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

convenes

MEETING FIFTY-SEVEN

ADVISORY BOARD ON
RADIATION AND WORKER HEALTH

ABRWH BOARD MEETING

The verbatim transcript of the
Meeting of the Advisory Board on Radiation and
Worker Health held telephonically on Aug. 5, 2008.

STEVEN RAY GREEN AND ASSOCIATES
NATIONALLY CERTIFIED COURT REPORTERS
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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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P R O C E E D I N G S

(11:00 a.m.)

WELCOME AND OPENING COMMENTS**DR. PAUL ZIEMER, CHAIR****DR. CHRISTINE BRANCHE, DFO**

1 **DR. BRANCHE:** Okay, Dr. Ziemer, did you hear
2 Mr. Presley, that he must leave the call at
3 noon?

4 **DR. ZIEMER:** Yes, I -- I knew that. I got an
5 e-mail from Bob.

6 **DR. BRANCHE:** Okay. Good morning, this is the
7 Advisory Board on Radiation and Worker Health,
8 meeting number 57. We are doing this by
9 conference call. It is Tuesday, August 5th,
10 2008.

11 I am Dr. Christine Branche and I have the
12 pleasure of being the Designated Federal
13 Official for the Advisory Board. I'm going to
14 do a roll call for the Advisory Board's
15 members.

16 Dr. Ziemer?

17 **DR. ZIEMER:** Yes.

18 **DR. BRANCHE:** Ms. Beach?

19 **MS. BEACH:** Here.

20 **DR. BRANCHE:** Mr. Clawson?

1 (No response)

2 Mr. Gibson?

3 **MR. GIBSON:** Here.

4 **DR. BRANCHE:** Mr. Griffon?

5 **MR. GRIFFON:** Yes, I'm here.

6 **DR. BRANCHE:** Great. Dr. Lockey, I believe
7 not. Dr. Melius, just in case?

8 (No response)

9 Okay. Ms. Munn?

10 **MS. MUNN:** Yes.

11 **DR. BRANCHE:** Mr. Presley?

12 **MR. PRESLEY:** Here.

13 **DR. BRANCHE:** Dr. Poston?

14 (No response)

15 Dr. Roessler?

16 **DR. ROESSLER:** Here.

17 **DR. BRANCHE:** Mr. Schofield?

18 **MR. SCHOFIELD:** Here.

19 **DR. BRANCHE:** We do have quorum. Just to
20 begin, I'd like everyone to please, unless they
21 are speaking, to please mute their phones, and
22 you can do that by dialing star-6 if you do not
23 have a mute button. We do ask and we ask
24 strenuously that you mute your line unless
25 you're speaking. It allows all of us to hear

1 the speaker. And when you are ready to speak
2 you can either un-mute your phone with the mute
3 button or use that same star-6 to un-mute your
4 line. And we do really appreciate everyone's
5 cooperation with the -- the mute function.
6 Thank you so much for your participation. Dr.
7 Ziemer?

8 **DR. ZIEMER:** Okay. Let -- let us determine who
9 is with us from the agencies and others who may
10 wish to identify themselves for the record. We
11 determined -- who is here from NIOSH?

12 **DR. NETON:** Jim Neton is on the line.

13 **DR. ZIEMER:** Jim Neton, okay. Anyone else?

14 **MR. SUNDIN:** Dave Sundin.

15 **DR. ZIEMER:** Okay.

16 **DR. BRANCHE:** ORAU staff would be next.

17 (No response)

18 **DR. ZIEMER:** No one from ORAU?

19 (No response)

20 **DR. BRANCHE:** SC&A?

21 **DR. MAURO:** John Mauro here. Good morning.

22 **DR. ZIEMER:** Good morning, John. Anyone else
23 from SC&A?

24 (No response)

25 **DR. BRANCHE:** Other federal agency staff?

1 **MS. ADAMS:** Nancy Adams.

2 **DR. ZIEMER:** Okay.

3 **MS. HOWELL:** This is Emily Howell.

4 **MR. HILL:** Steven Hill from Congressman
5 Shavitz' office.

6 **MS. HOMOKI-TITUS:** Liz Homoki-Titus with HHS.

7 **DR. BRANCHE:** Petitioners or their
8 representatives, please?

9 (No response)

10 Workers or their representatives, please? If
11 you could please state your names.

12 (No response)

13 Other members of Congress or their
14 representatives, please? We've heard from one.

15 **MR. PICKETT:** Matt Pickett with Congressman
16 John Shimkus' office.

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

18 **DR. BRANCHE:** Others who'd like to mention
19 their names?

20 **THE COURT REPORTER:** I'm sorry, could I get
21 that previous man's name, please?

22 **MR. PICKETT:** This is Matt Pickett. I work for
23 Congressman John Shimkus.

24 **THE COURT REPORTER:** All right. Thank you.

25 **DR. BRANCHE:** Are there any others who'd like

1 to mention their names for the record?

2 (No response)

3 **DR. ZIEMER:** Okay, I think that will take care
4 of it. I officially call the meeting to order.
5 This is Paul Ziemer speaking, Chairman of the
6 Advisory Board.

7 The agenda for our meeting has been posted on
8 our web site, as well as in the *Federal*
9 *Register*. Our agenda today actually is
10 somewhat brief compared to past agendas so that
11 hopefully we will not be all afternoon working
12 through the items that are before us.

13 Board members, are there any of you that did
14 not get a copy of the agenda?

15 **MS. MUNN:** Paul and Dr. Branche, this is Wanda.
16 I have a copy of the agenda. I'm concerned
17 about one item I -- especially given the
18 individuals I just heard on the call through
19 our roll call, the item on the tracking
20 database update. I had assumed that that was
21 going to be one of the individuals who is
22 almost daily involved with that. Is that going
23 to be Nancy?

24 **DR. ZIEMER:** Nancy's on the line, I believe.

25 **MS. MUNN:** Yes, I just -- I was just trying to

1 verify what you -- what we were anticipating in
2 the way of an update on that database because
3 it's fairly extensive and, as Nancy and some of
4 our SC&A people, as well as our NIOSH folks,
5 have done a significant amount of work on that
6 since our -- our most recent meeting, so I was
7 -- I was concerned about whether the proper
8 individual to report on that was available or
9 whether you were expecting me to give you a
10 third-hand report --

11 **DR. ZIEMER:** Oh, so you're --

12 **MS. MUNN:** -- which I think we --

13 **DR. ZIEMER:** -- asking whether we're expecting
14 you to give the report versus -- Nancy Adams,
15 are you prepared to give that report?

16 **MS. ADAMS:** Yes, and it will be short and
17 sweet.

18 **DR. ZIEMER:** Okay.

19 **MS. MUNN:** Good, thank you, Nancy.

20 **DR. ZIEMER:** Thank you very much. Let us
21 proceed then. We'll go through the agenda as
22 it's been distributed, and I think, Dr.
23 Branche, do you need to read the redaction
24 policy? Is that required?

25 **DR. BRANCHE:** Actually I thought about it, Dr.

1 Ziemer, and I don't think I need to --

2 **DR. ZIEMER:** Okay.

3 **DR. BRANCHE:** -- but I'll go ahead and do so
4 just for the record so that we're all up to
5 speed.

6 If a person making a -- this is the redaction
7 policy.

8 If a person making a comment gives his or her
9 name, no attempt will be made to redact that
10 name. NIOSH will take reasonable steps to
11 ensure that individuals make public comment --
12 making public comment are aware of the fact
13 that their comments, including their name, if
14 provided, will appear in a transcript of the
15 meeting posted on a public web site. Such
16 reasonable steps include reading the statement,
17 as I'm doing now, and having the -- having the
18 redaction policy posted along with the
19 meeting's agenda in the *Federal Register*
20 notice.

21 If an individual, in making a statement,
22 reveals personal information -- for example,
23 medical information -- about themselves, that
24 information will not usually be redacted. The
25 NIOSH Freedom of Information Act coordinator

1 will, however, review such revelations in
2 accordance with the Freedom of Information Act
3 and the Federal Advisory Committee Act and, if
4 deemed appropriate, will redact such
5 information.

6 All disclosures of information concerning third
7 parties will be redacted. And if for some
8 reason during the call you would like to bring
9 information to -- to our attention but you wish
10 not to do so in a public forum, then you can
11 contact me. My contact information is on the
12 web site and we can see about getting your
13 information to the Advisory Board.

14 Thank you, Dr. Ziemer.

15 **DR. ZIEMER:** Okay, thank you, Dr. Branche. And
16 to some extent it may be a moot point because
17 we don't have an official public comment period
18 at this meeting, but nonetheless, should the
19 occasion arise, it's good to have that on the -
20 - the record.

21 **SUBCOMMITTEE ON DOSE RECONSTRUCTION UPDATE**

22 Now let us proceed then with the agenda. The
23 first item is the Subcommittee on Dose
24 Reconstruction update and Mark is on the line.
25 Mark, are you prepared now to give your report?

1 **MR. GRIFFON:** Yeah, this -- this will also be a
2 -- a brief report, although I just saw your --
3 your e-mail, too, Paul, so you might help me
4 with the update on that.

5 **DR. ZIEMER:** Yeah.

6 **MR. GRIFFON:** But the Subcommittee hasn't met
7 yet. I just sent an e-mail out recently and I
8 would like to have a meeting -- I'm still
9 hoping on the 20th. I know it's not the best
10 date, but we're running out of time. I would
11 like to get another meeting in before the
12 September Board meeting, so August 20th I think
13 is -- a lot of us are going to be there for --
14 the next day for the procedures meeting, and I
15 think that might -- I might try to stick with
16 that -- that date, unless anybody strongly
17 objects. I think we might lose John Poston on
18 that day, and I don't know if he's -- if he
19 could dial in or what -- you know, if -- if
20 that would mean he couldn't participate, I
21 don't know. But anyway, otherwise there's
22 really no update since the last Board meeting.
23 We are -- the last subcommittee meeting we
24 worked on almost completing the sixth set of
25 cases and taking a first run through almost the

1 entire seventh set of cases. We didn't quite
2 finish the seventh set matrix, but we almost
3 got through it one time. And the sixth set, I
4 think we're fairly close to -- to resolving
5 most issues on the sixth set of -- of cases.
6 So the next meeting I would -- I would plan on
7 doing the sixth set, the seventh set, and
8 possibly starting the eighth set. I need to
9 talk to Stu Hinnefeld. We haven't had NIOSH's
10 first response to the eighth set of cases yet,
11 so depending on whether they're ready for that,
12 we can -- we might be able to start the eighth
13 set.

14 So a meeting in Cincinnati on the 20th is -- is
15 forthcoming. And that's really it.

16 **DR. ZIEMER:** Okay.

17 **MR. GRIFFON:** Paul, you sent me a letter, which
18 it looks like we need a few final edits, but
19 it's for the --

20 **DR. ZIEMER:** Right --

21 **MR. GRIFFON:** -- fourth and fifth set, right?

22 **DR. ZIEMER:** -- I think at our St. Louis
23 meeting Mark was able to obtain from NIOSH the
24 -- several of the pieces of information we
25 needed to insert into the report to the

1 Secretary in terms of the numbers -- total
2 numbers of cases that had been available to
3 review at the time that the -- the random
4 selections were made, and we have those figures
5 now. I've inserted those into a draft for Mark
6 to look at -- that is, I've taken his draft and
7 put it into the letter form to the Secretary.
8 And I think with those changes having been
9 made, and I think there's one table that it's
10 not clear is the right one, we're -- we should
11 be ready to send that out this week, Mark.

12 **MR. GRIFFON:** Right, right, and I think that
13 table -- I just got this 20 minutes ago or so,
14 but I think that table is a old version. We
15 need to replace it with the new -- the one for
16 the fourth and fifth set.

17 **DR. ZIEMER:** Right.

18 **MR. GRIFFON:** We'll -- we'll -- I'll help you
19 and we'll edit that.

20 **DR. ZIEMER:** Right.

21 **MR. GRIFFON:** The final edit --

22 **DR. ZIEMER:** And we'll send everybody a copy of
23 that as soon as that's ready.

24 Any questions, Board members, on any of the
25 information has given and -- or on the upcoming

1 report?

2 (No response)

3 **WORKGROUP UPDATES**

4 If not, we can move on to workgroup updates.

5 **DR. BRANCHE:** Okay, Blockson Chemical Special
6 Exposure Cohort SEC petition, Ms. Munn, chair.

7 **MS. MUNN:** As the Board members know, Blockson
8 met extensively during our meeting in St. Louis
9 in an attempt to try to bring a final
10 recommendation to the Board. We did discuss
11 Blockson at the Board meeting because I believe
12 we've gone about as far as we can go with
13 respect to addressing the issues that have been
14 brought before us for this particular site.
15 That action was tabled until our upcoming
16 meeting in California, at which time all of the
17 members of the Board -- one of whom was not
18 with us and who's a key member of the workgroup
19 -- will have had an opportunity to review what
20 transpired during the St. Louis meeting. It's
21 our expectation that the Blockson
22 recommendation will be taken off the table in
23 the California meeting and will be voted on at
24 that time. We have no plans for additional
25 meetings prior to that California meeting.

1 **DR. ZIEMER:** Thank you.

2 **MR. GRIFFON:** Wanda --

3 **MS. MUNN:** Yes?

4 **MR. GRIFFON:** -- I think also didn't SC&A
5 commit to formalizing their report on the model
6 that they -- they looked at for -- regarding
7 the radon exposures? Or was I mistaken on
8 that? I thought we asked NI-- asked SC&A to
9 write that up formally and submit it as a
10 deliverable rather than have the initial draft
11 that they had circulated at the last meeting.

12 **MS. MUNN:** I didn't have that included in my
13 notes, but --

14 **MR. GRIFFON:** Oh.

15 **MS. MUNN:** -- that doesn't mean -- I'd be
16 working from memory solely if I said yes or no,
17 and I hesitate to do that.

18 **MR. GRIFFON:** Maybe John would remember, I
19 don't --

20 **DR. MAURO:** Yes -- hi, Mark, this is John
21 Mauro. Yes, we did complete the formalized
22 report related to the radon issue that was
23 discussed rather extensively during the
24 workgroup meeting and we now -- whether it's in
25 your hands or in PA review, but it's completed.

1 I'm not sure whether it's been through PA
2 review and is already in your hands --

3 **MR. GRIFFON:** No, we haven't received it yet,
4 so once again --

5 **DR. MAURO:** Then -- then it's -- then it's
6 imminent. I guess that's the best way to say
7 it. It's not a large report, and the fact that
8 you do not physically have it means that it's
9 right now going through the PA process, so then
10 --

11 **MS. HOMOKI-TITUS:** John, I'm sorry, this is Liz
12 Homoki. There's no reason that the Advisory
13 Board members should not have that report just
14 because it's going through Privacy Act.

15 **DR. MAURO:** Okay, that's fine. We could
16 forward it -- the (unintelligible) now we have
17 right now. I guess we were expecting that we'd
18 have it PA reviewed so that then the working
19 group and the Board of course could distribute
20 it in an unrestricted manner. I believe it --
21 I bel-- 'cause I know I worked with Nancy and
22 she had indicated -- you know, I guess I was
23 under the impression it was undergoing PA
24 review.

25 **MS. MUNN:** We will assume then, John, that the

1 workgroup members will have copies of that
2 sometime in the next few days.

3 **DR. MAURO:** Yeah, I -- tell you what, if for
4 any reason -- we -- we could certainly deliver
5 it directly to you right now because it is
6 completed. It's -- but then of course it -- it
7 wouldn't be PA cleared. But eventu-- but it
8 should be PA cleared pretty quickly. Like I
9 said, it's a pretty brief report.

10 **DR. ZIEMER:** Well, the workgroup members can
11 have that even if it's not cleared --

12 **DR. MAURO:** Yes, and they -- they --

13 **DR. ZIEMER:** -- but they -- they need to make
14 sure that they don't distribute it outside the
15 workgroup, or outside the Board, let's say,
16 prior to the clearance.

17 **MS. MUNN:** John, if you would -- if you would
18 go ahead and forward that to me, I'll take a
19 look at it and try to get it into the hands of
20 all the workgroup members yet today.

21 **DR. MAURO:** I will take care of that.

22 **MS. MUNN:** Thank you so much. And thank you,
23 Mark, for calling that to my attention.

24 **DR. ZIEMER:** Okay, thank you. Let's proceed.

25 **DR. BRANCHE:** The next one is Chapman Valve

1 Special Exposure Cohort SEC petition with Dr.
2 Poston as the chair. I -- Dr. Ziemer, I don't
3 know who you wish to give the update, but I can
4 tell you that Dr. -- this was discussed at the
5 Advisory Board and Dr. Ziemer and I will be
6 collecting Dr. Melius's vote over the next week
7 -- excuse me, there's someone --

8 **MR. GRIFFON:** I hear multiple voices on the --

9 **DR. BRANCHE:** There's someone on the line, if
10 you --

11 **MS. MUNN:** I'm having a hard time concentrating
12 on what you're saying. There's someone else
13 speaking, giving someone instructions about
14 something behind the barn.

15 **DR. BRANCHE:** If everyone who is not speaking
16 could please mute their phones, we would very
17 much appreciate it, we very much depend upon
18 it. If you do not have a mute button, then
19 please use star-6.

20 As I was saying, Chapman Valve Special Exposure
21 Cohort SEC petition on -- Dr. Poston is the
22 chair. I don't know, Dr. Ziemer, who you would
23 like to give the update. Messrs. Griffon,
24 Clawson, Dr. Roessler and Mr. Gibson are all on
25 that board --

1 **DR. ZIEMER:** Well, let me simply report, we
2 voted on Chapman Valve but the vote is not
3 complete because it is awaiting Dr. Melius's
4 vote at --

5 **DR. BRANCHE:** And Dr. Ziemer, you and I will be
6 in a position to collect Dr. --

7 **DR. ZIEMER:** Right.

8 **DR. BRANCHE:** -- Melius's vote over the next
9 couple of weeks --

10 **DR. ZIEMER:** Right.

11 **DR. BRANCHE:** -- and certainly before we get to
12 --

13 **DR. ZIEMER:** He is -- Dr. Melius is awaiting
14 the copy of the transcript so that he can have
15 the benefit of the full input on the debate,
16 and he has been informed of what the -- the
17 vote is at the moment. And then once we have
18 his vote, we can determine how to proceed from
19 that point.

20 At the moment, the -- well, let's just leave it
21 at that. So the Chapman Valve vote awaits
22 closure upon the voting of Dr. Melius.

23 **DR. BRANCHE:** Shall I proceed with the next
24 one?

25 **DR. ZIEMER:** Yes, uh-huh.

1 Cohort SEC petition, Dr. Melius is the chair.
2 Other members include Mr. Clawson, Mr. Poston -
3 - sorry, Dr. Poston, Mr. Schofield and Dr.
4 Ziemer.

5 **DR. ZIEMER:** I'm -- I don't believe that that
6 group has met since our last meeting, and I
7 don't believe there's anything additional to
8 report at the moment.

9 **DR. BRANCHE:** Okay, Los Alamos Na--

10 **DR. ZIEMER:** Other -- other committee members,
11 any comments -- or workgroup members?

12 **MR. SCHOFIELD:** Not at this time.

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

14 **DR. BRANCHE:** Los Alamos National Laboratory
15 site profile and Special Exposure Cohort, Mr.
16 Griffon, chair.

17 **MR. GRIFFON:** Yeah, no major update at this
18 point. We're still waiting NIOSH's evaluation
19 report and the last I talked to them they said
20 probably in the fall. So we're hoping to
21 convene a workgroup meeting after we get that
22 report in our hands, sometime in the fall of
23 this year.

24 **DR. BRANCHE:** Dr. Ziemer, I don't know if you
25 want to do this for the last time because this

1 last workgroup closed at our meeting, but Linde
2 Ceramics site profile. Dr. Roessler is the
3 chair -- was the chair.

4 **DR. ZIEMER:** Right, I believe Linde has
5 completed their work. Dr. Roessler, do you
6 have any comments?

7 **DR. ROESSLER:** No, I have none.

8 **DR. ZIEMER:** Okay.

9 **DR. BRANCHE:** Mound Special Exposure Cohort SEC
10 petition, Ms. Beach, chair.

11 **MS. BEACH:** Yes, the Mound workgroup met for a
12 second time in July. We were able to close on
13 one -- one item on our matrix. The workgroup
14 has plans to meet again in mid-October, but we
15 have not scheduled a meeting at this time.

16 **DR. BRANCHE:** Nevada Test Site profile and
17 Special Exposure Cohort SEC petition, Mr.
18 Presley, chair.

19 **MR. PRESLEY:** We did meet the last time in St.
20 Louis. As everybody's aware, SC&A brought up
21 two issues that continued our work. At this
22 time I'm waiting for NIOSH and SC&A to get
23 together to iron out these two issues so that,
24 hopefully, we can come to the meeting in August
25 or September with some kind of a decision.

1 Right now there is not a meeting scheduled.

2 **DR. ZIEMER:** Thank you.

3 **DR. BRANCHE:** Pinel-- I'm sorry, Dr. Ziemer?

4 **DR. ZIEMER:** I just said thank you.

5 **DR. BRANCHE:** Pinellas Special Exposure Cohort
6 SEC petition, Mr. Schofield, chair.

7 **MR. SCHOFIELD:** Yes, we still have some
8 outstanding issues. One of the -- most of them
9 related to the (unintelligible) tides and not
10 only do we have a problem with the -- they're
11 trying to develop protocol for possible
12 internal exposures, but we also have some
13 security concerns that Bob Presley and Brad and
14 (break in transmission) went to a classified
15 meeting on, so hopefully we can get guidance
16 from those to exactly what we can or cannot
17 discuss.

18 **DR. ZIEMER:** So you're really awaiting
19 resolution of that issue before you -- you can
20 really proceed with the detailed actions of the
21 workgroup, it appears. Right?

22 (No response)

23 Is that correct?

24 **MR. SCHOFIELD:** That would be a correct
25 assessment.

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

2 **DR. BRANCHE:** Procedures review, Ms. Munn,
3 chair.

4 **MS. MUNN:** The procedures review met separately
5 earlier, in July, with an attempt to try to
6 cover as much as possible of our first set of
7 issues that were still outstanding from the
8 first group of procedures that we had
9 completed.

10 During that same period of time the first of
11 our reports to the Secretary relating the
12 status of this workgroup was completed and
13 transmittal was made, which was, we feel, a
14 major milestone. We had not been able to
15 finalize the -- some of the language in that
16 until just this month, so we're very pleased
17 that that's gone and out of the way.

18 During our meeting in July we went through all
19 of the outstanding issues from set one,
20 eliminated a great many of them, consolidated a
21 great deal more, and we think are ready to
22 handle those in a more expedient manner.
23 Everyone's concerned that they are still
24 outstanding and that we've worked on them so
25 long.

1 We have a meeting scheduled in Cincinnati on
2 the 21st of August, which will be an all-day
3 meeting. At that time we'll review what we did
4 with -- whether anything has progressed on the
5 outstanding set number one, and we intend to
6 begin our address of the set two group of
7 procedures during that all-day meeting, come to
8 some conclusion about the status we expect for
9 the third set -- whether that database is going
10 to be populated by that period of time or not,
11 but by the September meeting. We think there
12 may be too many time constraints to move
13 forward very quickly with the third set, but
14 we're going to attempt to do that, in any case.
15 The workgroup will also meet in Redondo Beach
16 following the full Board meeting in September.
17 The procedures group will remain on Thursday
18 afternoon and will try to establish a fairly
19 firm schedule for how we're going to proceed
20 from that juncture.

21 **DR. ZIEMER:** Okay.

22 **DR. BRANCHE:** Rocky Flats site profile and
23 Special Exposure Cohort SEC petition, Mr.
24 Griffon, chair.

25 **MR. GRIFFON:** Yeah, the one remaining item I

1 need to -- I -- I did say I would talk to the
2 Department of Labor about the -- a little more
3 follow-up on the implementation of the class
4 and -- and give a closeout report on that issue
5 that we've had a few workgroup calls on. I --
6 I just tried to make contact with Jeff today,
7 I'm -- and hopefully try to set up a call with
8 Jeff Kotsch later this week and resolve that.
9 I'll try to report out on that at the full
10 Board meeting. And that's it.

11 **DR. BRANCHE:** Santa Susana Field Laboratory and
12 Special Exposure Cohort SEC petition, Mr.
13 Gibson, chair.

14 **MR. GIBSON:** Dr. Branche, the workgroup is
15 still awaiting the Santa Susana site profile
16 review from SC&A. I think it -- I think it was
17 cleared by DOE and now it's going through their
18 privacy reduction or whatever. Hopefully we'll
19 have that soon and we're still looking to have
20 a meeting, hopefully late August, before the
21 full Board meeting. If not, it'll probably be
22 later in September before we meet.

23 **DR. ZIEMER:** This is Ziemer. Let me ask again,
24 did you say you're awaiting the clearance of
25 that? Is this one of those issues again where

1 the workgroup could actually have the report?

2 **MS. HOWELL:** Dr. Ziemer, this is Emily Howell.
3 We do have that for Privacy Act review, but as
4 Liz stated earlier, the practice had always
5 been in the past that the non-Privacy Act-
6 reviewed materials that SC&A produced can go to
7 the proper workgroups at that time. So if John
8 Mauro was on the phone, I'm not sure that
9 there's any reason why that has not been sent
10 to the appropriate workgroup.

11 (NOTE: Severe transmission interference
12 occurred throughout Dr. Mauro's comments in the
13 following exchange.)

14 **DR. MAURO:** Yes, this is John. You're correct,
15 we -- we did not send it directly as a major
16 deliverable. But quite frankly, this is a --
17 we are trying to minimize the number of
18 products that is -- that's -- for example, we
19 could send you the non-PA-reviewed document and
20 then of course shortly thereafter you would all
21 receive the PA-reviewed document. If it's your
22 preference that we transmit the non-PA-reviewed
23 document for any -- you know, for pressure of
24 time -- time, we would glad -- be glad to do
25 that, your choice. If you'd like, we could

1 have that non-PA-reviewed document sent out to
2 the full Board at this time, if so desired.

3 **DR. ZIEMER:** This is Ziemer. John, are most of
4 the Board members receiving these
5 electronically anyway --

6 **DR. MAURO:** Yeah, what we --

7 **DR. ZIEMER:** -- as opposed to having you run
8 off multiple copies on paper?

9 **DR. MAURO:** Yes, we do send it out
10 electronically and leave it up to each
11 individual. If they wish to have a hard copy,
12 we will then forward a hard copy. We don't
13 automatically send a hard copy. It's just too
14 much paper.

15 **DR. ZIEMER:** Yeah, right. Well, it just
16 occurred to me if it -- if it can mainly be
17 done electronically, that's fairly easy I think
18 for distribution, is it not?

19 **DR. MAURO:** Yes, it is, and we'll -- and we
20 will then proceed with that process on all our
21 products, if that's your preference. Once we
22 have our document ready for PA review, we will
23 simultaneously send it out to either the
24 workgroup or the full Board, as appropriate,
25 and simultaneously to CDC for PA review. We

1 have not been using that as a -- our standard -
2 - our standard mode of operation. We -- we
3 have been going through PA first, unless there
4 is a specific request to get a document in the
5 Board's hands as soon as possible. But what
6 we'll do from now on is send out the non-PA-
7 reviewed document as -- as a matter of
8 (unintelligible).

9 **DR. ZIEMER:** Well, that may be a judgment
10 thing. I think I'd be concerned if workgroups
11 are waiting, you know, a month or two for -- I
12 don't know how extensive this particular
13 document is, but how long has it been out in
14 review and the workgroup sort of seems to be
15 awaiting it? You may not have that (electronic
16 interference) --

17 **DR. MAURO:** I -- I don't --

18 **DR. ZIEMER:** That's more rhetorical, I guess.

19 **DR. MAURO:** Yeah, I mean I could help out if --

20 **DR. ZIEMER:** You get the point --

21 **DR. MELIUS:** I know it went out --

22 **DR. ZIEMER:** -- if it's a couple of days for
23 the review, that's one thing. If we're talking
24 about a month, then the workgroups probably
25 need to go ahead and be able to move.

1 **DR. MAURO:** My experience is the turnaround
2 time is very quick, within a week, we do get --
3 we put out our -- our document to Emily and
4 Liz, and within a few days we get it back.
5 That's been pretty consistent. So for that
6 reason, we -- we have been going to the two-
7 step process, just to avoid any confusion in
8 having these multiple drafts floating around.

9 **DR. ZIEMER:** Yeah, well -- well, as long as
10 it's not holding things up or if there's -- you
11 know, if -- if the workgroup knew that it was
12 going to be out within X number of days, then
13 they can go ahead and -- and schedule their
14 meeting accordingly. I don't know how others
15 feel, do -- do you want to get the -- I mean --

16 **MS. HOMOKI-TITUS:** Hello, Dr. --

17 **DR. ZIEMER:** -- in this case Mike probably, if
18 you knew you were going to get the report in
19 say three days, then your workgroup could go
20 ahead and figure out when they should meet, I
21 suppose.

22 **MS. HOMOKI-TITUS:** Dr. Ziemer, this is Liz
23 Homoki-Titus. As we've done in the past, Nancy
24 with SC&A can always let us know if a document
25 is urgent and needs to be turned around

1 immediately so that the work--

2 **DR. ZIEMER:** Sure.

3 **MS. HOMOKI-TITUS:** -- (electronic interference)
4 or whatever and we, you know, try to
5 accommodate the best that we can those type of
6 requests. Otherwise, you know, we've committed
7 to try to turn around documents within a week
8 of receiving them.

9 **DR. ZIEMER:** Uh-huh. That seems reasonable.
10 Are we okay then?

11 **MS. MUNN:** Well, are we --

12 **DR. MAURO:** This is John. My question, Paul,
13 is should we go ahead and forward the non-PA
14 version of Santa Susana or just sit tight a
15 little bit?

16 **DR. ZIEMER:** Well --

17 **MR. GIBSON:** Yes -- yes, please send it.

18 **DR. MAURO:** You've got it.

19 **DR. ZIEMER:** Send it to the workgroup.

20 **DR. MAURO:** Okay.

21 **DR. ZIEMER:** Okay? Let's proceed.

22 **DR. BRANCHE:** Savannah River Site profile, Mr.
23 Griffon, chair.

24 **MR. GRIFFON:** Yeah, there's no update on that,
25 I -- I was actually planning a meeting in the

1 fall of this year, but I think I -- I'm -- I
2 was just looking for an e-mail I received that
3 said that the evaluation report for the SEC
4 might be delayed on that.

5 **DR. ZIEMER:** It will be delayed, I --

6 **MR. GRIFFON:** Yeah.

7 **DR. ZIEMER:** -- I got a letter from Larry
8 Elliott and I distributed copies to the --

9 **MR. GRIFFON:** Right.

10 **DR. ZIEMER:** -- Board members, I think a week
11 or so ago, where Larry delineated the -- the
12 items that were causing delay. I -- I don't --

13 **MR. GRIFFON:** Right, right.

14 **DR. ZIEMER:** -- think they were -- it's not
15 that the site is not -- is being uncooperative,
16 but I think it's more a matter of the extent of
17 the -- of the kinds of information that are
18 being sought, and Larry spelled out, you know,
19 when requests remained and when things were --
20 were received and what they're awaiting and so
21 on. And the net result -- and I don't know if
22 Dave Sundin or -- or Jim Neton can speak to
23 this, but I think that the net result is there
24 will be a delay in the evaluation report.

25 **MR. ELLIOTT:** This is Larry Elliott, I --

1 **DR. ZIEMER:** Oh, Larry's on the line, okay.

2 **MR. ELLIOTT:** And you're -- you're absolutely
3 correct, Dr. Ziemer. We've had good
4 cooperation, but the scope of the review that
5 we have underway is so huge that it's taking a
6 considerable amount of time for all of this
7 information to be identified, gathered and
8 assembled for review.

9 **MR. GRIFFON:** And -- and I -- I was just going
10 to offer to talk with -- Sam Glover's been our
11 contact on that and -- and try to schedule the
12 meeting when we would be most productive, so I
13 -- I -- you know, I would coordinate with Sam
14 on that. And it may be that we won't be doing
15 anything this fall, but I want to touch base
16 with Sam and see when it makes most sense to
17 have that meeting. And that -- that's the only
18 update.

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

20 **DR. BRANCHE:** Special Exposure Cohort SEC
21 issues group, including 250-day issue and
22 preliminary review of 83.14 SEC petitions, Dr.
23 Melius, chair.

24 **DR. ZIEMER:** We -- we may be able to pick up a
25 report on that one when Dr. Melius comes on the

1 line shortly after noon. I -- I can tell you -
2 - in fact, I'll just read it for you here, just
3 a moment -- pick it up. No, maybe I -- oh,
4 here it is.

5 Dr. Melius said this: (Reading) The SEC
6 evaluation workgroup is supposed to review Dow.
7 SC&A's report should be done and ready for
8 review within the next few weeks. Once this
9 occurs I will schedule a workgroup meeting to
10 discuss the report. (Electronic interference)
11 travel issues and uncertainty, we may
12 eventually have a conference call to identify
13 issues, plan our review and so forth, and then
14 determine next steps. This should take place
15 sometime in September.

16 So I think what he's saying is the focus of
17 that SEC evaluation workgroup will be on the
18 Dow Madison issues. And if he comes on the
19 line, he may wish to add to that.

20 **DR. BRANCHE:** Before I go on, Dr. Ziemer, it
21 was a little difficult to hear what you were
22 saying. I wonder if everyone could please
23 check to make certain that your lines are
24 muted, because there is some background noise.
25 If you do not have a mute button, then please

1 use star-6.

2 **DR. ZIEMER:** Yeah, should -- should I repeat
3 that or -- Ray, did you get that okay?

4 **THE COURT REPORTER:** I wish you would please
5 repeat it.

6 **DR. ZIEMER:** I'll read it --

7 **THE COURT REPORTER:** Thank you.

8 **DR. ZIEMER:** -- here -- here it is. I'm
9 reading from an e-mail from Dr. Melius which he
10 sent yesterday. He said (Reading) The SEC
11 evaluation workgroup is supposed to review Dow.
12 SC&A's report should be done and ready for
13 public review in the next few weeks. Once that
14 occurs, I will schedule a workgroup meeting to
15 discuss the report. Given the year-end travel
16 issues and uncertainty about the report timing,
17 I think that we will initially have a
18 conference call to identify issues, plan our
19 review and so on, and then see about next
20 steps. This should take place sometime in
21 September.

22 And that is his report on that.

23 **MR. STEPHAN:** Dr. -- Dr. Ziemer?

24 **DR. ZIEMER:** Yes?

25 **MR. STEPHAN:** This is Robert with Senator

1 Obama's office. Who was -- who was that from?

2 **DR. ZIEMER:** That was from Dr. Melius.

3 **MR. STEPHAN:** Okay.

4 **DR. ZIEMER:** He's the chair of that group.

5 **MR. STEPHAN:** Thank you.

6 **DR. ZIEMER:** Right. Okay?

7 **DR. BRANCHE:** Okay. Use of surrogate data, Dr.
8 Melius is the chair of that group as well.

9 **DR. ZIEMER:** I think again we'll have to await
10 his coming on the line, unless one of the other
11 members of the surrogate group is aboard or can
12 report.

13 **MS. MUNN:** The group has --

14 **DR. ZIEMER:** Beach, Griffon, Lockey, Munn.

15 **MS. MUNN:** Yes, we've not had -- we -- we've
16 had one brief phone meeting, but there are
17 several items that are being worked, I believe,
18 between NIOSH and SC&A with respect to one or
19 two of the concerns that the workgroup has. To
20 the best of my knowledge, there is not a
21 current schedule for the next meeting of the
22 surrogate data, and I'm not certain exactly
23 what is being held aside for that meeting. I
24 believe Dr. Melius has a specific --

25 **DR. ZIEMER:** Well, one of the assignments for

1 this particular group was the Texas City
2 Chemicals issues --

3 **MS. MUNN:** Yes.

4 **DR. ZIEMER:** -- and the use of the surrogate
5 data model there. And I believe that SC&A has
6 completed or -- or -- John, you'll have to give
7 me a quick update here, but I --

8 **DR. MAURO:** Yes.

9 **DR. ZIEMER:** -- I think has completed a --
10 their report on -- on that use of surrogate
11 data in the Texas City case. In fact there
12 were some -- I -- I think Dr. McKeel had raised
13 some concerns about, process-wise, whether --
14 whether or not the Board would first approve
15 the surrogate data model before it was applied
16 to Texas City Chemical or whether we would use
17 the application as a sort of template to see
18 how it worked. But aside from that, I think
19 that's -- that's the current involvement. And
20 John Mauro, can you also add to that?

21 **DR. MAURO:** Yes, Dr. Ziemer, you're correct.
22 The Texas City report has been delivered as a
23 PC-cleared document, and it includes a separate
24 chapter, stand-alone, which addresses
25 specifically the criteria -- the draft criteria

1 that was developed by the working group on
2 surrogate data to explore -- well, first of
3 all, to assess Texas City strat-- approach --
4 site profile review and evaluation report
5 against those four criteria, but -- and so
6 actually we have sort of a scorecard, the
7 degree to which the Texas City exposure matrix,
8 so to speak, meets or satisfies the four
9 criteria. But independent of that, we also
10 used that exercise as a way to evaluate areas
11 in the -- amongst the cri-- draft criteria that
12 might require improvement. Other words, other
13 perhaps criteria that might be added that could
14 help better serve the process.

15 So yes, there is quite a bit of information in
16 the Texas City review that we submitted
17 relatively recently that might be helpful to
18 the surrogate workgroup.

19 **MS. MUNN:** And John, this is Wanda, was I not
20 correct that there was to be some -- some
21 technical informat-- some technical interaction
22 with NIOSH staff before we schedule the next
23 surrogate data working group meeting? That was
24 my memory.

25 **DR. MAURO:** You know, I have to apologize, I

1 don't recall if there -- you know, such an
2 interaction --

3 **MS. MUNN:** I thought there was going to be a
4 response to your comments --

5 **DR. MAURO:** Oh, oh --

6 **MS. MUNN:** -- in that report.

7 **DR. MAURO:** -- oh, okay. Yeah, they're there -
8 - by the way, we also have a simpler document
9 that addresses surrogate data in -- in
10 Blockson. So really we -- we -- in effect --
11 and I put out a -- a special report. So in
12 effect we have two reviews, both are AWE
13 facilities --

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

15 **DR. MAURO:** -- Blockson and Texas City, both of
16 which have special reports associated with them
17 related to the surrogate data issue. And we
18 have, you know, submitted those documents, but
19 we have not yet had any interaction or feedback
20 from the workgroup or -- the workgroups or
21 NIOSH regarding those matters.

22 **DR. ZIEMER:** Well, as a -- as a first step
23 here, and since the chairman is not aboard
24 again, I don't want to exercise his
25 prerogative, but let me ask this question. Do

1 all the members of the workgroup have the SC&A
2 report at this point?

3 **MS. BEACH:** Yes, I do.

4 **DR. ZIEMER:** Okay. So as a first step in -- in
5 preparation, obviously you're going to have to
6 have a meeting soon and the -- the chair will
7 take care of setting that up. That is the
8 chair of the workgroup, Dr. Melius. And in the
9 meantime, you have your homework assignment
10 before you, which is to make sure you review
11 the SC&A report and the application of the
12 surrogate data criteria to the Texas City site
13 in particular, as well as the other -- as the
14 other one. And I --

15 **DR. MCKEEL:** Dr. Ziemer, this is Dan McKeel.

16 **DR. ZIEMER:** Hello, Dan.

17 **DR. MCKEEL:** Hi. Could I make just a very
18 brief comment?

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

20 **DR. MCKEEL:** You summarized my concern very
21 well, but I would just like to comment that I
22 wish someone on the Board would look back at
23 the transcript of -- I -- you know, it wa-- I
24 guess it was the last Board meeting to talk
25 about this issue. And as I remember it, the

1 charge was that the -- the comment from the
2 Board was that the Board needed to first
3 approve those four draft criteria for the
4 surrogate data use and then, having approved
5 those, then they could be applied to -- to
6 sites. And while I'm in 100 percent agreement
7 that Texas City would be a great place to apply
8 those criteria, what I was concerned about was
9 that it was done in a different manner than the
10 Board had suggested was the proper way to
11 proceed, because not -- I mean SC&A's
12 publication of those criteria was the first
13 time I'd ever seen them. Which is okay, but
14 you know, they have not been approved by the
15 Board, and what I'm concerned about is this was
16 our chance to have SC&A review Texas City's
17 evaluation report by NIOSH and they were doing
18 so with just draft criteria. So although I
19 welcome their report, that concern still
20 lingers on. I don't know how to resolve it
21 further, but --

22 **DR. ZIEMER:** Right, and I appreciate that
23 comment, and actually I'll just mention to the
24 Board members that Dan did e-mail me earlier --
25 I guess it was a week or so ago -- asking about

1 that. And -- and he's quite correct in terms
2 of what appears to be what we said at the Board
3 meeting, the general idea that we would approve
4 some criterion and that they would be applied.
5 As a practical matter in the way that we
6 operate with the SC&A materials, we're often in
7 a position of having -- working with comments
8 which do not necessarily represent Board
9 positions or -- or whatever, and this has sort
10 of always been the case. It -- it's not always
11 clear what the most practical way to proceed
12 is. I think ideally, approving the criteria in
13 advance, as -- as Dr. McKeel had suggested,
14 certainly is -- is the way one would want to
15 go. I -- I think as a practical matter, as
16 it's working out, what -- what may be helpful
17 is as -- as opposed to approving criteria in a
18 vacuum is having some actual cases to see how
19 well criteria work. So it -- it may not be a
20 bad thing to -- to have some actual situations
21 such as the Texas City Chemical. But certainly
22 at some point the Board has to approve the
23 criteria, and if those are the wrong ones, then
24 -- then we've gotten ahead of ourselves and --
25 you know, but I -- I think your point is well

1 made, Dr. McKeel. And it's not always clear
2 whether or not we're always smart enough to
3 figure out what criteria should be when done in
4 the absence of real world situations, so I --
5 I'm hopeful we'll find a suitable bottom line
6 on this, even though it -- we may be a little
7 ahead of the headlights in this particular
8 case. But we'll ask the surrogate data
9 workgroup and the -- the folks who they're
10 aware of this situation, aware that they're
11 working with some criteria in that report that
12 the Board has not actually approved, so you
13 need to have that in the back of your mind as
14 you review it. Simply don't blindly apply the
15 criteria to Texas City Chemical and see whether
16 -- whether it matches. You've got to say well,
17 are they the right criteria to start with. So
18 that word of caution since this has already
19 occurred, well, we're going to have to take it
20 as it is, I think.

21 Any other comments on that? Dr. McKeel, you
22 can certainly reply to that if you wish.

23 **DR. MCKEEL:** Well, I -- I appreciate your
24 sentiments and think that's the correct way to
25 analyze it. I just want to make sure that the

1 Board members and workgroup members were aware
2 of that kind of history --

3 **DR. ZIEMER:** Yeah.

4 **DR. MCKEEL:** -- of what's going on.

5 **DR. ZIEMER:** Yeah.

6 **DR. MCKEEL:** That's great.

7 **DR. ZIEMER:** Yeah, thank you. Okay, I think we
8 can proceed here.

9 **DR. BRANCHE:** The last group on the list is
10 worker outreach, Mr. Gibson, chair.

11 **MR. GIBSON:** Yeah, Dr. Branche, NIOSH is still
12 making progress on their revised database and
13 their updated procedure, and we're awaiting
14 that to review. And there are a couple more
15 outreach meetings scheduled. I believe one of
16 them's been set for later in September with
17 some of the workers at Brookhaven, and I think
18 there's one being planned for some of the folks
19 out at -- the workers out at Los Alamos.
20 That's about it on that.

21 **MS. MUNN:** And the workgroup meeting at Hanford
22 was well-attended. Josie was very active
23 there. So was Brad, and I was an observer.
24 There were three meetings held, and all three
25 had significant attendance and a great deal of

1 interaction. I think they were successful
2 meetings, don't you think, Josie?

3 **MS. BEACH:** Yes, I'd have to agree with you on
4 that, Wanda.

5 **MR. ELLIOTT:** This is Larry Elliott, Wanda, if
6 I may -- those were DOL-sponsored meetings --

7 **MS. MUNN:** Yes, I know they were.

8 **MR. ELLIOTT:** -- to explain how they were going
9 to adjudicate the classes that have been added.

10 **MS. MUNN:** Yes, they were indeed.

11 **MR. ELLIOTT:** Not part of the regular worker
12 outreach schedule that -- that Mike was
13 speaking of.

14 **MS. MUNN:** That we do.

15 **MR. ELLIOTT:** Right.

16 **MS. MUNN:** Yes, that's true.

17 **DR. ZIEMER:** Okay, there is actually one other
18 workgroup, and that is the 6000 and 6001
19 workgroup that was established at our last
20 meeting.

21 **MS. MUNN:** Yes, my apologies for not having
22 mentioned that during the procedures group.

23 **DR. ZIEMER:** Well, that's all right --

24 **DR. BRANCHE:** My apologies for not having
25 mentioned it as a member of the list.

1 **MS. MUNN:** Right.

2 **DR. ZIEMER:** That workgroup is Josie Beach and
3 Mark Griffon, John Poston, Wanda Munn, and I'm
4 serving as chair of that. We are actually in
5 the process of trying to set up a meeting and
6 in the process of getting the dates -- and
7 incidentally, for the members of that
8 particular group who've sent me theirs, and we
9 were looking at August 26, 27, September 9th
10 and 18th -- the only common date where all of
11 us are free is August 27th.

12 Now, there's one other complication. We do not
13 yet have an official OCAS representative and an
14 official SC&A representative for that
15 workgroup. So before we go any further we need
16 to do that. This is -- this is -- this is TBD-
17 6000, 6001 and the appendices, and with
18 particular focus right now on Appendix BB. So
19 let me ask Larry, can you identify who would be
20 the appropriate NIOSH contact for that
21 workgroup?

22 **MR. ELLIOTT:** Dave Allen will be your OCAS
23 contact.

24 **DR. ZIEMER:** Dave Allen, okay. And how about
25 for SC&A?

1 **DR. MAURO:** It would be me, John Mauro --

2 **DR. ZIEMER:** Okay.

3 **DR. MAURO:** -- even though there were multiple
4 people who worked on it, but I -- I guess it's
5 best for me to be the point man on those three
6 areas, TBD-1 -- 6000, 6001 and Appendix BB. So
7 yes, I'll serve as the point man on that.

8 **DR. ZIEMER:** Well, let me ask very quickly,
9 John -- and if we -- if we can't resolve this
10 right here, we'll do it off-line, but are you
11 available April (sic) 27th?

12 **DR. MAURO:** Yes.

13 **DR. BRANCHE:** Dr. Ziemer, you mean August 27th.

14 **DR. ZIEMER:** August, yeah, we-- we're not going
15 to put it off till April, August 27. And is
16 John -- or Dave Allen, do we know if he's
17 available?

18 **MR. ELLIOTT:** He's not on the line. We'd have
19 to check.

20 **DR. ZIEMER:** Okay. I'll check with him
21 separate and then -- in any event, the report
22 is right now that the -- the workgroup is
23 trying to set up its initial meeting and we
24 will go from there. Okay?

25 **MS. BEACH:** Paul, this is Josie.

1 **DR. ZIEMER:** Yes, Josie?

2 **MS. BEACH:** If it's possible, I am leaving town
3 on the 8th and I'll be gone for two weeks out
4 of the country, so if we could -- if you have
5 that information by Thursday so I can --

6 **DR. ZIEMER:** Well, I'll try to --

7 **MS. BEACH:** -- send the information to Zaida --

8 **DR. ZIEMER:** Yeah, I'll -- I'll try to --

9 **MS. BEACH:** -- that'd be great.

10 **DR. ZIEMER:** -- do that as quickly as I can.

11 **MS. BEACH:** Thank you.

12 **DR. ZIEMER:** Uh-huh. Okay, very good. Any
13 other comments on the workgroup updates?

14 **MR. GRIFFON:** Yeah, Paul --

15 **DR. ZIEMER:** Yes.

16 **MR. GRIFFON:** -- one more workgroup -- I think
17 it got taken off the list, but the Y-12
18 workgroup, there's still some outstanding site
19 profile review issues, and actually just
20 recently I sent to LaVon and to Jim Neton -- I
21 might have only sent it to LaVon --

22 **DR. BRANCHE:** There is no Y-12 workgroup.

23 **MR. GRIFFON:** But then it has to be re-- you
24 know, put back on the list, I guess, 'cause
25 there used to be a Y-12 workgroup.

1 **DR. BRANCHE:** It's been quite some time.

2 **MR. GRIFFON:** Yeah.

3 **DR. BRANCHE:** I mean in my tenure there's not
4 been --

5 **MR. GRIFFON:** We closed out the SEC but we
6 never closed out the site profile is what -- is
7 currently where it stood.

8 **DR. ZIEMER:** Did we have a workgroup way back
9 on Y-12?

10 **MR. GRIFFON:** Yes, we did, yeah.

11 **DR. NETON:** I think one of the first.

12 **MR. GRIFFON:** Yeah. It was right after --

13 **DR. NETON:** Bethlehem Steel.

14 **MR. GRIFFON:** Yeah, or -- or I was thinking of
15 Mallinckrodt, but --

16 **DR. NETON:** Mallinckrodt (unintelligible).

17 **MR. GRIFFON:** -- anyway, it was right in there
18 and --

19 **DR. ZIEMER:** Well, actually we should continue
20 to carry that on our list, as we are doing with
21 the --

22 **MR. GRIFFON:** Yeah, I think we need to. I
23 think we -- I sent a -- the most current
24 version of the matrix that I had to LaVon
25 'cause they -- I -- you know, they wanted to

1 see where we had left it -- where we had left
2 off on it.

3 **DR. ZIEMER:** On -- on the most recent listing
4 that Zaida sent out, there's -- on the third
5 page there's something called "closed and
6 completed working groups."

7 **MR. GRIFFON:** Paul, I'm having a hard time
8 hearing you.

9 **DR. ZIEMER:** The third page of what -- the
10 listing of workgroup members that Zaida sent
11 out in July, it lists "closed and completed
12 workgroups", including conflict of interest,
13 SEC petitions not qualified, and Linde. I'm
14 saying we should have put -- we should add Y-12
15 to that list, I guess, if it's truly closed
16 out.

17 **DR. BRANCHE:** Well, Paul, this is Christine.
18 Y-12 has not been a workgroup of which I've
19 been aware in my tenure, or -- or Zaida's, for
20 that matter -- so I think Dr. Neton was the one
21 who said it was quite a while back that Y-12
22 was a group, so --

23 **DR. NETON:** Let me -- I think -- Christine, I
24 think I can explain this a little bit.

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

1 **DR. NETON:** Early on in the -- in the
2 development there were not separate workgroups
3 for site profile reviews. There was one
4 workgroup, if you remember way back when, and
5 they handled multiple tasks. And then Y-12 was
6 in that multiple workgroup and then it split
7 off into becoming an SEC workgroup and that --
8 that has been closed. But there remains a
9 number of open items on the site profile review
10 that was conducted by SC&A some time ago that
11 need -- that need to be closed. So the SEC
12 workgroup I think would be the appropriate
13 group to reconvene to finish the site profile
14 review.

15 **MS. MUNN:** Yeah, that was in the 2005/2006 --

16 **DR. NETON:** Yeah, it's been some time.

17 **MS. MUNN:** -- time frame.

18 **DR. ZIEMER:** Okay, well --

19 **MR. GRIFFON:** Yeah, it's definitely been a
20 while and (unintelligible) --

21 **DR. ZIEMER:** -- we'll need to look back and see
22 who was involved in that and maybe either
23 react-- maybe reactivate it at this point, so -
24 -

25 **MS. BEACH:** And Paul, I have a question -- this

1 is Josie -- on workgroup issues, before we move
2 on.

3 **DR. ZIEMER:** Uh-huh.

4 **MS. BEACH:** And I'm not sure how this is
5 handled. Maybe one of you guys can tell me.
6 If we have an item on our matrix from a
7 workgroup meeting that has been determined to
8 be a site profile issue and not an SEC issue,
9 is there a mechanism to track those issues so
10 that we can go back and -- and determine if
11 that site profile has been updated?

12 **DR. ZIEMER:** I think in principle there is. If
13 there's a -- there should be a site profile
14 matrix. It may not be one that your workgroup
15 is working with at tha-- at that point, but --

16 **MS. BEACH:** That -- that's my concern, because
17 when it was brought up in our workgroup meeting
18 for Mound, nobody could clearly tell me how
19 those issues are tracked once it's been
20 determined to be a site profile issue.

21 **DR. ZIEMER:** Well, in -- in principle -- and I
22 think what's -- what happens in some of these
23 cases like Mound where the pressing issue is
24 the SEC, but at some point the site profile
25 itself has to be addressed as well as the SEC,

1 and so there should be -- you -- you have the -
2 - you have the SE-- you have the SC&A findings
3 which start the -- sort of the -- well, in fact
4 now I think, John, you're putting them in a
5 matrix form. Is that not correct?

6 **DR. MAURO:** That's correct. Every one of our -
7 -

8 **DR. ZIEMER:** Right, so there is -- there is a -
9 - a, quote, matrix. Whether or not the -- we
10 have the NIOSH responses to all those -- in
11 many cases we've -- like in the SEC cases,
12 we've picked out the items that are SEC-
13 specific and addressed them. If it's
14 determined to be a -- a site profile issue,
15 then it should -- you know, it should appear in
16 that matrix. We will have to at some point go
17 back, in a case like Mound, and make sure that
18 the matrix itself for the site profile is
19 brought to closure.

20 **MS. BEACH:** Okay. And that was my concern --

21 **DR. ZIEMER:** Yeah.

22 **MS. BEACH:** -- that we would lose track of some
23 of these, so --

24 **DR. ZIEMER:** Right, so --

25 **MS. BEACH:** Okay, thanks.

WORKGROUP RESPONSIBILITIES

1
2 **DR. ZIEMER:** Yeah. Okay, let's proceed. Next
3 item is workgroup responsibilities. I actually
4 e-mailed out to you this morning -- you
5 probably haven't all seen it yet -- a -- an
6 updated version of the -- of the workgroup
7 responsibilities list that we distributed at
8 our meeting in St. Louis. The -- the idea here
9 is this is -- these are to go on the web site,
10 they're -- they're a brief compilation of the -
11 - of the responsibilities of each of the
12 workgroups. Following that meeting I received
13 comments from several individuals on rewording
14 of some of the items, and I've incorporated
15 those rewordings in the revised copy, which I
16 actually distributed early this morning by e-
17 mail, with the revisions marked in red. So --
18 and I don't know if you all have that, and we
19 don't necessarily have to take formal action on
20 these. What we had agreed to last time was
21 that these descriptions were appropriate for
22 use on the web site, that you would be allowed
23 to make editorial changes or clarify things,
24 and then at some point we would consider them
25 ready. I believe that they are now ready to go

1 on the web site with the changes that have been
2 incorporated. And I'll just tell you very
3 briefly what those changes are. That is I'll -
4 - I'll identify the particular workgroups where
5 wording changes have been made, and they are as
6 follows:

7 The conflict of interest Board policy
8 workgroup, which is inactive, we reworded that
9 one based on a recommendation from Emily
10 Howell. So you'll see some better words in
11 there than I had originally.

12 The Rocky Flats description was changed
13 slightly at the request of Mark, just a -- just
14 some minor rewording, no change in the overall
15 thrust of the responsibilities.

16 The SEC issues group -- I have added a
17 statement at the end of that one saying this
18 workgroup was also assigned the responsibility
19 of reviewing the Dow Madison SEC petition and
20 related documents, and developing a
21 recommendation for the Board, so that has been
22 added.

23 The surrogate data group I've added this
24 sentence: "This workgroup was asked to
25 consider the application of surrogate data

1 criteria to the Texas Chemical site in relation
2 to the SEC petition for that facility." These
3 were added just to make sure that, in addition
4 to the general responsibilities, those
5 particular sites were called out.

6 And then I've added a brief description of the
7 responsibilities of TBD-6000 and 6001, and this
8 is new so let me read it for the record.

9 (Reading) TBD-6000 and 6001 workgroup. This
10 workgroup is responsible for the review of the
11 specified TBDs, as well as the appendices that
12 apply to specific work sites. They will also
13 review any reports developed by the Board's
14 contractor, SC&A, pertaining to these TBDs and
15 the appendices, and will assist NIOSH and SC&A
16 in resolving issues that arise through the
17 review process. The initial focus of the
18 workgroup will be on Appendix BB of TBD-6000,
19 dealing with General Steel Industries (Granite
20 City Steel). The workgroup will make
21 recommendations to the Board in cases where
22 appendices involve sites with SEC petitions.
23 So with those changes, I -- I'd like to see if
24 there's any additional comments Board members
25 might have before we instruct Chris to go ahead

1 and put things on the web site.

2 **MS. MUNN:** Yes, Paul, this is Wanda. In
3 scanning through these this morning, when I got
4 to procedures review and the first sentence
5 says the workgroup's responsible for reviewing
6 the outcomes of SC&A Task III, and a little red
7 flag went up in my head saying Task III is over
8 and done with.

9 **DR. ZIEMER:** Where -- where is this now?

10 **MS. MUNN:** Oh -- procedures review.

11 **DR. ZIEMER:** Oh, on the procedures reviews?

12 **MS. MUNN:** Yes, as you will recall from --

13 **DR. ZIEMER:** Oh, okay.

14 **MS. MUNN:** -- SC&A's most recent monthly
15 report, they've now -- you know, for accounting
16 purposes, SC&A's Task III has been completed
17 and closed out. The responsibilities were
18 transferred to Task I. So I suggested -- I was
19 going to suggest the addition of three words,
20 following "Task III", to say "and related
21 assignments", rather than try to get into what
22 gets transferred where.

23 **DR. ZIEMER:** Okay. So it would say "The
24 workgroup is responsible for reviewing" -- and
25 it's not reviewing Task III, it's the outcomes

1 of Task III --

2 **MS. MUNN:** Reviewing any outcomes of --

3 **DR. ZIEMER:** -- and related --

4 **MS. MUNN:** -- SC&A --

5 **DR. ZIEMER:** -- and related assignments.

6 **MS. MUNN:** -- Task III and related assignments.

7 **DR. ZIEMER:** That's fine.

8 **DR. MAURO:** Excuse me, this is John Mauro.

9 Wanda, if I may, as we put out work products
10 related to procedures reviews --

11 **MS. MUNN:** Yes.

12 **DR. MAURO:** -- what normally would have been
13 under Task III, I had -- even though we are
14 keeping accounting of -- we're charging our
15 time against Task I, as directed by the Board,
16 when we put out our deliverable we still call
17 it Task III. Should -- perhaps -- on our cover
18 page. Perhaps we should have a little notation
19 -- I'm thinking out loud right now -- so that
20 everyone's aware that -- that though this is
21 within the scope of Task III, it's actually,
22 for accounting purposes, you know, being
23 charged against Task I.

24 **MS. MUNN:** I don't know whether that's
25 necessary or not --

1 **DR. ZIEMER:** I don't think -- I don't think
2 here that it's necessary, John.

3 **MS. MUNN:** Yeah, I think that --

4 **DR. ZIEMER:** We -- we know that Task III is the
5 procedures review. I think Wanda's wording
6 gives you -- gives us enough wiggle room here
7 that if -- you know, if there's a Task I
8 billing of it, this -- nobody's going to argue
9 it, but it's still related to the review
10 process.

11 **DR. MAURO:** Okay.

12 **DR. ZIEMER:** So I think these words will cover
13 it. I -- that's a good addition. It keeps it
14 -- the scope where it needs to be, so -- and I
15 don't think we need further detail in -- in
16 this particular document.

17 **DR. MCKEEL:** Dr. Ziemer, this is Dan McKeel.

18 **DR. ZIEMER:** Yes, Dan.

19 **DR. MCKEEL:** I'm sorry to interrupt, but I
20 noticed when you read the new wording for your
21 new workgroup on TBD 6000 and 6001, and you
22 mentioned after -- in the part about the
23 initial focus will be on General Steel
24 Industries (Granite City Steel), I just wanted
25 to comment -- you know, it took us two years,

1 with lots of input from John Ramspott and I, to
2 convince all the agencies that Granite City
3 Steel was a completely separate physical place
4 --

5 **DR. ZIEMER:** Okay, I --

6 **DR. MCKEEL:** -- and I think that --

7 **DR. ZIEMER:** -- I will remove that, I --

8 **DR. MCKEEL:** -- could lead to confusion.

9 **DR. ZIEMER:** -- had put it in because a number
10 of our early documents were identifying it that
11 way, but --

12 **DR. MCKEEL:** It would be a lot clearer to just
13 --

14 **DR. ZIEMER:** -- I'll just leave that out.

15 **DR. MCKEEL:** Thank you very much.

16 **DR. ZIEMER:** I appreciate that comment.

17 **DR. MCKEEL:** Thank you very much.

18 **DR. ZIEMER:** Just leave it as General Steel
19 Industries and then there won't be any question
20 on it.

21 **DR. MCKEEL:** Thank you.

22 **DR. ZIEMER:** Thank you.

23 **DR. MCKEEL:** Yeah.

24 **DR. ZIEMER:** Okay --

25 **MR. GRIFFON:** Paul?

1 **DR. ZIEMER:** Yes.

2 **MR. GRIFFON:** Two thing-- I mean I think maybe
3 a careful editorial read through this, but I
4 just glanced at it and I saw something similar
5 to the Rocky Flats comment I had before. For
6 Savannah River the second line says "to review
7 the SC&A review of the Hanford site profile",
8 and I think the cutting and pasting, you know -
9 - it's a cut-and-paste error, I think. It
10 should be the Savannah River site profile.

11 **MS. MUNN:** Just "Hanford" just needs to come
12 out.

13 **MR. GRIFFON:** Yeah.

14 **MS. MUNN:** It's review of the site profile.

15 **MR. GRIFFON:** But I think if --

16 **DR. ZIEMER:** Oh, yeah, that was a -- that was a
17 --

18 **MR. GRIFFON:** -- someone (unintelligible) you
19 could do a pretty good scrub, make sure we
20 don't make that kind of mistake. That looks
21 kind of bad on the web site.

22 **DR. ZIEMER:** Yeah, yeah, yeah, I -- I see where
23 you are.

24 **MR. GRIFFON:** And then also the other -- this
25 is kind of a -- I mean I think this'll

1 constantly be sort of a living update on these
2 things, but for the Savannah River Site, I --
3 I'm noticing now and I -- I gave my report
4 before -- in the past we've often rolled --
5 rolled -- if we had a site profile review
6 underway and a SEC came up, we would roll -- we
7 would task the group with the review, but I
8 don't want to be presumptuous. I -- I -- I
9 know there's an SEC now out there, but
10 initially our group was not tasked with looking
11 at that, so I -- I think I mis-spoke before. I
12 thought it was to do both, but now looking --
13 **DR. ZIEMER:** Yeah, I don't think there's ever
14 been a tasking on an SEC yet for --
15 **MR. GRIFFON:** Right, right --
16 **DR. ZIEMER:** -- Savannah River.
17 **MR. GRIFFON:** -- right, so I -- I think I mis-
18 spoke before when I did a workgroup update. We
19 weren't -- the SEC wasn't out there when we
20 started this workgroup.
21 **DR. ZIEMER:** Right.
22 **MR. GRIFFON:** So maybe that's something we want
23 to take up at the --
24 **DR. ZIEMER:** Well, we -- we may -- we may want
25 to change your duties at the next meeting, but

1 --

2 **MR. GRIFFON:** That's what I was saying, yeah.

3 **DR. ZIEMER:** -- apparently this is the way it
4 (unintelligible) is correct.

5 **MR. GRIFFON:** Okay.

6 **DR. ZIEMER:** Any other comments?

7 (No response)

8 Okay. I -- I will -- I will send out another
9 slightly modified version then incorporating
10 all these changes, and then we'll ask Chris to
11 go ahead and put that on the web site.

12 **SELECTION OF THE BOARD CONTRACTOR**

13 Okay, let's move on -- selection of the Board
14 contractor. Dr. Branche, you want to kick that
15 off and tell us where we are and -- is David
16 Staudt also on the line?

17 **DR. BRANCHE:** I don't know if Mr. Staudt is on
18 the line. David, are you there?

19 (No response)

20 Okay. Mr. Staudt is the person who's been
21 governing all the paperwork for the -- the
22 Advisor-- sorry, the -- the contractor for the
23 Advisory Board. Unfortunately his
24 responsibilities also have included quite a few
25 activities related to the World Trade Center,

1 Adams on the tracking database update.

2 **MS. ADAMS:** At the procedures meeting on July
3 21st Stu Hinnefeld from NIOSH was able to demo
4 the new database system, which is a document-
5 driven system that will replace the Access
6 database that had current-- that had been
7 developed by SC&A. It will be populated with
8 all the data and it -- and in its new format it
9 will be able to be updated on either side,
10 either by SC&A or by NIOSH. And it is being
11 constructed in such a way that at some point in
12 the future it will be able to link all of the
13 various documents that relate to -- to a
14 particular SEC, to a particular site, so that
15 all the various databases that are in existence
16 now will be merged into one so that they're --
17 with sub-modules that you can actually just
18 look at the -- the modular section or -- that
19 you're interested in or look at a particular
20 site and look at all that relates to that site.
21 So it's a document-driven system and SC&A did
22 provide NIOSH an update prior to the July 21st
23 meeting that included a number of closures for
24 items that were previously open, as well as
25 some changes in some of the other statuses.

1 And hopefully in September this will have been
2 rolled out to both NIOSH, which we anticipate
3 that happening this month, in August, and then
4 to the Board.

5 **DR. ZIEMER:** Thank you, Nancy. Questions or
6 comments for the -- from the Board members?
7 I might remark that -- getting background noise
8 here -- might remark that I was very -- I've
9 been very impressed by the system that they've
10 developed. It's very extensive but it's very
11 versatile.

12 **MS. MUNN:** A great deal of work has gone into
13 it and it's much appreciate by those of us who
14 have to use this data in more than one way.

15 **MS. ADAMS:** Leroy Turner from the NIOSH staff
16 has -- is just absolutely amazing, and -- and -
17 - and he has -- has such a grasp of -- of the
18 system, as well as its contents, it's -- it's
19 incredible. And -- and the hope is also so
20 that there will be a nexus with the number of
21 claims that can be affected by any one of these
22 documents available for rev-- available to see
23 as well.

24 **DR. ZIEMER:** Okay, very good. Thank you,
25 Nancy.

1 Let's see, let's go ahead to --

2 **MR. GRIFFON:** Can you -- just one question,
3 Paul.

4 **DR. ZIEMER:** Yeah.

5 **MR. GRIFFON:** Is this -- is that newer version
6 on the same area of the O drive that the
7 previous Access database was? I haven't looked
8 at it yet.

9 **MS. ADAMS:** It's not -- it's not rolled out
10 (unintelligible) --

11 **MR. GRIFFON:** Okay.

12 **MS. ADAMS:** All we had available for the July
13 procedures meeting was -- was a -- was a --

14 **MR. GRIFFON:** A demo.

15 **MS. ADAMS:** -- a demo.

16 **DR. ZIEMER:** A demo.

17 **MR. GRIFFON:** Okay. Thank you.

18 **MELIUS VOTES UPDATE**

19 **DR. ZIEMER:** Thank you. Dr. Branche, you want
20 to review the -- Dr. Melius did provide his
21 votes on several of the items that were covered
22 at our last meeting. One of the items he still
23 has to vote on and that was, as I indicated
24 earlier, was on the Chapman Valve vote. He's
25 awaiting the details from the transcript to

1 review. But he did feel comfortable in voting
2 on the other issues that we voted on at the
3 last meeting which then I think, Dr. Branche,
4 you can report on.

5 **DR. BRANCHE:** I'm happy to. Just to check, has
6 Dr. Melius joined us?

7 (No response)

8 Okay. Dr. Ziemer and I conferred with -- with
9 Dr. Melius, and on July 7th he let us know by
10 e-mail that, as it concerned Y-12 and the
11 Spencer Chemical SEC petitions which were voted
12 to be approved by the full Board, he agreed
13 with those votes and so those votes are
14 unanimous.

15 He also reviewed the corrected letter to the
16 Secretary regarding the procedures review and
17 the vote to approve that letter, and he
18 concurred with that one as well.

19 Those are the votes that we have from Mr. --
20 from Dr. Melius.

21 **DR. ZIEMER:** Okay, thank you very much. Those
22 will show now on the official record, so I
23 think the votes on all three of those items
24 then were unanimous in favor, as I recall.

25 **DR. BRANCHE:** That is correct, Dr. Melius

1 (sic).

2 Before we adjourn I do have one other
3 announcement, Dr. Mel-- Dr. Ziemer, so whenever
4 you say.

5 **DR. ZIEMER:** Go ahead.

6 **MESSAGE FROM DFO**

7 **DR. BRANCHE:** I've had the pleasure of working
8 intimately with the Board -- I guess actually
9 in the fall. I started at NIOSH in July of
10 last year, knowing that I would be taking on
11 the responsibilities from Dr. Lewis Wade of
12 being the Designated Federal Official for this
13 Advisory Board. We had a bit of a transition
14 period, from which I benefited from Dr. Wade's
15 enormous talent and wisdom, and we made the
16 official transition for me to be the -- the
17 Designated Federal Official in March of this
18 year.

19 On July 3rd Dr. John Howard -- his contract
20 came to an end -- actually on the 2nd of August
21 -- and it was on July 3rd that we knew formally
22 that Dr. John Howard would not have his tenure
23 as the Director of NIOSH renewed. And Dr.
24 Julie Gerberding, the Director of the Centers
25 for Disease Control and Prevention asked me to

1 be the Acting Director of the National
2 Institute for Occupational Safety and Health.
3 I said that I would be the Acting Director and
4 I've asked Mr. Ted Katz to be the Acting
5 Designated Federal Official. Lots of words for
6 you. He will begin that role formally on
7 August 25th of this year. I will be the DFO
8 for some upcoming workgroup meetings that are
9 scheduled I believe the third week in -- in
10 August, and then Mr. Katz and I will both
11 attend the Board meeting -- the next Board
12 meeting that's scheduled for Redondo Beach, and
13 I'll do a day, we'll share a day, and then Mr.
14 Katz will take over the chair fully. Not at
15 all the generous transition period that I
16 enjoyed, but fortunately Mr. Katz is much, much
17 more intimately knowledgeable about Board
18 activities than I was coming on into this role.
19 I apologize for any slippage that -- that may
20 occur. I think we've tried to make certain
21 that everyone's taken care of. I do apologize
22 for what may be a -- a slight jumbled feeling
23 that some of you may be experiencing over these
24 -- over the last couple of weeks. I believe
25 we're shoring up any of the -- any of the

1 problems, and please feel free to let Mr. Katz
2 and me know if you feel neglected or overlooked
3 in any way. I do apologize for this
4 transition, but we're moving as fast as we can.
5 Thank you, Dr. Ziemer.

6 **DR. ZIEMER:** Okay. And first of all let me
7 congratulate you, Dr. Branche, on your new
8 assignment. We know it's some heavy shoes to
9 fill and a lot of responsibility, and we -- we
10 know you'll do it well. We'll have a chance at
11 our next meeting in California to more formally
12 thank you, but we -- we do thank you for the
13 work that you've done for the Board and done so
14 well.

15 We do also appreciate the fact that Mr. Katz is
16 coming aboard. He worked with the Board at --
17 extensively in our earlier years, so he is, as
18 you say, fairly familiar with the Board's
19 procedures and processes so I'm sure he'll make
20 a smooth transition as well.

21 We do appreciate the work that you have done
22 and are continuing to do for the Board.

23 **MS. MUNN:** Hear! Hear!

24 **DR. ZIEMER:** Let me -- although we're getting
25 ready to sign off and I -- when I learned from

1 Dr. Melius that he wouldn't be able to join us
2 till sometime after noon and maybe toward
3 12:30, and I e-mailed him and said that I was
4 hopeful that we would be done by then, not --
5 not that I want to be done before he came
6 aboard but that our agenda was somewhat
7 abbreviated and I felt we would be pretty close
8 to finishing our work by 12:30. But
9 nonetheless, let me see if Dr. Melius has come
10 aboard and give him a chance to comment, if he
11 so wishes.

12 (No response)

13 Apparently not. Okay. There is one other
14 item, although it wasn't on the original
15 agenda. We received this past week a letter
16 from Congressman (sic) Schumer and from Senator
17 Clinton, and from Congresswoman Slaughter
18 relating to Linde. I believe I copied
19 everybody on that letter.

20 **DR. BRANCHE:** Yes, you did, I believe, Dr.
21 Ziemer.

22 **DR. ZIEMER:** Okay.

23 **DR. BRANCHE:** If there's anyone who didn't have
24 it, I can send it to you while Dr. Ziemer
25 speaks.

1 **MS. MUNN:** No, there are no other --

2 **DR. ZIEMER:** Then I think we're ready to
3 adjourn, and I'll declare the meeting
4 adjourned. Thank you all very much.

5 **DR. BRANCHE:** Thank you.

6 **MS. MUNN:** Thank you.

7 (Whereupon, the meeting was concluded at 12:28
8 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 August 5, 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 25th day of August, 2008.

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