1 for advice here and for -- within the Board 'cause
2 they've been -- talked a lot more about this than
3 some of the other -- others of us have. You know,
4 just -- you know, pay special attention and, you
5 know, we'll be looking to them during the
6 committee --
7 **DR. ZIEMER:** Well --
8 **DR. MELIUS:** -- or conference call to -- for
9 that, but -- but I think we just keep it to one
10 sub-- one meeting of the Board conference call,
11 with a follow-up one scheduled, if needed.
12 **DR. ZIEMER:** That makes a lot of sense and I
13 think is the direction we were heading. Whether
14 or not a second meeting is needed, we need to look
15 at a timetable. For example, the -- the proposed
16 procedure from the contractor will be ready in one
17 month. That would get distributed -- as I see it,
18 would get distributed to the Board members. We
19 would have -- we would want a few days to look
20 that over, and so roughly five weeks from now you
21 would want to have a conference call meeting. And
22 then we would look at the calendar again and say
23 now does -- if we -- if we have another two weeks
24 after that or whatever -- I mean if we go back to
25 the contractor and say we want changes, you've got

1 to give them another couple of weeks, and then we
2 get it back and then we look at it again. And now
3 we're getting very close to our next meeting, so
4 we have to look at that, as well.
5 **DR. MELIUS:** But I think if that happened
6 within -- I think our meeting's the middle -- end
7 of April?
8 **UNIDENTIFIED:** That's correct.
9 **DR. MELIUS:** Correct? So if -- again,
10 beginning of March for the first meeting, two
11 weeks later would take us to the middle of March.
12 That'd still give a one-month lead time, so I -- I
13 think that's -- it's worth gaining the month, if -
14 - if possible. It may be that when we talk to the
15 contractor more they may, you know, have -- give
16 us a better sense of the timetable. They've had a
17 whole day to think about it now and look at the
18 task, but -- but in sense then -- and make sure
19 that that's realistic for both the original -- and
20 then I think, you know, we'd be ready to go.
21 **DR. ZIEMER:** I don't know if you're making a
22 formal motion, but let's get Mark's comment here
23 and then we'll come back.
24 **MR. GRIFFON:** I guess -- not to harp on this
25 workgroup notion, but I -- I mean the way I

1 envisioned this was -- was that the workgroup
2 could assist the contractor in triaging the
3 procedure before submittal to the full Board on
4 the conference call. I mean I was hoping that
5 that would -- could expedite the process because I
6 think there is some interpretation in this task --
7 not that we'd be making any -- the working group
8 wouldn't be making any final decisions on behalf
9 of the Board, but it might -- I mean I can just
10 see a case where we can end up with two or three
11 conference calls just to get this methodology
12 through, and that's my only concern.
13 Then -- then the other notion I guess to keep
14 in the back of our minds is that if we -- we had
15 the notion on the individual reviews -- I know
16 we're not talking about that right now, but we had
17 the notion of -- of Board members working with the
18 contractor, and I'm just wondering how that's
19 going to fit into this -- these new -- these
20 procurement issues. If we're working on a group
21 of cases and there's three Board members assigned
22 to work on those cases, we can't speak on behalf
23 of the entire Board, so -- I guess that's
24 something I'm -- want to understand better.
25 **DR. ZIEMER:** Let's maybe come back to that

1 and address this first one. Jim?
2 **DR. MELIUS:** Go at it first, then you can
3 correct me. Yeah, I'd be a little leery, based on
4 what we heard now about the -- us -- possible
5 problems from a workgroup talking to the
6 contractor before the first meeting. I think the
7 onus is on us, though, as a committee --
8 individual members -- is to -- is to be ready with
9 good comments, you know, to do a good review and
10 really work hard to come up with a set of
11 consensus comments that the -- that, should we
12 want changes in the procedure, that the contractor
13 can work with and address, you know, that's
14 agreed. We can't sort of say well, just change
15 this, we don't like it. I think we have to -- and
16 I think we have the leeway to be able to do this.
17 It's -- it's not what the other -- secret process
18 we've been -- been going through.
19 **MR. ELLIOTT:** Yeah, this --
20 **DR. MELIUS:** So there's more --
21 **MR. ELLIOTT:** -- is not a procurement
22 process.
23 **DR. MELIUS:** -- room for interaction on that
24 conference call, and we just have to be sure that
25 we're -- that we're together with what -- you

1 know, pay attention to it so that we get a good --
2 have a good call, give good comments to them. If
3 changes are needed, those can be addressed, and so
4 that when we come to that second conference call
5 we're saying oh, yeah, by the way, you know, that
6 -- and -- and I just think that trying to do
7 anything -- to sort anything else between -- in
8 terms of contact in that process I think is
9 potentially dangerous.
10 **MR. ELLIOTT:** No correction, I just would
11 support that. I'm very concerned about a working
12 group working with the contractor to try to come
13 up with the procedure, the process, because I can
14 envision that there are going to be questions
15 raised about well, how do you want to do this,
16 what's the approach you want to -- you know,
17 questions of clarification that then become well,
18 the working group's providing advice and
19 direction, essentially. Whatever they say in
20 response to those questions is on behalf of the
21 Board, and we can't go there.
22 As far as the individual dose reconstruction
23 reviews and a member of this body working with
24 your contractor, I think you've got to come to
25 grips with a very well-defined structure of that

1 process so that you avoid this situation. You're
2 not going to sit there as one member of this
3 advisory body working with two members of your
4 contracting staff and tell them we want to go off
5 in this direction, which has not been couched and
6 a consensus approval gained from the body.
7 **DR. ZIEMER:** The suggestion is to have a
8 conference call meeting in -- shortly after a
9 month from now, and set some time aside a couple
10 of weeks later, if needed, for a follow-up. Is --
11 is there any objection to proceeding on that
12 basis? Because if there's none, we want to look
13 at some dates right away. Are there any that
14 think that there should be some other path to
15 follow on this? Here's your opportunity to
16 suggest an alternative.
17 (No responses)
18 If not, let's -- I'm going to take it by
19 consent that we agree that we should proceed on
20 that basis. Today is February 5 and the month for
21 the contractor basically ends or is over March 5
22 then 'cause they just got their go-ahead one day
23 ago. So if you allow a little time for review,
24 you could look at the end of the week of the 8th
25 or the beginning of the week of the 15th of March.

1 How many days do you want to allow? We need a
2 little time for transmission and distribution.
3 How about March 15th? It's a Monday.
4 **DR. MELIUS:** (Off microphone) (Inaudible) the
5 contractor (Inaudible) they're going to be
6 (Inaudible) time or maybe a little early or going
7 to push the deadline?
8 **DR. ZIEMER:** Probably not going to want to
9 say, but we're going to assume they're going to be
10 on time. Right?
11 **DR. MELIUS:** (Off microphone) (Inaudible)
12 **DR. ZIEMER:** 11th?
13 **MR. PRESLEY:** Is that going to give us time
14 to get it out? Got to allow two days to FedEx to
15 get it to us and a couple of days to read it.
16 **DR. ZIEMER:** Would it be electronic or...
17 **MR. PRESLEY:** Electronic?
18 **MR. ELLIOTT:** We will do both. We'll try to
19 make both happen. I am -- I'm -- we'll talk to
20 the contractor tomorrow, make sure we get it in
21 electronic format so we don't have to try to
22 convert it, and we can produce it to you in both
23 formats.
24 **DR. ZIEMER:** Which means you would have it in
25 your hands presumably by the 8th, and you'd have

1 several days to look at it. The 11th? Did you
2 say 11th was bad? We're on March 11th. Is that
3 bad? Any conflicts March 11th?
4 **MR. ESPINOSA:** It's not so much the day as
5 much as it is the time for me, so...
6 **DR. ZIEMER:** 6:00 o'clock in the morning,
7 Eastern Standard Time.
8 **MR. ESPINOSA:** (Inaudible)
9 **DR. ZIEMER:** No, how about early afternoon on
10 the east coast? Or late morning east coast?
11 Okay. How about 1:00 p.m. on the 11th?
12 **MS. HOMER:** How much time? How much time?
13 **UNIDENTIFIED:** (Off microphone) Give it two
14 hours?
15 **DR. ZIEMER:** Two hours.
16 **MS. HOMER:** Okay.
17 **DR. ZIEMER:** (Off microphone) Okay, that's
18 what we'll shoot for. Then we want to (Inaudible)
19 task four -- task --
20 **DR. MELIUS:** (Off microphone) I get to
21 (Inaudible) FedEx (Inaudible).
22 **DR. ZIEMER:** -- task two proposal, task 2-A
23 or two whatever-it-is, site profile review
24 procedure. And then how about a follow-up meeting
25 the week of -- how about March -- or April 1st?

1 That would actually be three weeks later. That
2 would allow -- would allow two weeks for the
3 contractor plus a little time for us -- or the
4 week of the 29th of March.
5 **DR. ROESSLER:** (Off microphone) (Inaudible)
6 **DR. ZIEMER:** Gen Roessler has a question
7 first.
8 **DR. ROESSLER:** Did we decide the contractor
9 -- I guess it's a public meeting, the contractor
10 can listen in on the --
11 **DR. ZIEMER:** That's correct --
12 **DR. ROESSLER:** So out of --
13 **DR. ZIEMER:** -- and members of the public
14 can, as well.
15 **DR. ROESSLER:** Out of courtesy, should we
16 check to see if they're available on these dates,
17 or one of them are available on the dates, also,
18 when we have these calls? They're working for us.
19 I think we should find out.
20 **DR. ZIEMER:** John will make somebody
21 available. Right?
22 **DR. MAURO:** We'll be there.
23 **DR. ZIEMER:** They'll be there. March 1st
24 okay -- April 1st -- April 1st.
25 **MS. HOMER:** What time?

1 **DR. ZIEMER:** 1:00 o'clock again, same thing?
2 **MS. HOMER:** 1:00 o'clock?
3 **DR. ZIEMER:** Okay.
4 **MS. HOMER:** Two hours?
5 **DR. ZIEMER:** Now I would hope that that
6 second call would not require two hours. We can
7 set it aside, but assuming that the -- if there
8 were significant changes and the contractor's
9 responsive to them, we should have a pretty --
10 pretty sound document by then and just take a
11 formal approval.
12 **DR. MELIUS:** And we can hope that it's not
13 needed at all.
14 **DR. ZIEMER:** Yes, but we'll set the time
15 aside in case we need it. Is that agreeable to
16 everyone? Okay, we will hope that Henry has those
17 times available, as well.
18 Okay, so that takes care of when and who
19 approves the task two kickoff. Do you want to now
20 -- let me ask if the Board is ready to discuss
21 some criteria related to selection of this first
22 group of sites that might be reviewed? And we
23 don't necessarily have to identify, for example,
24 ten of them at this time, but we might want to
25 think about identifying the first batch. Roy?

1 **DR. DEHART:** Before we leave this specific
2 topic, would it be wise to get a consensus as to
3 who can represent the Board for clarification on
4 part of the contractor?
5 **DR. ZIEMER:** That would probably be wise, and
6 I -- I guess when we say clarification, I'm not
7 sure -- could somebody clarify what we mean by
8 clarification?
9 **DR. MELIUS:** Cori will clarify the
10 clarification.
11 **DR. ZIEMER:** Thank you.
12 **MS. HOMER:** Well, no, I won't clarify that,
13 but I want to remind you that no group or Board
14 can take action for -- or no group or subcommittee
15 can take action for the Board under any
16 circumstances unless there's very specific written
17 authority, even if it's clarification.
18 **DR. DEHART:** That's why I brought this up.
19 **MS. HOMER:** Okay.
20 **DR. DEHART:** Clarification would be if the
21 contractor had a question on something within the
22 statement of work as they've started pursuing
23 trying to lay out the -- the work effort and they
24 need someone to talk to. Who do they call and who
25 would represent the Board in that conversation?

1 **DR. ZIEMER:** And in connection with that,
2 does there need to be an Agency person also
3 available or present at that time?
4 **MR. ELLIOTT:** Yes -- yes, there would, and I
5 think what we're talking about here is delegation
6 of authority, if you will. And we would also like
7 to know what the Board's pleasure would be with
8 regard to payment of vouchers that come in. Do
9 you want to delegate that to -- to like, you know,
10 Martha to do without having to come back to the
11 Board and get a Board approval on, you know,
12 paying out on a voucher. So these are delegations
13 of authority that -- that you do need to
14 establish.
15 **DR. ZIEMER:** I wonder if I could ask -- and
16 perhaps staff can help us with this at some point,
17 Martha or others -- am I making all that noise?
18 **UNIDENTIFIED:** Yes.
19 **DR. ZIEMER:** Okay. And that is, on things
20 like payment of vouchers, perhaps -- perhaps you
21 could identify those kind of sort of mechanical
22 things for which we are responsible -- not
23 necessarily today, but -- and for which the Board
24 could clearly say we will delegate this on our
25 behalf and require some kind of reporting back on

1 where the budget is and so on. If we could
2 identify what those things are and maybe at that
3 point we could approve some kind of process.
4 Clearly the Board does not want to get to -- have
5 a meeting every time we act on paying a -- an
6 invoice. I think that's the case. Jim.
7 **DR. MELIUS:** What I was going to say is yeah,
8 I think we ought to get a list of those
9 circumstances, but that -- I think the only times
10 it would be -- at least I can think of that --
11 where would be questions is when it's contingent
12 on receipt of a satisfactory product, when have we
13 approved it so therefore it's released to, you
14 know, NIOSH. I think -- I know -- I don't know
15 what the financial -- other financial things are
16 on the document -- in the contract, but to the
17 extent that they're contingent on acceptance by
18 the Board, then I think that's where we need to
19 have a clear procedure to sign off --
20 **DR. ZIEMER:** Well, I think that could be
21 spelled out in what I'm talking about here because
22 clearly there will be regular billing of time and
23 effort against the contract by the contractor, I
24 assume, on some basis -- monthly or as work
25 proceeds. And if that requires some kind of

1 blanket approval or specification of who signs off
2 on it, we need to know what that is and who does
3 it.
4 **DR. MELIUS:** Also just speaking to the
5 immediate issue here with this task, I think --
6 the contractor has an opportunity tomorrow to ask
7 us questions about this, so hopefully those --
8 everything will get clarified tomorrow and then I
9 think we go to our next meeting and not -- 'cause
10 otherwise I think this delegation gets pretty
11 awkward -- do that. At the next meeting we can
12 then, you know, do a formal motion that -- say
13 there's some minor changes that -- either
14 directing the contractor to do it with these minor
15 changes or, you know, contingent on those being
16 submitted and approved by -- you know, reviewed by
17 -- by Paul. I think that's probably the most
18 direct way of -- of doing it, but I think we can
19 do -- make it a very specific delegation at the
20 time of that conference call, and we -- what we
21 have to do is remember to do that.
22 **DR. ZIEMER:** The question that was raised,
23 though, on clarification, who does clarification,
24 I don't know that we've answered that, really, for
25 -- for this -- for the next four weeks or however

1 long it is. I know that on the task order bidding
2 process, the Agency has a person on deck that is
3 available to respond to questions of clarification
4 because that arose. Right? The contractor says
5 what does this mean; I'm bidding on this, what
6 does this phrase ask me to do?
7 **MR. ELLIOTT:** And let me speak to that so
8 that everybody -- everybody understands what we
9 did there. Yes, there were some questions that
10 came back through the procurement office to us
11 about what does this particular piece mean or what
12 -- how can I better understand that, and we tried
13 to craft a response. But we didn't give that
14 response up until we had Dr. Ziemer's approval on
15 it. So that -- we weren't working in a vacuum
16 without the Board -- some -- some insight from the
17 Board, so we used Dr. Ziemer as the Chair, and
18 these were things that we felt -- and I hope you
19 agree, Dr. Ziemer, were not issues that needed to
20 be brought before the whole body. They were
21 simple points of clarification that we thought our
22 answer would enlighten the contractor and we had
23 your approval to provide that information back to
24 the contractor.
25 **DR. MELIUS:** I would think that for this