had an indication that there's a  
5           high likelihood that the Pan-- Pantex report --  
6           evaluation report and the SC&A evaluation would  
7           not be ready for the April meeting. We had  
8           tentatively scheduled the April meeting for  
9           Amarillo based on an anticipation that we would  
10          be in a position to discuss that petition. And  
11          since that appears to be unlikely, it would be  
12          appropriate for us to think of alternate  
13          locations for that April meeting.

14          **DR. BRANCHE:** Pinellas has been suggested.

15          **DR. ZIEMER:** Pinellas has been suggested. The  
16          -- one reason that's been suggested is that  
17          there are -- we are beginning to get some  
18          activities relating to Pinellas in terms of  
19          worker outreach meetings, a specific  
20          Congressional request that we have a Pinellas  
21          workgroup -- and that's the other one. We had  
22          not yet appointed one, but that would -- that  
23          would be a next step. We don't -- we -- and I  
24          do -- do not believe we have a Pinellas  
25          petition --

1           **DR. BRANCHE:** Not yet.

2           **DR. ZIEMER:** -- so -- so it's not that far  
3 along. So there's not an urgency for Pinellas.  
4 The one reason it came up is there is some  
5 Congressional interest, number one; there are  
6 the worker outreach meetings, number two;  
7 number three, we've talked about visiting the  
8 Pinellas location for at least two years or  
9 longer and we've not done that. But the  
10 Chair's open to other suggestions as well.

11           **UNIDENTIFIED:** (Off microphone)

12           (Unintelligible)

13           **DR. BRANCHE:** No, in fact at the time we  
14 discussed it we said it would likely be up for  
15 discussion at the June meeting.

16           **DR. ZIEMER:** Outside chance for April, but not  
17 so likely probably.

18           **DR. MELIUS:** (Off microphone) (Unintelligible)  
19 think Pinellas (on microphone) would be the --  
20 we -- we never time these very well, I mean in  
21 terms of it's hard to have them coincide with  
22 action. But given that we've never visited the  
23 site and have never had any --

24           **DR. ZIEMER:** Right. And --

25           **DR. MELIUS:** -- public meetings --

1           **DR. ZIEMER:** -- keep in mind that at any given  
2           time -- for example, at our next meeting -- we  
3           know that we're going to have four or five SEC  
4           petitions, so -- to -- to deal with anyway --

5           **DR. MELIUS:** Yeah.

6           **DR. ZIEMER:** -- and they're from all over.

7           **DR. MELIUS:** Yeah.

8           **DR. ZIEMER:** So it's -- it's hard to coincide  
9           with a -- certainly on large sites like Nevada  
10          Test Site we -- we do want to try to be ther--  
11          or -- if we can, when the action is being  
12          taken, and I think in the case of Dow Madison  
13          we want to try to be in that area if we can  
14          when --

15          **DR. MELIUS:** Yeah.

16          **DR. ZIEMER:** -- that action is taken. But --

17          **DR. MELIUS:** The -- the --

18          **DR. ZIEMER:** -- we need to give instruction to  
19          the staff as to whether it's Pinellas or  
20          somewhere else. I assume if we go to Pinellas  
21          we're -- are we talking basically Tampa as the  
22          major city? I think it's Tampa.

23          **MR. PRESLEY:** Tampa or Clearwater.

24          **DR. ZIEMER:** Or Clearwater.

25          **DR. BRANCHE:** Tampa or Clearwater, which -- I -

1           - just as you consider this, and I know Ms.  
2 Munn has a comment, I guess I'd like the  
3 flexibility, if we have scheduling problems,  
4 because Tampa and Clearwater in April are very  
5 popular venues and we might need -- if it -- if  
6 you would give us the permission to consider  
7 Pinellas for the September meeting as an  
8 alternative if we have challenges in scheduling  
9 a proper location for April.

10 **DR. ZIEMER:** Yeah, and if -- if that is a  
11 challenge, we need a Plan B --

12 **DR. BRANCHE:** Yes.

13 **DR. ZIEMER:** -- for you to go to. Ms. Munn.

14 **MS. MUNN:** Earlier we had talked about where we  
15 might be with Sandia by then. Are we -- are we  
16 in a point where it would make good sense to  
17 consider New Mexico?

18 **DR. ZIEMER:** Well, you're talking about Sandia  
19 Albuquerque or Sandia Livermore?

20 **UNIDENTIFIED:** (Off microphone) Sandia  
21 Albuquerque.

22 **MS. MUNN:** Albuquerque.

23 **DR. ZIEMER:** Albuquerque?

24 **MS. MUNN:** Uh-huh.

25 **MR. PRESLEY:** I don't think we're anywhere



1 close on Sandia or -- or Los Alamos.

2 **MS. MUNN:** Or Los Alamos. We -- we had simply  
3 talked about it earlier and I wasn't sure where  
4 we were, but our -- Lawren-- the same is true  
5 of Lawrence Livermore. Right? We're not there  
6 yet.

7 **MR. PRESLEY:** Would it help if we went back to  
8 the -- as an alternate, to Cincinnati? You've  
9 got Fernald close. It's a -- it's a hub if  
10 people want to come in. You've got your --  
11 you've got your -- that time of year should be  
12 -- weather shouldn't be too bad.

13 **DR. MELIUS:** It's getting to be less of a hub  
14 and -- you try to schedule flights through  
15 there, you'll find --

16 **MR. PRESLEY:** Oh, yeah.

17 **DR. MELIUS:** -- recently, yeah. No-- not from  
18 your area, but I think from other areas. But I  
19 really think we've gone there enough and -- and  
20 I really think we ought to try to reach out to  
21 an area that we -- we haven't been to before,  
22 if we have sort of an open date. Which is why,  
23 again, Pinellas is good. Again, if it's not  
24 going to be feasible because of the time of  
25 year, then -- then I'd rather think of a place

1 we haven't been. We --

2 **DR. BRANCHE:** Just to clarify as far as  
3 Pinellas, we will certainly try to schedule the  
4 April meeting for Pinellas. I just want the  
5 flexibility to be able to move that venue to  
6 the September meeting if we have challenges  
7 because it -- for Florida venues you need a  
8 good six to nine months --

9 **DR. MELIUS:** Well --

10 **DR. BRANCHE:** -- advance to schedule things.

11 **DR. MELIUS:** But if -- are we thinking that  
12 we'll do the Amarillo meeting in June?

13 **DR. BRANCHE:** I would think not.

14 **DR. ZIEMER:** I don't think we know at this --

15 **DR. MELIUS:** Then we've never -- we've never  
16 been there and if -- I mean if we're going to -  
17 - how long do we put that one off, too? I --  
18 it's --

19 **MS. MUNN:** We may never go.

20 **DR. ZIEMER:** I think there's some limitations  
21 at the moment, and perhaps they'll be resolved  
22 by then, as to our ability to discuss their  
23 site --

24 **DR. MELIUS:** Okay.

25 **DR. ZIEMER:** -- at that time, if I -- that's

1 about all I can say on it at the moment.

2 **DR. MELIUS:** I understand.

3 **DR. BRANCHE:** That's right.

4 **DR. MELIUS:** Okay.

5 **DR. ZIEMER:** Okay. Phillip Schofield.

6 **MR. SCHOFIELD:** There's -- Livermore, we've got

7 both Sandia workers out there -- Lawrence

8 Livermore workers out there --

9 **DR. BRANCHE:** What city is that?

10 **MR. SCHOFIELD:** -- same facility, effectively.

11 **DR. MELIUS:** Uh-huh, and we haven't been out

12 there for -- that area for a number of --

13 **DR. BRANCHE:** What -- what city --

14 **DR. ZIEMER:** We have been there, but it's been

15 several years ago.

16 **DR. BRANCHE:** What city is that?

17 **DR. ZIEMER:** Livermore, California.

18 **DR. BRANCHE:** Would you want to consider

19 Livermore, California for the April meeting and

20 Pinellas for the September meeting?

21 **UNIDENTIFIED:** Sounds fine.

22 **DR. BRANCHE:** Try Pinellas for April --

23 **DR. ZIEMER:** Try Pinellas and if not --

24 **DR. BRANCHE:** -- and use Plan B as Liv--

25 Lawrence -- or Livermore as our -- as our

1 alternate.

2 **DR. ZIEMER:** That would be fine.

3 **DR. BRANCHE:** Do you want Albuquerque, New Me--  
4 that word is Albuquerque --

5 **DR. ZIEMER:** Alkeberky (sic).

6 **DR. BRANCHE:** Yeah, that one. The New Mexico  
7 site -- I'm sorry.

8 **DR. ZIEMER:** Yeah, LaVon has a --

9 **MR. RUTHERFORD:** I just wanted to mention --

10 **DR. ZIEMER:** -- question or comment.

11 **MR. RUTHERFORD:** -- Santa Susana will be ready  
12 for the April Board meeting as well. You know,  
13 that's the ETEC site, so --

14 **DR. BRANCHE:** Where's that?

15 **MS. MUNN:** California.

16 **MR. RUTHERFORD:** That's actually California --

17 **DR. ZIEMER:** That's --

18 **MR. PRESLEY:** Yeah, I hear (unintelligible).

19 **DR. ZIEMER:** That's actually in that general  
20 area.

21 **MR. PRESLEY:** You've got quite a few beryllium  
22 people involved out there in that area, too.

23 **DR. BRANCHE:** Well -- well, given what Mr.  
24 Rutherford said, would you want to move the  
25 Livermore location as -- as a higher consider--

1 I mean -- Lew's saying no.

2 **DR. WADE:** (Off microphone) (Unintelligible)  
3 try Pinellas. If you can do Pinellas,  
4 (unintelligible).

5 **DR. ZIEMER:** Try it -- try Pinellas --

6 **DR. BRANCHE:** And Mr. Rutherford is saying --

7 **DR. ZIEMER:** -- I know you're not optimistic,  
8 but you might try it.

9 **MR. RUTHERFORD:** I was going to say Santa  
10 Susana is closer to Los Angeles.

11 **DR. MELIUS:** Yeah.

12 **DR. BRANCHE:** Same problem as Pinellas.

13 **DR. MELIUS:** It's a hike.

14 **DR. BRANCHE:** That's the same challenge as --  
15 as Clearwater and Tampa.

16 **DR. ZIEMER:** Right, right.

17 **DR. MELIUS:** No, actually I don't think it's  
18 quite --

19 **DR. ZIEMER:** There's a lot of facilities,  
20 though, in --

21 **DR. MELIUS:** Yeah.

22 **DR. ZIEMER:** -- both those -- those areas,  
23 actually. I mean Pinellas -- you can actually  
24 -- I mean there's such a big support system for  
25 the Orlando area that it -- there's a corridor

1           between Orlando and Tampa that I think there  
2           should be something available.

3           **DR. MELIUS:** Yeah, the only question's going to  
4           be -- I mean E-- Easter's early this year, but  
5           I don't know what the, you know, vacation  
6           schedules'll be and you -- and what will be the  
7           big week. There may not be a single big week  
8           like --

9           **DR. BRANCHE:** The only big week that's not a  
10          big week is the week of Thanksgiving.

11          **DR. MELIUS:** Yeah, yeah, yeah. And for that.  
12          The other request I would just have if -- if we  
13          -- can let us know as soon as possible 'cause,  
14          for those of us on the east coast, a California  
15          trip adds another day and, for those of you on  
16          the west coast, the opposite, so...

17          **MR. CLAWSON:** Well, wait a minute, I -- I need  
18          a tear in my eye for you. I -- I agree with  
19          you, Jim. The -- the better we can because a  
20          lot of us that small -- fly out of small  
21          airports, we -- we need at least a month  
22          because a lot of flights are all booked up.

23          **DR. BRANCHE:** Understood. Dr. Ziemer, just a  
24          quick question for clarification. As we -- as  
25          we anticipate the June meeting, there were

1           comments about trying to go --

2           **DR. MELIUS:** Greyhound?

3           **DR. BRANCHE:** -- go back to I believe Illinois.  
4           Was that the request?

5           **DR. ZIEMER:** Well, I think if -- if we're ready  
6           for Dow Madison by June, then we might try to  
7           find something in that general area, but --

8           **DR. BRANCHE:** Are we --

9           **DR. ZIEMER:** -- I mean we --

10          **DR. BRANCHE:** Are we --

11          **DR. ZIEMER:** -- we've been --

12          **DR. BRANCHE:** -- suggesting that that's the  
13          location for the --

14          **DR. ZIEMER:** What's the best location for the  
15          Dow Madison contingent? I --

16          **UNIDENTIFIED:** St. Louis.

17          **DR. ZIEMER:** St. Louis?

18          **DR. BRANCHE:** Okay, so St. Louis, would you  
19          like to consider the St. Louis location for the  
20          June meeting?

21          **DR. ZIEMER:** That would be fine.

22          **DR. BRANCHE:** All right. So as I understand  
23          it, Dr. Ziemer, we're going to look at Florida  
24          for the April 7th through 9th meeting; St.  
25          Louis for the June 24th and 26th meeting; and

1           either Livermore, California or Los Angeles,  
2           California for the September meeting. And if  
3           we have trouble scheduling the Florida venue  
4           for the April meeting, then we'll switch those  
5           out.

6           **DR. ZIEMER:** That sounds good.

7           **DR. BRANCHE:** Okay. Thank you.

8           **DR. ZIEMER:** Board members, let me ask if -- I  
9           -- I believe that we have completed the agenda.  
10          Have I overlooked any items?

11          **SC&A TASKS**

12          **DR. MELIUS:** I -- I thought we were going to  
13          talk about SC&A assignments.

14          **DR. BRANCHE:** Yes.

15          **DR. ZIEMER:** Oh, yes, we were going to talk  
16          about SC&A.

17          **MS. HOMOKI-TITUS:** (Off microphone)

18          (Unintelligible) announce the dates for the  
19          September meeting and announce the dates of the  
20          working -- the worker outreach (unintelligible)  
21          meetings (unintelligible).

22          **DR. ZIEMER:** Thank you.

23          **DR. BRANCHE:** I don't know that Mr. Gibson has  
24          set a meeting for the work -- a worker outreach  
25          meeting.



1           **MS. HOMOKI-TITUS:** (Off microphone)

2           (Unintelligible)

3           **DR. BRANCHE:** He just said that before the end  
4 of January.

5           The request has been made that I read out the  
6 dates. The conference call -- the next meeting  
7 of the Board -- and actually let me also own up  
8 to a mistake I made. I didn't count, in the  
9 counting of the meetings, that our November  
10 29th (sic) conference call actually was meeting  
11 number 51, so our meeting over these last two -  
12 - thr-- two and a half days is officially  
13 meeting number 52. Our conference call will be  
14 meeting number 53, and that is scheduled for  
15 February 20th. It will begin at 11:00 a.m.  
16 Eastern Standard Time and we'll be coming up  
17 with a *Federal Register* announcement and a  
18 proposed -- first and then a proposed agenda as  
19 soon as -- thereafter as I can.  
20 April 7 through 9 is a full face-to-face Board  
21 meeting. We're considering first a Florida  
22 venue for that meeting. May 14th is a  
23 conference call with the Board. June 24th  
24 through 26th is a face-to-face Board meeting  
25 and we're proposing that St. Louis be the

1 location for that. August 5th is a Board  
2 meeting by teleconference. September 2nd  
3 through 4th is a face-to-face Board meeting and  
4 we're considering either Livermore, California  
5 or Los Angeles, California as the venue.  
6 Please understand that's pending our ability to  
7 schedule Florida for the April meeting.  
8 November 4th is a teleconference Board meeting.  
9 December 8th is a face-to-face Board meeting --  
10 sorry, December 8th through the 10th we're  
11 scheduled for a face-to-face Board meeting,  
12 venue to be announced. And then January 13th,  
13 2009, a Board meeting by conference call.  
14 February 17th through 19, 2009 is a face-to-  
15 face Board meeting. And for our February 20th  
16 conference call I plan to propose additional  
17 dates for the remainder of 2009 and at least  
18 January of 2010.

19 **MR. PRESLEY:** Question. On that December the  
20 8th, 9th and 10th, we had east Mississippi --

21 **DR. BRANCHE:** That's what we had.

22 **MR. PRESLEY:** -- as a location.

23 **DR. BRANCHE:** That might be subject --

24 **MR. PRESLEY:** Do you have a town or anything  
25 like --

1           **DR. BRANCHE:** No, at our Board meeting at  
2 Naperville, I believe, that was the request.  
3 But given -- I -- the only reason I said to be  
4 announced is because, given the locations that  
5 we've discussed just now, you may wish to  
6 change where that Board meeting would occur.

7           **UNIDENTIFIED:** (Off microphone)  
8 (Unintelligible) suggest (unintelligible).

9           **DR. ZIEMER:** Okay, we'll ignore that one.

10          **DR. MELIUS:** Actually I think it is east of the  
11 Mississippi. It had to do --

12          **UNIDENTIFIED:** Yeah.

13          **DR. MELIUS:** -- with a conflict I have --

14          **MR. PRESLEY:** I think that's right.

15          **DR. MELIUS:** -- meeting scheduled that I --

16          **DR. BRANCHE:** So we still need to --

17          **DR. MELIUS:** -- on the west coast I would have  
18 trouble.

19          **MR. PRESLEY:** Right, I think --

20          **DR. BRANCHE:** So we still need to ad-- adhere  
21 to that.

22          **DR. MELIUS:** Yeah.

23          **DR. ZIEMER:** If possible.

24          **DR. MELIUS:** If possible.

25          **DR. ZIEMER:** Wanda?

1           **MS. MUNN:** I was just observing that our  
2           September meeting has been set at a time when  
3           public schools are either going into session or  
4           are starting into session.

5           **DR. ZIEMER:** Your schools don't start till  
6           September?

7           **DR. BRANCHE:** A lot of -- a lot of schools are  
8           starting in -- in August.

9           **MS. MUNN:** Yeah, I -- I know --

10          **DR. ZIEMER:** Mid-August for --

11          **MS. MUNN:** -- and a lot -- public schools --

12          **DR. BRANCHE:** Yes.

13          **MS. MUNN:** -- I'm not talking about --

14          **DR. BRANCHE:** Yeah, public schools.

15          **MS. MUNN:** -- colleges. A lot of public  
16          schools start the first week in September or --

17          **DR. ZIEMER:** Really?

18          **MS. MUNN:** -- the second week. The only -- the  
19          only comment that I'm making is that our choice  
20          may need to take into consideration the fact  
21          that there are an awful lot of people traveling  
22          that first week in September.

23          **DR. MELIUS:** Also Labor Day's the...

24          **DR. ZIEMER:** Labor Day is the first this year.

25          **MR. PRESLEY:** Labor Day, that is the first.

1           **DR. BRANCHE:** The first, right?

2           **MR. PRESLEY:** Yeah, the first -- you have to  
3 travel on Sunday.

4           **MS. MUNN:** Yeah, we tried both directions.

5           **DR. ZIEMER:** We were looking more at conflicts.  
6 I think --

7           **DR. BRANCHE:** Right.

8           **DR. WADE:** We tried.

9           **MS. MUNN:** Uh-huh, didn't work.

10          **DR. ZIEMER:** Labor Day is not like Thanksgiving  
11 and some of the other holidays.

12          **DR. BRANCHE:** What we also do on that first day  
13 is we don't start that -- the Board meeting  
14 until the afternoon. And it -- and...

15          **DR. ZIEMER:** Okay, we may have to --

16          **DR. BRANCHE:** I'm still new at this --

17          **DR. ZIEMER:** -- revisit that, but --

18          **DR. BRANCHE:** -- I'm still new at this.

19          **DR. ZIEMER:** Okay. Let's -- let's take a look  
20 at the SC&A tasks. Just to -- I'm going to go  
21 through the list here. We won't necessarily be  
22 in order so I'm going to start with Task IV. I  
23 think that's easy. We're in the process of  
24 assigning the 60 cases for the next year and  
25 that will take care of that task. There will

1           also be a selection by the subcommittee of the  
2           two blind reviews.

3           **DR. MAURO:** Select two more.

4           **DR. ZIEMER:** Two more for next year.

5           Well, I don't think you have them yet. Mar--  
6           Mark -- yeah. Okay. The subcommittee has that  
7           in hand, though. This year's two and they will  
8           choose two for next year, I believe.

9           **DR. WADE:** They have last year's.

10          **DR. ZIEMER:** That's what I -- all right,  
11          whatever it -- whichever those years are. We  
12          all mean the same thing.

13          Task V is the SEC task. We already -- the NTS  
14          review is on this year's funds, as I recall.  
15          We assigned Mound I believe this week, so you  
16          have that. The -- the original assumption was  
17          that there would be six SEC reviews.

18          **DR. WADE:** (Off microphone) (Unintelligible)  
19          also assigned the --

20          **DR. BRANCHE:** Please come to the microphone.

21          **DR. WADE:** -- post-'73 --

22          **DR. BRANCHE:** Please come to the microphone,  
23          Dr. Wade.

24          **DR. WADE:** (Off microphone) Do you have  
25          (unintelligible)?

1           **DR. BRANCHE:** No, I don't.

2           **DR. WADE:** You also assigned I think the post-  
3           '73 task, and I -- the site escapes me.

4           **DR. BRANCHE:** Post-1973?

5           **DR. WADE:** Right, it was one of the sites that  
6           we reviewed today.

7           **DR. ZIEMER:** Oh, that was LLNL.

8           **DR. WADE:** Right, so they were asked to look at  
9           the question that -- that went to ending the  
10          proposed covered period at 1973, I believe it  
11          was.

12          **DR. ZIEMER:** Right, or at least we were going  
13          to say the -- the workgroup had the prerogative  
14          of asking them to do that. But for the moment  
15          let's consider that as possibly a second  
16          assignment.

17          I think we talked about the possibility of  
18          Weldon Springs being considered, and I don't  
19          know if we're at the point of actually wanting  
20          to make that assignment or not at this point.

21          **DR. MAURO:** I believe it was discussed within  
22          the context of a site profile, or as a -- since  
23          the evaluation report is -- is not out yet.

24          **DR. ZIEMER:** That is correct.

25          **UNIDENTIFIED:** No SEC.

1           **DR. MELIUS:** No SEC.

2           **DR. ZIEMER:** There -- there's no petition, but  
3 one could say -- and we may not want to make  
4 that assignment today, but to say okay, that  
5 could very well be one of the six for this  
6 year's, so let's sort of keep a marker for  
7 that. I -- I think, Dr. Melius, you may have  
8 raised that question based on a memo we got  
9 from -- I think from Dr. McKeel, actually.

10          **DR. MELIUS:** Yeah, actually Phil and I both  
11 raised that issue and the Board -- actually I  
12 think if SC&A has the, you know, available  
13 capacity, we ought to get some assignments done  
14 and that would be -- I would suggest would be  
15 one of them. I think there were a number of  
16 other site profiles that they haven't started  
17 the review on. I bel-- Sandia, did you --

18          **DR. MAURO:** We ha--

19          **DR. MELIUS:** -- to --

20          **DR. MAURO:** We have reviewed Sandia, but we  
21 have not been asked to look into the Sandia  
22 evaluation report --

23          **DR. MELIUS:** So --

24          **DR. MAURO:** -- for the SEC. I thi-- are we  
25 talking right now Task I or Task V?



1           **DR. ZIEMER:** Task V, SEC.

2           **DR. MAURO:** SEC, so -- so Sandia certainly  
3 would be one that we have not been authorized  
4 to act on.

5           **DR. MELIUS:** Uh-huh.

6           **DR. WADE:** And if you go to -- to LaVon's  
7 report of today, he pointed out the fact that  
8 Santa Susana is an SEC petition evaluation  
9 report that will likely be before the Board  
10 early this year. You could let your contractor  
11 get a jump start on looking at the background  
12 there and be prepared to evaluate that petition  
13 evaluation report. I mean that would be fairly  
14 logical.

15          **DR. MELIUS:** Yeah.

16          **DR. ZIEMER:** He talked to Texas City Chemical,  
17 he talked of Horizon, Incorporated. Those are  
18 potentials for you to consider tasking them to  
19 get a jump start.

20          **DR. MELIUS:** Yeah. I mean I think Te-- as I  
21 recall, Texas City is sort of dependent on  
22 Blockson right now before NIOSH finishes it up.  
23 Santa Su-- Susana is certainly a complicated  
24 enough, you know, site and so forth. It's --  
25 that may very well be worth looking into. I'm

1 not sure about the others as much, but Santa  
2 Susana --

3 **DR. ZIEMER:** I don't have a good feel for Santa  
4 Susana in terms of its complexity and -- LaVon  
5 or somebody, can you confirm --

6 **DR. MELIUS:** I think --

7 **DR. ZIEMER:** -- what -- or --

8 **DR. MELIUS:** It's not only the complexity of  
9 the site, it's also the complexity of what --  
10 the evaluation that's done. Sometimes the --

11 **DR. ZIEMER:** Yes, and --

12 **DR. MELIUS:** -- more complex sites have a very  
13 simple --

14 **DR. ZIEMER:** -- in the absence of an evaluation  
15 report, sometimes it's hard to make a decision  
16 as to whether we need assistance if it's very  
17 straightforward. What can you tell us about  
18 Santa Susana?

19 **MR. RUTHERFORD:** Well, I can try -- I can tell  
20 you that it is in final review and -- and you  
21 know, I will say that part of it will be easy,  
22 I believe, in your review. The other part will  
23 be --

24 **DR. ZIEMER:** Famous last words and --

25 **MR. RUTHERFORD:** -- much more difficult. Okay?

1           **DR. ZIEMER:** Uh-huh.

2           **MR. RUTHERFORD:** And there is a number of  
3 different things that are going on -- that went  
4 on at that site, so --

5           **DR. MELIUS:** Yeah.

6           **MR. RUTHERFORD:** -- I -- I can't --

7           **DR. MELIUS:** So -- so --

8           **MR. RUTHERFORD:** -- I don't want to give you --  
9 you know, I can't say anything else on that  
10 till we prove it, you know.

11          **DR. MELIUS:** I mean I -- I -- based on those  
12 clues, I think Santa Susana may be ap--  
13 appropriate. I have a question, back to  
14 Sandia, though. If we've got the site profile  
15 review, we've had this SEC petition sort of  
16 pending for a while and -- I may have been out  
17 of the room when part of the discussions of  
18 that, but I'm not -- think we not -- need to  
19 reach closure and to do closure if -- I think  
20 it very -- may very well be helpful that SC&A  
21 take some action. I -- I think NIOSH still has  
22 some stuff to do. Is that the --

23          **MR. RUTHERFORD:** No, actually we've done  
24 everything with that one, but I would remind  
25 you that this was a very small class of three

1 individuals. And I know that we had provided  
2 everything to the Board back in October and in  
3 a November conference call everybody one -- we  
4 reminded everyone that it was provided, but I  
5 know Brad and a couple of others indicated that  
6 they wanted to review that document -- those  
7 documents before a decision was made on that.  
8 And so everything's been there and I'd just --  
9 reminding it was a small class, very specific  
10 scenario.

11 **DR. ZIEMER:** Right, and wa-- were we supposed  
12 to get something back from the petitioner on  
13 that as well?

14 **MR. RUTHERFORD:** We got it. We got everything  
15 from the petitioner back -- after the October  
16 Board meeting we -- we got everything from the  
17 petitioner, which actually was -- the only  
18 additional information was actually a letter  
19 that he read during the Board meeting in  
20 October. All the enclosures that he had  
21 identified were already provided. Those are in  
22 the Board's folder and we updated this at the  
23 November conference call.

24 **DR. ZIEMER:** So there was no new information at  
25 that time.

1           **MR. RUTHERFORD:** Correct.

2           **DR. MELIUS:** I think the issue there is either  
3 the Board needs to take action or we need to  
4 refer to SC&A if we want to continue to punt on  
5 this I think.

6           **DR. ZIEMER:** Right.

7           **DR. WADE:** To drift back to Santa Susana, John  
8 Mauro mentioned to me that, you know, you might  
9 consider asking your contractor to begin a site  
10 profile review of Santa Susana that would put  
11 them in a good position then to move to a  
12 petition evaluation report review. When I had  
13 asked John what site profiles he would  
14 recommend that they be asked to consider, he  
15 had listed Santa Susana.

16           **DR. ZIEMER:** And if we did that, we could -- we  
17 could defer asking for specific SEC issues  
18 until we were at that point in -- in terms of  
19 where we -- when we get the evaluation report,  
20 I suppose then.

21           **DR. MAURO:** In general, the transition from the  
22 site profile reviews, as Hanford -- then at the  
23 appropriate time, tr-- when the evaluation  
24 reports might come out, we are ver-- we are  
25 able to move very expeditiously, as you know.

1           **MS. MUNN:** (Off microphone) So are we  
2           (unintelligible) Santa Susana or not?

3           **DR. ZIEMER:** My suggestion is that we think  
4           about, when we get to Task I, to task that as  
5           the -- the kickoff, and then we could follow up  
6           later, if needed, with an SEC review, but -- I  
7           mean we don't have to task all six at the  
8           moment.

9           **DR. WADE:** I think -- I think wisdom would be  
10          to realize that something is going to come up -  
11          -

12          **DR. ZIEMER:** Right.

13          **DR. WADE:** -- so you don't need to task all  
14          six.

15          **DR. ZIEMER:** Right -- right now we have Mound  
16          and Lawrence Livermore -- 073, and we'd talked  
17          about Weldon Springs but we haven't formally --

18          **DR. WADE:** For -- for SEC this year, we have --

19          **DR. ZIEMER:** We don't have a petition at the  
20          moment, do we, from --

21          **DR. WADE:** No.

22          **DR. ZIEMER:** No, so we --

23          **DR. BRANCHE:** Was only supposed to be a site  
24          profile.

25          **DR. ZIEMER:** Right.

1           **DR. WADE:** We have Mound, we have Nevada Test  
2           Site, we have this one small issue that might  
3           come from the -- the workgroup that's been  
4           identified, and that's where you are.

5           **DR. ZIEMER:** Okay.

6           **DR. WADE:** You don't need to do anything else.  
7           You could look down the pipeline and anticipate  
8           -- you could get them started on Santa Susana  
9           in anticipation of an SEC petition, having them  
10          do that first as a site profile. There would  
11          be some wisdom in that, I think.

12          **DR. ZIEMER:** Right.

13          **DR. BRANCHE:** You've got two site profiles that  
14          -- that have been proposed, Santa -- Santa  
15          Susana and Weldon Springs.

16          **DR. ZIEMER:** Okay. The Chair's question is  
17          does the Board wish to make any other SEC  
18          taskings today, aside from the Mound and the  
19          Lawrence Livermore?

20                               (No responses)

21          Dan?

22          **DR. MCKEEL:** Just one second. I think the Dow  
23          SEC extension SEC is going to come before the  
24          Board -- if we're going to try to look at that  
25          by June -- right, 'cause in a way that's a new

1 -- that's an addition --

2 **DR. ZIEMER:** Thank you for --

3 **DR. MCKEEL:** -- SEC class.

4 **DR. ZIEMER:** -- reminding us of that. Again,  
5 we may not want to assign that today but to  
6 hold a spacer for that, as it were, because --  
7 I'm hopeful that we will know by our face-to--  
8 or our phone call meeting that -- where the  
9 evaluation report on that stands and what our  
10 next step will be. But can -- can we agree to  
11 hold a spacer for that? That would be a  
12 priority one and most likely will be before us  
13 very rapidly.

14 Let's look then at Task I, site profile  
15 reviews. John, can you remind us of this  
16 year's tasking? What -- what ones were on this  
17 year's list that were completed? Do you ha--

18 **DR. MAURO:** The -- that are active --

19 **DR. ZIEMER:** -- remember, top of your head?

20 **DR. MAURO:** Argonne East and -- I left my list.  
21 Would you have that, by any chance? Thank you.

22 (Pause)

23 The -- I have -- we have Argonne East was  
24 authorized and Sandia, those are the two that  
25 ha-- we have been authorized to proceed on.



1           And then --

2           **DR. ZIEMER:**   Sandia Albuquerque.

3           **DR. MAURO:**   Yes.

4           **DR. WADE:**   6000 and 6001.

5           **DR. MAURO:**   Yes, and what we've done also --  
6           but these are done.

7           **DR. ZIEMER:**   Yes, that's what I meant.

8           **DR. MAURO:**   You see -- I mean the TB -- TBD-  
9           6000 and 6001, Appendix BB, all of those are  
10          being done under Task Order I, but they're all  
11          done.

12          **DR. ZIEMER:**   Uh-huh.

13          **DR. MAURO:**   You have 6000, 6001 and Appendix BB  
14          is -- we're a couple weeks away, so those we  
15          sort of finished up under Task Order I --

16          **DR. ZIEMER:**   Right.

17          **DR. MAURO:**   -- so we're -- at present we really  
18          only have two active Task I site profile  
19          reviews and -- Sandia and Argonne East -- and  
20          we have room for -- well, our scope of work  
21          could in-- we could add more, but that brings  
22          us to this issue I mentioned earlier of -- a  
23          budget issue, where I have \$800,000 sitting on  
24          ice wi-- to be used for closeout.  So if we do  
25          add more site profile reviews, we do run into a

1 situation where someplace down the road when  
2 the day comes when we do a -- att-- attend to  
3 the closeout of these 11 or 12 that we haven't  
4 started yet, we could run into a budget problem  
5 -- very difficult to predict. It's based on  
6 the assumption that each and every one's site -  
7 - closeout process for the ones that we haven't  
8 begun yet will require 400 work hours. It may  
9 turn out that it will -- you know, it's hard to  
10 predict, but I do have that money set aside.  
11 If we do authorize additional site profile  
12 reviews at this time, that would put us in a  
13 position that a year from now when there might  
14 be some closeout activities we could start to  
15 run short of -- of funds, or not, depends on  
16 how -- how much is involved in the closeout  
17 processes.

18 **DR. ZIEMER:** Thank you.

19 **DR. WADE:** As the Technical Project Officer I  
20 would offer you the suggestion that there are  
21 many factors competing here, one of which is  
22 making sure that we keep the contractor fully  
23 engaged. Anticipating SEC petitions, I would  
24 suggest that there might be wisdom in asking  
25 your contractor to start a site profile review

1 of Santa Susana in anticipation of SEC work. I  
2 think that would be a very good middle ground,  
3 leaving some resource left for closeout, but  
4 also keeping them engaged.

5 **DR. ZIEMER:** Thank you. That's helpful.

6 **DR. MELIUS:** I would agree with that  
7 (unintelligible) add Weldon Springs to that.  
8 Gi-- given their previous work --

9 **DR. ZIEMER:** I think --

10 **DR. MELIUS:** -- on Mallinckrodt and so forth, I  
11 think it would be --

12 **DR. ZIEMER:** I think with the experience at  
13 Mallinckrodt, they could move into the Weldon  
14 Springs quite readily and utilize a lot of  
15 previous knowledge from that location.  
16 What about the rest of you? Let's -- let's  
17 make sure we have agreement on these, yea or  
18 nay, any -- any disagreement with tasking -- or  
19 tasking Santa Susana and Weldon Springs as --  
20 as at least a start for this -- this year's  
21 assignments?

22 There appears to be consensus. Okay. Then we  
23 have Task III, and where do we stand on Task  
24 III as far as --

25 **DR. WADE:** Well, our original plan was 30.

1           When John sharpens his pencil and looks at the  
2           budget, he really only has resources to do  
3           another handful. And I think the procedures  
4           workgroup has decided there might be benefit in  
5           waiting to see what might emerge and not  
6           spending those last five slots or so, although  
7           that's up to you. But I think the task is  
8           fairly well assigned and pretty well on budget.

9           **DR. ZIEMER:** Yeah. Wanda, do you have any  
10          comments on that? Do you see any new things  
11          that we need to have them work on, 'cause we  
12          have -- you still have a lot of closeout issues  
13          also on Task III.

14          **MS. MUNN:** We do, and we have our third set  
15          that's already been assigned that we haven't  
16          really and truly begun to address. So I  
17          believe we have adequate work in front of us  
18          already scheduled.

19          **DR. ZIEMER:** Okay, very good.

20          **DR. WADE:** It does bring up the new issue that  
21          we talked about, which is -- under the project  
22          management task -- might you want to ask the  
23          contractor to begin to think about ways in the  
24          future of accomplishing reviews of site  
25          profiles that -- that might not be this

1 complete site profile but might focus on an  
2 aspect of a site profile or a cross-cutting  
3 issue. If it would be the Board's pleasure, I  
4 could work with the contracting officer to try  
5 and develop some language for a task and bring  
6 it to you in February to consider.

7 **DR. ZIEMER:** I think we had sort of general  
8 agreement that that would be a good idea, and I  
9 think David told us that that could actually be  
10 done under one of the existing tasks. Was it  
11 the management task?

12 **DR. WADE:** It could be -- he -- we said -- we  
13 explored it could be done in the site profile  
14 task or the management task.

15 **DR. ZIEMER:** Either one.

16 **DR. WADE:** I think it'd be well to bring some  
17 language to you to say here's what we think  
18 should be the tasking, and then you could  
19 approve that in February and we could get them  
20 started.

21 **DR. ZIEMER:** Any objection to making such a  
22 task? I think we had --

23 **DR. MELIUS:** I -- I-- no --

24 **DR. ZIEMER:** -- basically agreed to that  
25 earlier this week.

1           **DR. MELIUS:** -- I -- I'd just like to get it  
2 done sooner rather than later. I have no  
3 problems with language being developed and the  
4 Chair ap-- approving it and...

5           **DR. WADE:** Okay, so we'll -- I'll work with  
6 David -- try and develop language very quickly,  
7 maybe get something on the e-mail to the Board  
8 next week, not asking for uniform Board action,  
9 but just for Chair action.

10          **DR. MELIUS:** Yeah.

11          **DR. ZIEMER:** Thank you. I think that completes  
12 our tasking for our contractor. Now I'm  
13 looking for any additional items that we need  
14 to address for -- at this meeting.

15          **DR. MELIUS:** Un-- un-- under meetings, I'm a  
16 little disappointed at our 52nd meeting being  
17 held in Las Vegas, we didn't get a set of like  
18 playing cards with, you know, Board locations -  
19 -

20          **DR. ZIEMER:** You didn't get your set? We all  
21 got ours.

22          **DR. MELIUS:** Yeah, yeah, and I would hope we  
23 could look forward for our 100th meeting to --  
24 that the Board gets to choose a location --

25          **DR. WADE:** We did --

1           **DR. MELIUS:** -- really choose a vacation.

2           **DR. WADE:** We did give your playing cards to  
3 Wanda to deliver to you, so...

4           **DR. MELIUS:** I got the aces -- no, I...

5           **DR. ZIEMER:** Okay, thank you.

6           **MS. MUNN:** Don't hold your breath.

7           **DR. ZIEMER:** Ray Green has a question. Is this  
8 on the record, Ray?

9           **THE COURT REPORTER:** Yeah.

10          **UNIDENTIFIED:** (Off microphone) Use the mike,  
11 please.

12          **DR. ZIEMER:** Who's keeping track of it?

13          **THE COURT REPORTER:** I'm not aware of any  
14 workgroups being scheduled. Has --

15          **DR. WADE:** Procedures workgroup is scheduled  
16 for the 23rd -- is that my --

17          **DR. BRANCHE:** Of January?

18          **DR. WADE:** No, what's -- I just put it in my  
19 calendar.

20          **MS. MUNN:** No --

21          **DR. WADE:** That was sometime in March.

22          **MS. MUNN:** -- that was too soon. No, we were -  
23 - we were looking at before --

24          **MR. PRESLEY:** Well, no, what I was going to  
25 say, Ray, we're trying to come up with a date

1 for the NTS site profile, as well as the SEC,  
2 and we'll get it done just as soon as we can  
3 get everybody's input back.

4 **DR. BRANCHE:** So Wanda, what are your dates?

5 **DR. WADE:** Procedures is May -- March 13th?

6 **MS. MUNN:** March 13th.

7 **DR. WADE:** Cincinnati Airport for procedures  
8 workgroup.

9 **MS. MUNN:** Procedures, face-to-face in  
10 Cincinnati.

11 **DR. BRANCHE:** Mr. Gibson, when can -- Mark --  
12 Michael, when can we expect to hear from you  
13 about an out-- worker outreach?

14 **MR. GIBSON:** Next week.

15 **DR. BRANCHE:** Okay.

16 **DR. ZIEMER:** Thank you. Is there anything  
17 actually for the good of the order?

18 (No responses)

19 Okay. If not, thank you very much, everyone,  
20 for your good, hard work. We are adjourned.

21 (Whereupon, the meeting adjourned at 11:50  
22 a.m.)



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**CERTIFICATE OF COURT REPORTER****STATE OF GEORGIA****COUNTY OF FULTON**

I, Steven Ray Green, Certified Merit Court Reporter, do hereby certify that I reported the above and foregoing on the day of Jan. 10, 2008; and it is a true and accurate transcript of the testimony captioned herein.

I further certify that I am neither kin nor counsel to any of the parties herein, nor have any interest in the cause named herein.

WITNESS my hand and official seal this the 10th day of February, 2008.

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**STEVEN RAY GREEN, CCR, CVR-CM**  
**CERTIFIED MERIT COURT REPORTER**  
**CERTIFICATE NUMBER: A-2102**