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PUBLIC HEALTH SERVICE  
CENTERS FOR DISEASE CONTROL AND PREVENTION  
NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

convenes

MEETING 47

ADVISORY BOARD ON  
RADIATION AND WORKER HEALTH

DAY TWO

*ROCKY FLATS MOTION AND VOTE EXCERPTS*

The verbatim transcript of the 47th  
Meeting of the Advisory Board on Radiation and  
Worker Health held at The Sheraton Denver West,  
Lakewood, Colorado on June 12, 2007.

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June 12, 2007

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- GIBSON, Michael H.  
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- 4 LOCKEY, James, M.D.  
5 Professor, Department of Environmental Health  
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JUNE 12, 2007

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**DR. ZIEMER:** Now Mark -- call on Mark for purposes of a recommendation from the working group.

**MR. GRIFFON:** Yeah, I -- I think at this point the workgroup -- I have at least a -- a preliminary motion, and I think -- I have written out a draft anyway that has some of the details supporting the motion, but I think I can offer the sense of the motion first --

**DR. ZIEMER:** Okay.

**MR. GRIFFON:** -- if that's okay.

The motion is to -- to have an SEC established for all workers who were monitored, or should have been monitored, for neutron exposures from January 1, 1959 through December 31st of 1966, and -- and it's -- it's worded as all -- all workers who were monitored, or should have been monitored, so we have that same language where we have to -- that's why I was inquiring some on the buildings that would be included and how we're going to determine -- I think that's a separate discussion, but that's -- that's the -- that's the one -- one motion we're prepared

1 to make.

2 **DR. ZIEMER:** Okay. Let -- let me -- that --  
3 that is a motion then from the -- from the  
4 workgroup?

5 **MR. GRIFFON:** Well, it's a motion -- well, I  
6 guess it's my motion. We didn't have -- Mike  
7 Gibson wasn't -- hasn't -- hasn't seen this or  
8 heard this, so -- but Wanda --

9 **MS. MUNN:** I second.

10 **MR. GRIFFON:** Wanda seconds, yeah.

11 **DR. ZIEMER:** Okay, the motion is made and  
12 seconded. Let me ask if the workgroup is  
13 prepared, after we take action on this motion,  
14 to address subsequent years, namely '67 and  
15 beyond, in some fashion and -- or -- your  
16 motion goes through '66 --

17 **MR. GRIFFON:** Yeah, yeah --

18 **DR. ZIEMER:** -- 1966, you would --

19 **MR. GRIFFON:** -- the motion beyond -- '67  
20 through the -- is it 2005, the motion is to  
21 accept NIOSH's evaluation report and -- and  
22 that would also overlap the '52 through '66 for  
23 non-neutron parts of the evaluation report. So  
24 it's basically to accept NIOSH's conclusions in  
25 the report for --

1           **DR. ZIEMER:** Well, that motion is not before us  
2 yet, but just --

3           **MR. GRIFFON:** Right.

4           **DR. ZIEMER:** -- in anticipation. So the motion  
5 is to recommend Special Exposure Cohort status  
6 for neutron workers for the period of January  
7 1st, 1959 through December 31st, 1966 -- is  
8 that correct?

9           **MR. GRIFFON:** Right -- yes.

10          **DR. ZIEMER:** Okay, and the motion's been  
11 seconded. Board members, do you have questions  
12 or comments on this motion, pro or con?

13          **MR. GIBSON:** Can I make a comment?

14          **DR. ZIEMER:** Yeah, is that Mike?

15          **MR. GIBSON:** Yeah.

16          **DR. ZIEMER:** Mike Gibson, please proceed.

17          **MR. GIBSON:** First I apologize that I wasn't  
18 able to be there in Denver, but -- so I have  
19 not seen the motion. I guess I just want to  
20 comment that in light of Ms. Munn's comments  
21 and I, as part of the working group, do take  
22 responsibility for the process being drawn out.  
23 I didn't quite look at it in those terms as --  
24 that she's put them, but I do accept that  
25 responsibility. And I feel that since we have

1           been less than timely, I would just like to say  
2           that at the end of this exhaust-- (broken  
3           transmission) approach, we're still down to  
4           NIOSH saying -- throwing the word "plausible"  
5           around. And when I look at the definition of  
6           "plausible," it says believable and appearing  
7           likely to be true, but usually in the absence  
8           of proof. And given that, I just think that we  
9           might ought to consider (broken transmission)  
10          the petition to include all Rocky Flats  
11          workers.

12          **UNIDENTIFIED:** (From the audience and off  
13          microphone) Yes.

14          **DR. ZIEMER:** So Mike, you are speaking against  
15          the motion, as I understand it then.

16          **MR. GIBSON:** Or to -- to amend it and to  
17          broaden the scope.

18          **DR. ZIEMER:** Okay, thank -- thank you. Other  
19          comments or questions, Board members? Dr.  
20          Lockey or Phil -- Phil Schofield, any comments?

21          **MR. SCHOFIELD:** Yeah, this is Phil. I would  
22          like to -- I'm still concerned about some of  
23          the records, particularly (broken transmission)  
24          to about 1970, which if we're not going to be  
25          able to expand it for the whole time frame,

1           then we should at least make it through the end  
2           of 1970 because of the spottiness of a lot of  
3           the records in '69 and '70.

4           **DR. ZIEMER:** Okay, so your concern here is the  
5           period from basically '67 to '70. Is that  
6           correct?

7           **MR. SCHOFIELD:** Correct.

8           **DR. ZIEMER:** Yeah, okay. Let me ask Mark to  
9           address that momentarily here.

10          **MR. GRIFFON:** That was certainly a -- a -- a  
11          lengthy discussion between workgroup members  
12          that -- and we -- we certainly considered that.  
13          A couple of points on that. One is that it's -  
14          - it's clear in our review that the -- the  
15          highest exposed individuals from '67 through  
16          '70 -- the time period for this NTA film  
17          consideration -- were actually measured during  
18          this time period and -- and not -- not assigned  
19          notional dose in the NDRP project. So that was  
20          one part of it.

21          The other part of it was that this question of  
22          the zeroes and the correction factors and this  
23          -- this sort of non-recovered films that were  
24          never -- never measured. The -- the worksheets  
25          being available is helpful 'cause we can

1 distinguish which ones are actually measured  
2 zeroes versus -- and I raised this as a concern  
3 yesterday, that if we can't sort that out, we -  
4 - we may have a -- a problem here. But in fact  
5 we have the worksheets to back that up and --  
6 and one further item was that I've -- and NIOSH  
7 can confirm this, but I've been assured that in  
8 the event that worksheets are not available for  
9 certain of that group, they would assume  
10 unmonitored and assign just the highest -- the  
11 95th percentile cycle date. I -- NIOSH may  
12 want to veri-- they're -- they're nodding their  
13 head, the record should show, in agreement with  
14 that.

15 So given those factors, I think that -- you  
16 know, that made -- that made a solid argument  
17 to break that period up and that's -- that's  
18 why we ended up with that split there.  
19 Certainly we -- we did consider at -- at length  
20 for quite a while as to whether to include it  
21 all the way through '70.

22 **DR. ZIEMER:** Okay. Thank you. Other members  
23 wish to speak for or against the motion?

24 (No responses)

25 Are you ready to vote on the motion?

1           **MS. MUNN:** Yes, call the question.

2           **UNIDENTIFIED:** (From the audience and off  
3 microphone) All or nothing.

4           **DR. ZIEMER:** Okay, the motion is to add -- or  
5 recommend the addition of neutron workers to  
6 the Special Exposure Cohort for the period of  
7 June 1st --

8           **MR. GRIFFON:** January.

9           **DR. ZIEMER:** -- or January 1st, I'm sorry, 1959  
10 through December 31st, 1966. We'll take an  
11 individual vote here. I think I'm going to ask  
12 the Designated Federal Official to do a roll  
13 call vote here, so --

14           **DR. WADE:** Okay. Mr. Presley?

15           **MR. PRESLEY:** I vote for the motion.

16           **DR. WADE:** Mr. Clawson?

17           **MR. CLAWSON:** No.

18           **DR. ZIEMER:** No.

19           **DR. WADE:** Mr. Griffon?

20           **MR. GRIFFON:** For the motion.

21           **DR. WADE:** Ms. (sic) Roessler?

22           **DR. ROESSLER:** I'm for the motion.

23           **DR. WADE:** Ms. Munn?

24           **MS. MUNN:** For the motion.

25           **DR. WADE:** Dr. Melius?

1           **DR. MELIUS:** Just repeat the motion again.

2           **DR. ZIEMER:** The motion is to recommend a  
3           Special Exposure Cohort status for neutron  
4           workers covering the period of January 1st, '59  
5           through December 31st, '66. And of course the  
6           wording that would go to the Secretary would  
7           include the more complete description and our  
8           usual caveats which would spell out how soon  
9           the Chairman has to get that information in and  
10          -- and --

11          **DR. MELIUS:** Okay.

12          **DR. ZIEMER:** -- the usual legal wording on --  
13          on that motion.

14          **DR. MELIUS:** Then -- then I'll vote for that.

15          **DR. ZIEMER:** Okay.

16          **DR. WADE:** Dr. Lockey?

17          **DR. LOCKEY:** I vote for the motion.

18          **DR. WADE:** Mr. Schofield?

19          **MR. SCHOFIELD:** Vote for the motion.

20          **DR. WADE:** I'm sorry?

21          **MR. SCHOFIELD:** Vote for the motion.

22          **DR. ZIEMER:** For the motion.

23          **DR. WADE:** Mr. Gibson?

24          **MR. GIBSON:** I abstain.

25          **DR. WADE:** I assume Dr. Poston is not on the

1 line?

2 (No responses)

3 Dr. Mel-- Dr. Ziemer?

4 **DR. ZIEMER:** For the motion.

5 **DR. WADE:** We have eight yeses, one no, one  
6 abstention.

7 **DR. ZIEMER:** The motion then carries. The  
8 Chair now recognizes the workgroup chairman for  
9 making any additional motions.

10 **MR. GRIFFON:** Yeah, the -- the -- the second --  
11 this second time period, I don't know that  
12 we've -- I -- I was trying to look for language  
13 to this effect, but it's basically to -- we did  
14 agree that we would discuss this second time  
15 period separately, in a separate motion, so  
16 that's why I'm offering it as a separate  
17 motion, to have a separate discussion on it and  
18 --

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

20 **MR. GRIFFON:** -- separate -- separate vote.

21 **DR. ZIEMER:** -- Chair insisted at the last time  
22 that the Board take some kind of action, pro or  
23 con, on the remaining time period. I -- I want  
24 it on the record, at least. So we're talking  
25 about January 1st, '67 and up through I think

1 2005 --

2 **MR. GRIFFON:** Five, right.

3 **DR. ZIEMER:** -- was the period covered in the  
4 petition.

5 **MR. GRIFFON:** Yeah.

6 **DR. ZIEMER:** So your -- your motion basically  
7 is that --

8 **MR. GRIFFON:** That the -- that the Board accept  
9 the NIOSH evaluation conclusion that they can  
10 reconstruct dose for -- can reconstruct all  
11 radiation dose for that time period.

12 **DR. ZIEMER:** That is the motion. Is there a  
13 second?

14 **MS. MUNN:** Second.

15 **DR. ZIEMER:** And seconded. Now discussion on  
16 this motion? Let me start with those on the  
17 phone.

18 **MR. SCHOFIELD:** Yeah, could I have the motion  
19 restated and -- I seemed to break up right  
20 then.

21 **DR. ZIEMER:** The -- the motion is to accept the  
22 -- or to agree with the NIOSH recommendation  
23 that for the period 19-- January, 1967 through  
24 2005, agreeing that dose reconstruction can be  
25 done and therefore to not recommend Special

1 Exposure Cohort status for that time period.  
2 Now Board members, do you wish to speak for or  
3 against the motion? Dr. Melius.

4 **DR. MELIUS:** I'd like to speak against the  
5 motion. I think there are too many open issues  
6 that have not been adequately addressed, at  
7 least to my satisfaction, regarding the '67 to  
8 '70 neutron dose exposure issue, the thorium  
9 issue and the building 881 issue, as well as I  
10 think a number of other issues that have been -  
11 - been brought up today by the petitioners and  
12 other people here. And for those reasons, I am  
13 not in support of that motion.

14 **UNIDENTIFIED:** (From the audience and off  
15 microphone) Thank you.

16 **DR. ZIEMER:** Thank you.

17 **MR. GIBSON:** Dr. Ziemer?

18 **DR. ZIEMER:** Somebody on the phone, is it --

19 **MR. GIBSON:** Dr. Ziemer, it's Mike.

20 **DR. ZIEMER:** Okay, Mike Gibson, thank you.

21 **MR. GIBSON:** Yeah, I'd like to -- I'd like to  
22 speak out in opposition of this motion. This  
23 Board was made up by law of those from the  
24 scientific, medical and the labor field, and I  
25 think that we have to give as much weight to

1 the experiences that the people went through at  
2 the site as we do to the scientific issues.  
3 And again I state, at the end of the day all I  
4 hear is it's plausible on the scientific side,  
5 and I hear argument after argument from people  
6 that were actually there doing the job, and I  
7 think that the -- if we're to do our duties  
8 correctly, we need to consider the people's  
9 experiences and we need to grant this petition  
10 as they (broken transmission) it.

11 **DR. ZIEMER:** Thank you. So you are speaking  
12 against the motion. Thank you.

13 Wanda Munn.

14 **MS. MUNN:** At the core of our responsibility on  
15 this Board we have only one issue. We are not  
16 chartered with dealing with the unfortunate  
17 business of what's been referred to as chemical  
18 cocktails -- I think appropriately referred to.  
19 We have one responsibility and one only, and  
20 that's to deal with the issue of whether  
21 adequate information exists to complete  
22 accurate -- reasonably accurate dose  
23 reconstructions for individuals who have had  
24 radiation exposure. So the core of our  
25 responsibility is really very difficult to get

1 to, but in simple terms, the only issue is  
2 whether adequate information exists for those  
3 reconstructions to be done in a reasonable  
4 manner.

5 We have heard no indication that we do not have  
6 adequate information to do that. We have  
7 excellent information, and for that reason I  
8 support the motion.

9 **DR. ZIEMER:** Other Board members, pro or con?  
10 Yes, Mr. Clawson.

11 **MR. CLAWSON:** You're absolutely right. We've  
12 got a responsibility, but we also know that  
13 there is gaps. And I'm -- I'm not a scientific  
14 person. I'm still a worker. I still work in  
15 the industry and I still know the fallacies  
16 that are out there. I believe that we are  
17 still learning. I believe that we -- you look  
18 in the last 40 years what we have learned and  
19 what we have gotten, and I apologize, I -- it's  
20 no disrespect to NIOSH or anybody else, but I  
21 really do not feel that it can be done, and I  
22 speak against it.

23 **UNIDENTIFIED:** (From the audience and off  
24 microphone) Thank you.

25 **DR. ZIEMER:** So you speak against the motion.

1 Mr. Presley?

2 **MR. PRESLEY:** As a -- a Board member that's  
3 been on the working group, yes, we've taken a  
4 tremendous amount of time. We've looked at a  
5 tremendous amount of data. And I think that  
6 NIOSH has done their job, SC&A has done their  
7 job. They have given us reports, they have  
8 given us data that says that they can do dose  
9 reconstruction and do it accurately and do it  
10 in the favor of the petitioner. I would like  
11 to speak in favor of the motion.

12 **DR. ZIEMER:** Thank you. Dr. Roessler?

13 **DR. ROESSLER:** I wasn't on the working group,  
14 but I have worked in the field of health  
15 physics and dosimetry for a long time. And I -  
16 - I have confidence that NIOSH, in their very  
17 detailed evaluation of the situation, can  
18 reconstruct the doses in the manner that we're  
19 required by this rule, and that is to have an  
20 upper bound. I think enough information is  
21 known, in spite of all of the things that have  
22 been brought up, that -- that an upper bound  
23 and a claimant-friendly dose can be obtained.  
24 I -- I do want to add, though, that it's very  
25 difficult, as a Board member, to listen to

1           these people, and I sympathize with all of the  
2           health problems. So this decision is very  
3           difficult for me to make.

4           **DR. ZIEMER:** Thank you. Any others on the  
5           phone that have comments? Dr. Lockey?

6           **MR. GIBSON:** Dr. Ziemer?

7           **DR. ZIEMER:** Yes.

8           **MR. GIBSON:** If I could just add --

9           **DR. ZIEMER:** Sure.

10          **MR. GIBSON:** -- (broken transmission) my  
11          comment just a little bit.

12          **DR. ZIEMER:** Yes, Mike Gibson.

13          **MR. GIBSON:** And with all due respect to my  
14          former -- my working group member, Ms. Munn, I  
15          just want to make a note (broken transmission)  
16          the record that we have more than one  
17          responsibility. We have the responsibility to  
18          do this in a timely manner, and I just (broken  
19          transmission) I take the responsibility as a  
20          member of the working group that we have not  
21          (broken transmission) in this time, but you  
22          know, I don't think we have that liberty now  
23          that it's been put in this kind of light. But  
24          we have more than one responsibility to do it  
25          in a timely manner and I don't believe that

1 criteria was met in this situation.

2 **DR. ZIEMER:** Thank you. Let's see, Mike --  
3 okay, Mark.

4 **MR. GRIFFON:** Yeah, I -- I guess I have to -- I  
5 mean I -- I want to say that I agree with  
6 Wanda's point that -- and as a workgroup member  
7 I do take responsibility, and probably the  
8 chief responsibility for some of these delays  
9 because, quite frankly, I was the last person  
10 maybe on the workgroup or -- well, maybe not --  
11 maybe that's not true, but I certainly was  
12 attempting to, as Brant I think characterized  
13 it, turn over every stone and had a great bit  
14 of doubt about some of the database data, asked  
15 for -- met some resistance sometimes, but asked  
16 for a lot in terms of we want more raw data to  
17 support some of these conclusions. We -- you  
18 know, I -- I see some inconsistencies between  
19 databases. We -- we have to go back to raw  
20 data and verify this. We're not just going to  
21 accept this as the truth. And I think we did  
22 push for a lot of those -- extensive amount of  
23 raw data and looked into that at great length  
24 and, you know, I -- I think it's also important  
25 to point out, after doing all this, I think --

1 at least for those points I went over in my  
2 presentation yesterday -- it doesn't include  
3 the '67 through '70 time -- time period with  
4 the neutrons, but from '70 and beyond, SC&A is  
5 -- is concluding -- is in agreement with this,  
6 you know, that their -- their findings are  
7 consistent with what we're saying on the  
8 workgroup. So it's not only NIOSH telling us  
9 this. We've had SC&A look at this thoroughly,  
10 and I think that's also important to remember.  
11 We -- and we all know how extensive SC&A's  
12 report is. I think it totals probably over --  
13 close to 1,000 pages now. So we -- we  
14 definitely looked at this and didn't just  
15 accept it on face value. We -- we tore into  
16 this and I think at the end of the day, you  
17 know, we -- we do have the data for that later  
18 ti-- I feel we do have the data for that later  
19 time period, so...

20 **DR. ZIEMER:** Thank you. Let me ask if either  
21 Phil or Jim Lockey have any comments, pro or  
22 con, on the motion?

23 **DR. LOCKEY:** This is Jim Lockey. I -- I've  
24 been impressed by the -- the work that this  
25 working group has gone through, and

1                   particularly Mark leaving no stone unturned.  
2                   And I think that all the Board owe a debt of  
3                   gratitude and thanks for the extra effort  
4                   that's gone into this project.

5                   **DR. ZIEMER:** Okay. Do you have any specific  
6                   comments for or against the motion?

7                   **DR. LOCKEY:** I -- you know, after looking at  
8                   all the data and -- and listening to the  
9                   workgroup, I think it -- it -- that it appears  
10                  that dose can be reconstructed in this cohort  
11                  for the time period outlined.

12                  **DR. ZIEMER:** Okay, thank you. Phil, are you on  
13                  the line?

14                  **MR. SCHOFIELD:** Yes, sir. I'm actually against  
15                  the motion as it stands because I still feel  
16                  that the data for '69 to '70 is awful spotty  
17                  and there's a lot of assumptions being made  
18                  instead of hard data for that, so people  
19                  actually trying to get their dose  
20                  reconstructed, '69/'70, when there's large  
21                  gaps, I have a problem (broken transmission)  
22                  those years in the motion.

23                  **DR. ZIEMER:** Okay, thank you. Dr. Melius, you  
24                  have an additional comment?

25                  **DR. MELIUS:** I would just like to elaborate a

1           little bit. First of all, I -- my disagreement  
2           with the conclusions of the workgroup is not  
3           meant to in any way criticize the workgroup's  
4           hard efforts in trying to evaluate this  
5           petition and -- and come to grips with what's a  
6           very complicated site with lots of different  
7           exposures and over a long time period and with  
8           information that's not always easy to deal  
9           with. However, I would remind the -- all of  
10          the Board that I -- I think the -- the fault,  
11          to a great extent, with this process and with  
12          the effort required, you know, goes back to how  
13          this site was originally approached. We had a  
14          site profile that was largely written by people  
15          with very significant conflicts of interest.  
16          To this day if one goes back to the revised  
17          site profile in the two main chapters, those on  
18          external and internal exposures, all of the  
19          attributions I believe in those chapters are to  
20          those two individuals who were originally  
21          involved in the dose reconstruction program --  
22          yet to be convinced that there's been an  
23          adequate, independent review of that.  
24          Secondly, there was no opportunity, for very  
25          little opportunity for worker input into the

1 process. There was one meeting held in 2004  
2 prior to the more recent work with the  
3 petition. And one -- if one goes back to the  
4 revised site profile, one -- though one finds  
5 some verbiage that says that worker inputs were  
6 considered, there is not one reference to a --  
7 any comment or information received from a  
8 worker into that -- that report.  
9 Unfortunately we're then left at the end of the  
10 process with the petition to try to sort  
11 through what I think's been a lot of valuable  
12 information, including valuable information  
13 that we received last night that I don't think  
14 we've given, you know, adequate attention to or  
15 -- or have adequately followed up on.  
16 We also are dealing with a process that's very  
17 unfair to the petitioners. They are given --  
18 you know, they lack resources. They're given  
19 access to information begrudgingly and often at  
20 the last minute and not in a timely fashion.  
21 And even the Board is presented with  
22 information from NIOSH that is incomplete and  
23 at the last minute. We were given a  
24 presentation yesterday we're still struggling  
25 to get some of the references for that was --

1           the report given to us I believe in the end of  
2           May had no attributions as to where the  
3           information came from and so forth. And so  
4           we're being asked to judge things very quickly  
5           and with incomplete and inadequate information.  
6           And finally, I -- I think the report that  
7           Jennifer and the other petitioners have -- have  
8           made quite well. I mean this process has taken  
9           847 days and that's -- it's -- something is  
10          sort of grossly unfair about that and, you  
11          know, maybe we could struggle on and -- and try  
12          to come to grips with all these issues, but I  
13          think we have to try to reach some closure on  
14          it. It may be up to Congress or to the legal  
15          system to better address this process, but --  
16          or it may be to NIOSH to revise the whole  
17          process, but -- but thi-- this is not a fair  
18          process and I can't, you know, claim that I've  
19          been adequately convinced that individual dose  
20          reconstruction is po-- feasible to be done with  
21          sufficient accuracy over the entire time period  
22          and over the tire-- entire scope of the period  
23          that's covered in -- in Mark's motion.

24           **DR. ZIEMER:** Okay.

25           **UNIDENTIFIED:** (From the audience and off

1 microphone) Thank you.

2 **DR. ZIEMER:** Thank you. And typ-- typically  
3 the -- typically the Chair on a board of this  
4 type is supposed to sort of be the moderator  
5 and -- and not enter into the debate. But I  
6 think it behooves me to make some remarks, as  
7 well.

8 First of all, I've become convinced, based on  
9 the work of the working group, that it is  
10 certainly feasible to -- for NIOSH to do dose  
11 reconstruction with sufficient accuracy -- and  
12 sufficient accuracy in this case means accuracy  
13 that will allow them to make a claimant-  
14 favorable decision. I also note that the  
15 workgroup, through their process, has caused,  
16 in a way, NIOSH to change much of what they  
17 were doing on this site in terms of dose  
18 reconstruction so that in the end, sort of  
19 regardless of how the final thing comes out,  
20 dose reconstructions done here will be done in  
21 a much better manner than they would have been  
22 done prior to the efforts of this workgroup and  
23 this process.

24 Now we heard from the Congressman earlier today  
25 and I -- in a sense, and I can say this since

1 I'm not a part of any of these agencies. It's  
2 unfortunate that the burden has been passed to  
3 a group like this to correct what Congress  
4 should have done correctly in the first place.  
5 It is hard to get any of them to admit that the  
6 -- the generation of the convoluted process  
7 that we find ourselves in is the way that the  
8 law was originally written, that basically --

9 **UNIDENTIFIED:** (From the audience and off  
10 microphone) (Unintelligible)

11 **DR. ZIEMER:** -- that basically requires us to  
12 go through this process, that requires some  
13 time-consuming efforts for us to do our  
14 responsibilities as they are stated under the  
15 law, because what we see here is duplicated all  
16 over the country. This is not the only site  
17 that has the same -- we have these problems --  
18 timing problems with a Board which -- of  
19 workers which is not as large as the law  
20 dictates it should be and therefore is very  
21 overburdened. That's why our working groups  
22 are -- are overburdened in time -- doing a  
23 little soap-boxing here --

24 **DR. WADE:** No more about Congress, but you can  
25 talk about the process.

1           **DR. ZIEMER:** Yeah. But the process perhaps  
2           could -- could have been set up in a better  
3           manner at the front end, but we have what we  
4           have. And I think the Board is struggling to  
5           do its job in the way that it -- it believes it  
6           should be done. Every Board member is very  
7           conscientious. I think every Board member  
8           empathizes with the workers very much. We --  
9           we end up in somewhat different places. We do  
10          this in a collegial fashion. None of us are  
11          mad at each other because of how we vote on  
12          these things. We do it in a collegial fashion,  
13          but we have to -- we have to proceed and vote.  
14          Now at the moment, without the vote having  
15          occurred, it appears to the Chair that the vote  
16          may pass. Now -- and I want -- I want us to  
17          think about that for a moment because what we  
18          will have will be a recommendation to the  
19          Secretary that is not a very strong  
20          recommendation. But nonetheless, he will have  
21          to deal with that in some manner or another.  
22          The other part of it is to point out to the  
23          assembly that we are not precluded, I suppose,  
24          in the future from having a different  
25          recommendation if other information comes forth

1 of the type that Jim mentioned. However, I --  
2 I do -- I don't want to drag out the process  
3 and -- and delay the process. I've tried to  
4 press the Board to come to a type of closure.  
5 We'll be where we are at the end of this  
6 process today. Perhaps there will be  
7 additional information come forth that would  
8 re-- that would suggest that there be some --  
9 some other endpoint in the future, but we have  
10 what we have at the moment.

11 **MR. ROMERO:** (From the audience and off  
12 microphone) Mr. Zimmer (sic), another question,  
13 please?

14 **DR. ZIEMER:** Yes.

15 **MR. ROMERO:** If it's Congress's problem why  
16 this is not working, why didn't you address  
17 that when the man was standing right there?

18 **DR. ZIEMER:** Probably I --

19 **MR. ROMERO:** Why didn't you tell him how to fix  
20 it so he can go to Washington and fix it?

21 **DR. ZIEMER:** I -- I think -- I think he's  
22 already indicated that -- that they're --  
23 Congress is in fact taking some steps that may  
24 change the process, so he recognizes that, I  
25 think, and -- I -- I don't want to say -- I'm -

1 - it's not my intent to insult Congress. I'm -  
2 - I'm simply expressing a concern --

3 **UNIDENTIFIED:** (From the audience and off  
4 microphone) (Unintelligible)

5 **DR. ZIEMER:** -- I'm simply expressing a  
6 concern. None -- none of these laws are -- you  
7 know, this one doesn't consider the chemical  
8 mixes and so on, so we have -- there's --  
9 there's those kinds of things. We can't  
10 address them all, but we'll do the best we can.  
11 Now --

12 **DR. WADE:** Call the roll?

13 **DR. ZIEMER:** -- additional comments. Robert?

14 **DR. WADE:** I can call the roll.

15 **DR. ZIEMER:** Ready for a roll-call vote.

16 **DR. WADE:** Okay. Presley?

17 **MR. PRESLEY:** I vote for -- I vote for the  
18 motion.

19 **DR. WADE:** Clawson?

20 **MR. CLAWSON:** No.

21 **DR. WADE:** Griffon?

22 **MR. GRIFFON:** For the motion.

23 **DR. WADE:** Roessler?

24 **DR. ROESSLER:** For the motion.

25 **DR. WADE:** Munn?



1 normal regulatory form that would go forward to  
2 the Secretary, and I assume that -- and -- and  
3 we have, at the request of the -- the Colorado  
4 delegation, held the letter for the original  
5 motion. They asked that it not be sent in  
6 until we completed the -- the work here at this  
7 -- so there -- there would be recommendations  
8 on three different time periods that would go  
9 forward. Is -- is that your understanding --

10 **DR. WADE:** Correct.

11 **DR. ZIEMER:** -- Dr. Wade? Right. Okay, Board  
12 members, any further comments or questions  
13 relative to the Rocky Flats petition?

14 **MR. SCHOFIELD:** This is Phillip, just one  
15 comment. I think that SC&A and the working  
16 group have done an outstanding job and have dug  
17 up a mountain of facts that they have (broken  
18 transmission) to sift through.

19 **DR. ZIEMER:** Thank you, Mike (sic). Any other  
20 comments?

21 **DR. WADE:** We have more work to do. That was  
22 Schofield.

23 **DR. LOCKEY:** Paul?

24 **DR. ZIEMER:** Oh, that was Schofield. Okay.

25 Yes?

1           **DR. LOCKEY:** Paul, Jim Lockey, I --

2           **DR. ZIEMER:** Jim.

3           **DR. LOCKEY:** -- I just wanted to reiterate your  
4           -- your comment that you made a few minutes ago  
5           about additional steps that -- that perhaps  
6           should be taken in relationship to this  
7           legislation.

8           **DR. WADE:** Again, individual Board members can  
9           speak out their views relative to Congress, but  
10          the Board really is in no position to advise  
11          Congress.

12          **DR. ZIEMER:** Okay. Yes.

13          **UNIDENTIFIED:** (Off microphone)

14          (Unintelligible) [name redacted]

15          (unintelligible) (on microphone) and I'm going  
16          to ask you to sit through one more thing.

17          **DR. ZIEMER:** Sure.

18          **UNIDENTIFIED:** This is called "The Silent  
19          Soldiers." (Reading) They walked many days in  
20          plutonium dust because there were those who  
21          told them they must. They stood behind glass  
22          that was meant to shield while the gaskets on  
23          boxes plutonium did yield. They battled the  
24          dragons of plutonium fire and fought  
25          criticalities down to the wire. Aprons of lead

1           were their garments of armor, dosimetry badges  
2           their badges of honor. They went when their  
3           call -- country called them to service, as the  
4           nuclear threat made our citizens nervous. Day  
5           after day quietly serving their nation, and  
6           they did it proudly till the Cold War  
7           cessation. But now when they need their  
8           allegations supported, there is none to be  
9           found, the nation's aborted. They die one by  
10          one, brothers and sisters by their side,  
11          watching and waiting till it's their turn to  
12          die. There will be no flags flown half-mast in  
13          their honor, no flags on their coffins when  
14          that -- once they have passed. No statutes --  
15          no statues designed nor monuments created, no  
16          walls with their names, only memories abated.  
17          I call the nation to consider their plight, for  
18          these are the silent soldiers of the Rocky  
19          Flats site.

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

21          **UNIDENTIFIED:** (Off microphone) I honor all of  
22          you, including (unintelligible).

23          **DR. WADE:** One thing we need to do are the --

24          **DR. ZIEMER:** Thank you very much. Let's see if  
25          we can move ahead.

1           **DR. WADE:** Right now? Okay.

2           **DR. ZIEMER:** We do have some members that will  
3 be needing to catch planes and I'm wondering,  
4 Board members, do you want to proceed through  
5 the lunch hour and try to finish up?

6           **MS. MUNN:** Could we have a 20-minute break?

7           **DR. ZIEMER:** We can have a break -- comfort  
8 break, 20 minutes, and we'll recon-- well,  
9 let's see what it -- it's --

10          **MR. ROMERO:** (From the audience and off  
11 microphone) I'd like to thank the four members  
12 -- four Board members that voted for us, I'd  
13 like to thank them.

14          **DR. ZIEMER:** So noted, thank you. We'll take a  
15 20-minute break.

16          (Whereupon, a recess was taken from 1:10 p.m.  
17 to 1:50 p.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 June 12, 2007; 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 14th day of June, 2007.

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**STEVEN RAY GREEN, CCR****CERTIFIED MERIT COURT REPORTER****CERTIFICATE NUMBER: A-2102**