

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

+ + + + +

ADVISORY BOARD ON RADIATION AND  
WORKER HEALTH

MEETING 59

+ + + + +

THURSDAY,  
NOVEMBER 6, 2008

+ + + + +

The Advisory Board meeting  
convened telephonically at 11:00 a.m., Dr.  
Paul Ziemer, Chair, presiding.

MEMBERS PRESENT:

PAUL ZIEMER, Chair  
JOSIE BEACH  
BRADLEY CLAWSON  
MICHAEL GIBSON  
MARK GRIFFON  
JAMES LOCKEY  
JAMES MELIUS  
WANDA MUNN  
ROBERT PRESLEY  
GENEVIEVE ROESSLER  
PHILLIP SCHOFIELD

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## ALSO PRESENT:

NANCY ADAMS, NIOSH Contractor  
JANINE ANDERSON, Coalition for a Healthy  
Environment  
BOB ANIGSTEIN, SC&A  
TERRIE BARRIE, ANWAG  
SHARON BLOCK, Office of Senator Ted Kennedy  
LARRY ELLIOTT, OCAS  
JOE FITZGERALD, SC&A  
STUART HINNEFELD, OCAS  
LIZ HOMOKI-TITUS, HHS  
EMILY HOWELL, HHS  
TED KATZ, Designated Federal Official  
JOYCE LIPSZTEIN, SC&A  
STEVE MARSCHKE, SC&A  
JOHN MAURO, SC&A  
JIM NETON, OCAS  
CHICK PHILLIPS, SC&A  
STEVE OSTROW, SC&A  
MATT PICKETT, Office of Representative  
John Shimkus  
LAVON RUTHERFORD, OCAS  
DAVID STAUDT, CDC  
MIKE WASKI, Office of Senator Patty Murray

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

2 11:03 a.m.

3 MR. KATZ: I am just going to run  
4 down the list alphabetically. So, Ms. Beach?

5 MEMBER BEACH: I'm here.

6 MR. KATZ: Mr. Clawson?

7 MEMBER CLAWSON: I'm here.

8 MR. KATZ: Mr. Gibson?

9 MEMBER GIBSON: I'm here.

10 MR. KATZ: Mr. Griffon?

11 MEMBER GRIFFON: I'm here.

12 MR. KATZ: Dr. Lockey?

13 MEMBER MEMBER LOCKEY:: Here.

14 MR. KATZ: Dr. Melius?

15 (No response.)

16 MR. KATZ: Okay. And Ms. Munn?

17 MEMBER MUNN: Here.

18 MR. KATZ: Dr. Poston's not  
19 available, for the record. Mr. Presley?

20 MEMBER PRESLEY: Here.

21 MR. KATZ: And Dr. Roessler?

22 MEMBER ROESSLER: Here.

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1 MR. KATZ: And Mr. Schofield?

2 MEMBER SCHOFIELD: Here.

3 MR. KATZ: And Dr. Ziemer?

4 CHAIR ZIEMER: Here.

5 MR. KATZ: Okay and then let me --  
6 I should probably -- we can go back and check  
7 and see if Jim's joined us, but what I'll next  
8 run through, since there is some participation  
9 by OCAS ORAU team and SC&A and run through  
10 those lists too. So, OCAS ORAU, who's on the  
11 line?

12 MR. ELLIOT: Larry Elliot, the  
13 Director of OCAS is on the line.

14 MR. HINNEFELD: Stu Hinnefeld.

15 MR. NETON: Jim Neton, OCAS here.

16 MR. RUTHERFORD: LaVon Rutherford,  
17 OCAS.

18 MR. KATZ: And any ORAU members?

19 (No response.)

20 MR. KATZ: Okay then. And how  
21 about SC&A?

22 MR. MAURO: John Mauro here, SC&A.

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1 MR. FITZGERALD: Joe Fitzgerald.

2 MR. ANIGSTEIN: Bob Anigstein,  
3 SC&A.

4 MR. OSTROW: Steve Ostrow SC&A.

5 MR. MARSCHKE: Steve Marschke.

6 MR. PHILLIPS: Chick Phillips.

7 MR. KATZ: I'm sorry, the last  
8 person we couldn't hear.

9 MR. PHILLIPS: Chick Phillips,  
10 SC&A.

11 MR. KATZ: Oh, Chick, welcome, Hi.

12 MR. PHILLIPS: Thank you.

13 MS. LIPSZTEIN: Joyce.

14 CHAIR ZIEMER: I didn't catch that  
15 last one.

16 MS. LIPSZTEIN: Joyce Lipsztein,  
17 SC&A.

18 CHAIR ZIEMER: Oh, Joyce. Okay.

19 MR. KATZ: Joyce, welcome. Okay,  
20 it sounds like that does it for SC&A and then  
21 just also, let me check other NIOSH or HHS  
22 personnel.

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1 MS. HOMOKI-TITUS: Liz Homoki-Titus  
2 with HHS.

3 MS. HOWELL: Emily Howell, HHS.

4 MR. STAUDT: David Staudt, CDC.

5 MS. ADAMS: Nancy Adams,  
6 contractor, NIOSH.

7 MR. KATZ: Okay. And then this is  
8 Ted Katz, the acting DFO and just remind  
9 everybody to use mute when you're not speaking  
10 and, Paul, it's all yours.

11 CHAIR ZIEMER: Okay. Did we double  
12 check, did Dr. Melius get --

13 MR. KATZ: Oh, I'm sorry. Thank  
14 you. Jim Melius?

15 (No response.)

16 CHAIR ZIEMER: Okay, we do have a  
17 quorum so we will proceed. So I will  
18 officially call the meeting to order. This is  
19 meeting 59 of the Advisory Board on Radiation  
20 Worker Health.

21 Welcome everybody. I think there  
22 are some members of the public on the line as

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1 well. Janine Anderson identified herself. I  
2 don't know if there's any congressional people  
3 aboard.

4 MR. WASKI: This is Mike Waski from  
5 Senator Patty Murray's Employment Workplace  
6 Safety Sub-Committee.

7 CHAIR ZIEMER: Oh, very good.  
8 Thank you Mike. Any other congressional folks  
9 aboard?

10 MS. BLOCK: Yes. Sharon Block from  
11 Senator Kennedy's office online.

12 CHAIR ZIEMER: Thank you, Sharon.

13 MR. PICKETT: Matt Pickett with  
14 Congressman Shimkus' office.

15 CHAIR ZIEMER: Okay. Very good.  
16 Any others?

17 (No response.)

18 CHAIR ZIEMER: Okay. Thank you  
19 very much. Again, welcome everybody. I would  
20 like to make sure that everyone has a copy of  
21 the agenda. It was distributed to board  
22 members by e-mail and it appeared on the

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1 website as well. So if you don't have a copy  
2 and need one, you should be able to go  
3 directly to the website and pick that up.

4 We will proceed down through the  
5 agenda as it is given. There are no times  
6 certain on there so we'll just go as the  
7 agenda shows and take whatever time is needed  
8 for each item.

9 Are there any questions or any  
10 board members that are in need of a copy of  
11 the agenda. Wanda, did you get a copy?

12 MEMBER MUNN: Yes, I did, Paul.

13 CHAIR ZIEMER: Okay. Very good.

14 MS. BARRIE: Dr. Ziemer, this is  
15 Terrie Barrie with ANWAG.

16 CHAIR ZIEMER: Oh, Terrie, yes.  
17 Thank you.

18 MS. BARRIE: How are you? Has  
19 there been any changes to the agenda?

20 CHAIR ZIEMER: I'm not aware of  
21 any. Let's see, let me ask Ted Katz what's  
22 the most recent version that went on to the

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1 website and there were no changes, I do not  
2 think.

3 MR. KATZ: Yes, I don't believe  
4 there's -- I mean, there's some details that  
5 may not be listed. I haven't lookED at what's  
6 on the website, frankly, but it's more or less  
7 as it's laid out.

8 It's really, you know, we have, for  
9 members of the public and I'm sorry for not  
10 calling roll for all of you, but since there's  
11 no public comment session, I didn't do that.  
12 But we have a series of updates on ongoing  
13 activities and a variety of things that are  
14 almost of an administrative manner as well.  
15 But, I don't think -- there are no surprises  
16 in here on the agenda.

17 MS. BARRIE: Okay. Thank you.

18 CHAIR ZIEMER: Okay. The first  
19 item after our roll call and the official  
20 opening of the meeting is a status on the  
21 CANEL SEC petition. I'll simply point out the  
22 board took action on this petition at its last

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1 meeting, but one member was absent and, under  
2 our rules, we're required to get the vote of  
3 that individual.

4 So, Ted, if you will give us an  
5 update on that recommendation.

6 MR. KATZ: Right. Thank you, Dr.  
7 Ziemer. And you've already given us most of  
8 the update.

9 Dr. Lockey, who was absent did vote  
10 afterwards according to procedure on September  
11 22<sup>nd</sup>. He voted affirmatively in support of  
12 adding the Connecticut Aircraft Nuclear Engine  
13 Laboratory to the SEC and I wanted to make  
14 that a matter of record.

15 And then also I should just note  
16 that on 10/24, October 24<sup>th</sup>, the Secretary of  
17 HHS, Secretary Leavitt concurred with the  
18 NIOSH recommendation and the board  
19 recommendation and sent a designation to  
20 Congress to add this class.

21 So that designation's sent to  
22 Congress. It has 30 days with Congress and

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1 should, as long as Congress doesn't take any  
2 action, it becomes effective. So I assume  
3 November 24<sup>th</sup> or thereabouts.

4 CHAIR ZIEMER: Okay. Thank you  
5 very much. Are there any questions on that  
6 petition? My recollection is that the vote to  
7 recommend, that was unanimous, if we include  
8 Dr. Lockey's vote.

9 MR. KATZ: That's correct. It was  
10 unanimous.

11 CHAIR ZIEMER: Thank you very much.  
12 Next we have --

13 MR. ELLIOT: Dr. Ziemer, this is  
14 Larry Elliot.

15 CHAIR ZIEMER: Yes. Larry.

16 MR. ELLIOT: I would just make note  
17 for the board and for the public that this  
18 class designation will come to full maturity  
19 in the class that will be established later  
20 this month on the 23<sup>rd</sup> I believe.

21 CHAIR ZIEMER: Okay. That's the  
22 cutoff date for congress to --

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1 MR. ELLIOT: That's correct.

2 CHAIR ZIEMER: -- act if they wish  
3 to reverse.

4 MR. ELLIOT: So we anticipate that  
5 the claims that are effected by this class  
6 will start being processed that following  
7 Monday.

8 CHAIR ZIEMER: Thank you very much.  
9 Next, we're going to have an update on  
10 special exposure cohort petition status. That  
11 is all the numbers and the various actions and  
12 status of the various petitions. And LaVon  
13 Rutherford will provide that. LaVon, you're  
14 on the line I believe.

15 MR. RUTHERFORD: Yes, I am, Dr.  
16 Ziemer.

17 CHAIR ZIEMER: Thank you very much.  
18 Go ahead.

19 MR. RUTHERFORD: Yes. This will  
20 not be as detailed as the face-to-face  
21 advisory board meetings, but I'm going to give  
22 you an update on the petitions that are with

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1 the advisory board awaiting recommendation,  
2 petitions that we plan to present at the  
3 December board meeting, petition evaluations  
4 that we anticipate we'll be presenting at the  
5 February board meeting and other petitions  
6 that are in the evaluation phase.

7 Currently we have 10 petitions,  
8 actually we have 11 that are with the board  
9 for recommendation if you include the Dow  
10 addendum 2.

11 We have Chapman Valve, the Feed  
12 Material Production Center, Bethlehem Steel,  
13 Hanford, Blockson Chemical, Pantex, Nevada  
14 Test Site, Texas City Chemical, Mound, Santa  
15 Susanna and again as I mentioned we have the  
16 Dow addendum 2, which addresses the residual  
17 period.

18 Each one of those petition  
19 evaluations are with the board, with the  
20 various work groups with the board.

21 At the December board meeting, we  
22 plan to present the Savannah River Site

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1 evaluation that's for construction workers.  
2 The final report is in our office now and for  
3 final approval so that should go out soon. We  
4 do have to have a review that has to be  
5 completed on that by the Department of Energy.

6 General Steel Industries, we have  
7 already issued that report and sent that to  
8 the petitioner of the board. And Linde  
9 Ceramics, all three of those are 83.13s.  
10 Linde Ceramics was approved yesterday.

11 The petition evaluation went to the  
12 petitioner electronically this morning, it  
13 will go to the board electronically this  
14 afternoon and be FedExed out as well today.  
15 That Linde Ceramics evaluation addresses the  
16 residual period only.

17 We have three 83.14s we plan to  
18 present at the board meeting in December. The  
19 Metallurgical Laboratory, that is the roughly  
20 1942 through 1946, Mallinckrodt, 1958 and the  
21 Vitro Manufacturing in Canonsburg. All three  
22 of those are 83.14s. The evaluations will be

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1 out later this month.

2 At the February board meeting we  
3 plan to present three, possibly four, 83.13s.

4 Westinghouse Atomic Power Development, we  
5 have been back and forth with the Department  
6 of Labor on the covered activity at  
7 Westinghouse Atomic Power Development. We  
8 have come to a conclusion of covered activity  
9 for the period and we're moving forward with  
10 that 83.13 and we will be ready to present in  
11 February.

12 Tyson Valley Powder Farm in St.  
13 Louis we will -- that report should be out no  
14 later than early December. Not quite soon  
15 enough to present at the December meeting, but  
16 will be out at that time.

17 And then the Los Alamos National  
18 Lab, the report, we did not make the 180 days,  
19 we did extend beyond, but we will be ready for  
20 the February board meeting.

21 Brookhaven National Lab, we again  
22 did not make the 180 days on that report. We

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1 have had some difficulties retrieving data and  
2 getting data from the site. We are getting  
3 that data now and moving forward on that, but  
4 with the short period after the December board  
5 meeting and the holidays it will be a tight  
6 squeeze to whether we actually make the  
7 February board meeting. I should have a  
8 better answer on that within the next few  
9 weeks.

10 We have one 83.14 we plan to  
11 present and that's the Hood Building in  
12 February. We have three other petitions that  
13 are in various stages of the evaluation  
14 process: United Nuclear Core Hematite, it  
15 qualified recently; Piqua Organic Moderated  
16 Reactor in Piqua, Ohio and Standard Oil  
17 Development Company of New Jersey. All three  
18 of those petitions recently were qualified for  
19 evaluation and we are moving forward with  
20 those evaluations.

21 I know that recently we have had a  
22 few -- more than normal number of petitions

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1 that have exceeded the 180 days. I'm going to  
2 briefly identify which ones those are and the  
3 reasons behind them.

4 The Savannah River site, that was a  
5 petition where -- it's a petition where it was  
6 over a very large period of time, roughly 40  
7 or 50 years, a large site, a lot of data and  
8 due to the size and complexity of that, we  
9 were unable to complete that report within the  
10 180 days. We did let the board know that at a  
11 fairly early stage of that evaluation once it  
12 was recognized.

13 Brookhaven National Lab, we have  
14 had trouble. This is a site where we had  
15 trouble initially getting the data and the  
16 information from the site.

17 Over the last couple of months --  
18 over the last month, month and a half, that  
19 has eased up and we are getting that  
20 information. However, it's still coming in  
21 and there's still a lot there. And so,  
22 there's information that has to be evaluated

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1 and reviewed and data quality and so on that  
2 has slowed us down on the 180 days.

3           Los Alamos National Lab, I think  
4 this is another site where we had difficulty  
5 getting the data. We -- Greg Lewis with the  
6 Department of Energy has worked very hard over  
7 the last month and we are getting a good  
8 response from the site now, but we did  
9 struggle for a period of time getting that  
10 information.

11           General Steel Industries, that  
12 report was issued roughly a week after the 180  
13 days. We had worked hard to get that report  
14 out and had hoped to get it out on the Friday,  
15 which would have made the 180 days; however,  
16 we had a couple of minor comments that came  
17 that we had to resolve that forced us into the  
18 following week.

19           Typically we try, as soon as it's  
20 recognized that we are not going to make the  
21 180 days on a report, we notify the  
22 petitioners, the board and our congressional

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1 contacts to make them aware of that. With  
2 GSI, again, we were right up to the deadline  
3 and thought we were going to make it; however,  
4 we did notify the petitioner and the board on  
5 the Monday following that Friday that were  
6 weren't going to make it and we did get that  
7 report out that week.

8 Linde Ceramics was a little  
9 different. Linde Ceramics, the petition was  
10 submitted, did not provide enough -- did not  
11 provide a good basis for qualification  
12 initially and did not provide good supporting  
13 documentation.

14 After a roughly 30-day period, 30  
15 to 45-day period of back and forth with the  
16 petitioner, the petitioner came in with a new  
17 basis and new supporting documentation that  
18 ultimately qualified the petition. But  
19 roughly 60 days was lost in that process, that  
20 slowed us down. That report, again, was  
21 approved today -- or yesterday and is out.

22 So we have had a few that have not

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1 made the 180 days and I wanted to brief the  
2 board on the reasons behind those and  
3 hopefully we don't have any here in the  
4 future. And that's pretty much it for my  
5 summary update. Any questions?

6 CHAIR ZIEMER: Thank you very much,  
7 LaVon. Just for clarification, the Metallurgy  
8 Lab, is that the U of Chicago facility?

9 MR. RUTHERFORD: Yes, it is.

10 CHAIR ZIEMER: Okay. And the Hood  
11 Building is --

12 MR. RUTHERFORD: MIT.

13 CHAIR ZIEMER: MIT. Okay.

14 MR. RUTHERFORD: Actually, if you  
15 remember, Dr. Ziemer, we had went forward with  
16 a report, evaluation report on MIT and the  
17 Department of Labor sent us a letter reminding  
18 us, well actually, pointing out that the Hood  
19 Building was a separate designation than the  
20 MIT facility.

21 Although they're listed under the  
22 DOE facility database, under the same heading,

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1 they're separate designations and we can't  
2 move forward with an SEC class for two, two  
3 facilities for one class. And so we're moving  
4 forward with the Hood Building. The MIT  
5 facility, we do not have a qualified  
6 petitioner at this time.

7 CHAIR ZIEMER: Yes. So the Hood  
8 Building, although it's part of the MIT will  
9 be a separate action; is that correct?

10 MR. RUTHERFORD: Yes.

11 CHAIR ZIEMER: Thank you. Board  
12 members, any questions on the information from  
13 LaVon?

14 MEMBER MELIUS: No. This is Jim  
15 Melius, I'm on now.

16 CHAIR ZIEMER: Oh, Jim. Thank you.  
17 We note that you're aboard.

18 MR. KATZ: Yes.

19 MR. RUTHERFORD: Jim, Dr. Melius,  
20 your being on reminded me, at the last board  
21 meeting, when we were discussing CANEL, one of  
22 the questions that we brought up was the issue

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1 of potential additional covered work or  
2 covered employment at the site because of  
3 dismantlement activities.

4 We have provided all of our  
5 references that support that dismantlement  
6 activity to the Department of Labor and sent a  
7 letter to them, so we are following up on that  
8 action.

9 MEMBER MELIUS: Okay. Thanks a  
10 lot.

11 CHAIR ZIEMER: Okay. Any other  
12 questions, board members, on the updates of  
13 the SEC petition, status of these various  
14 ones?

15 LaVon, on the Linde one, I just  
16 want to give us a heads up because we have a  
17 response letter to Senators Schumer and  
18 Clinton and Representative Slaughter that  
19 we'll be looking at later, it concerns Linde  
20 and we'll probably have to make an appropriate  
21 modification.

22 But just for the record, can you

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1 tell us the status of the period before the  
2 residual period?

3 MR. RUTHERFORD: Yes, I can.

4 CHAIR ZIEMER: The years, I believe  
5 they are `47 to `53.

6 MR. RUTHERFORD: That's correct.  
7 It's at the end of `53. Yes, that was that we  
8 received a petition a while back that was for  
9 that period. We did not qualify the petition  
10 because the petition basis was not met.

11 The petition basis surrounded  
12 monitoring data and we had monitoring data  
13 that that petition, the petitioner requested  
14 an administrative review, it went through the  
15 administrative review team.

16 The administrative review team  
17 reviewed the information and concurred with  
18 OCAS's findings that it did not, or that we  
19 had followed the process properly and it did  
20 not qualify.

21 At that time, we received from the  
22 petitioner a letter that indicated that they

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1 felt that there was a classified document that  
2 included the information that supported that  
3 Belgian Congo ore was processed at Linde  
4 during the `43 to `44, 1943 to `44 period.

5 Even though we had completed the  
6 administrative review and effectively could  
7 have closed the petition, we committed to the  
8 petitioner that we would go back and look at  
9 that document and we indicated that if that  
10 document supported a reason, whether it was a  
11 reason the petitioner provided or not, a  
12 reason for qualification, we would qualify the  
13 petition and move forward.

14 We contacted the Department of  
15 Energy in Germantown, we supplied the  
16 Department of Energy in Germantown a list of  
17 questions that focused around what types of  
18 ore were processed during the period, whereas  
19 Belgian Congo or the 65% percent Belgian Congo  
20 processed.

21 We asked a number of questions and  
22 based on the answers to those questions, they

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1 came back and it was no, that it was not  
2 processed at Linde. We do know that the  
3 material was there and that there was roughly,  
4 I can't remember, around 2,000 pounds of the  
5 material was at the site, but the material was  
6 never processed, it was there.

7 They had anticipated possibly  
8 processing it, but tests and experiments that  
9 were done by Electromet, I guess did not  
10 support putting that into the process, so they  
11 did not do that. So we concluded that the  
12 classified document did not provide new  
13 information that would support qualifying the  
14 petition.

15 I also pointed out to the  
16 petitioner that the period that the Belgian  
17 Congo ore was at Linde was already a SEC -- a  
18 currently covered SEC class. We had a class  
19 at Linde that covers up to 1947 and we do have  
20 documentation that the material was not onsite  
21 after 1946.

22 So that gives you a little update.

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1 We have not -- we did send a letter recently  
2 back to the petitioner indicating that the new  
3 information did not support qualifying for  
4 that period.

5 CHAIR ZIEMER: Thank you. That's  
6 very helpful. When we get down in the agenda  
7 to that point I want to make sure that the  
8 words we include in the letter, and I may want  
9 to add a sentence or two about the period from  
10 `47 to `53, that we correctly characterize  
11 that.

12 So we'll come back to the Linde  
13 issue in a little bit. Board members, any  
14 other questions?

15 (No response.)

16 CHAIR ZIEMER: If there are none,  
17 we are going to proceed with updates from the  
18 various work groups as well as the dose  
19 reconstruction subcommittee. And I think  
20 probably we will start with the subcommittee  
21 and then Ted, if you will do it sort of by  
22 roll call, take us through the various work

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1 groups and we'll hear from the chairs of each  
2 of the work groups.

3 MEMBER GRIFFON: Do you want me to  
4 go first? This is Mark Griffon.

5 CHAIR ZIEMER: Yes, Mark, do you  
6 want to begin with the dose reconstruction  
7 subcommittee and then we'll move to the work  
8 groups?

9 MEMBER GRIFFON: Sure. Sure. This  
10 will be a very brief one. The subcommittee  
11 hasn't met since the last board meeting. We  
12 do have a meeting planned for December 8<sup>th</sup>, I  
13 believe, yes December 8<sup>th</sup> in Cincinnati and  
14 I'll be prepared to give a full report at the  
15 board meeting, you know, on the 16<sup>th</sup> through  
16 the 18<sup>th</sup>.

17 But the topics for discussion at  
18 that, we're just going to continue on with our  
19 sets of cases. I think we're on matrix items  
20 six, seven and eight -- will be on the agenda.

21 Additionally, the first 100 cases  
22 letter will be discussed also at that meeting.

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1 We had a preliminary draft that was put out  
2 and I asked for some feedback from some of the  
3 subcommittee members and I think we're going  
4 to further work on editing that letter at the  
5 December 8<sup>th</sup> meeting.

6 And that's the only updated point  
7 at this point for the subcommittee.

8 CHAIR ZIEMER: Thank you. Board  
9 members, any questions for Mark?

10 (No response.)

11 MR. KATZ: Okay then --

12 CHAIR ZIEMER: Before we leave  
13 that, just one other point. I'll simply  
14 indicate to the board members that I  
15 distributed to you within the last few days, a  
16 copy of a letter that came from the Secretary  
17 via CDC basically acknowledging the last  
18 report on the cases 61 through 100, just as a  
19 matter of record. And a copy of that letter  
20 was distributed to all board members.

21 Okay, let's proceed.

22 MR. KATZ: Okay then, let's go

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1       alphabetically. Blockson Chemical, Ms. Munn?

2                   MEMBER MUNN:     Yes.     The Blockson  
3       work group met in Cincinnati face-to-face on  
4       October 15<sup>th</sup>.     We had had very specific  
5       instructions from the full board as a result  
6       of our presentations there during the previous  
7       meeting.

8                   We     were     instructed     to     focus  
9       specifically on the radon issue, which was the  
10      first item of our agenda.     We spent a  
11      significant amount of time on that and also  
12      reviewed the bounding value determination.

13                  We visited the surrogate daily use  
14      issues, talked about the co-worker model,  
15      identified the assumptions that were used for  
16      coverage of the maintenance workers and  
17      discussed the data quality concerns.

18                  The meeting lasted most of the day.

19      We had one or two technical items that were  
20      going to be discussed further by SC&A and  
21      NIOSH prior to our upcoming December meeting.

22      We had agreed that that technical exchange

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1 would occur sometime in the very near future  
2 now.

3 If I had been notified of that,  
4 it's occurred during the last 48 hours while  
5 my computer system is down. So far as I know  
6 we are in the process of establishing a date  
7 for that now. It is hoped that the entire  
8 work group will be able to have one final  
9 telephone call of the work group itself to  
10 discuss the information that's exchanged in  
11 that technical exchange that's ongoing and  
12 that we will have a report for the December  
13 meeting.

14 CHAIR ZIEMER: Okay. Thank you  
15 very much. Any questions?

16 (No response.)

17 CHAIR ZIEMER: Okay, let's proceed.

18 MR. KATZ: Okay, then it's -- well  
19 the next is Chapman Valve and Dr. Poston isn't  
20 with us. Mark, can you fill in?

21 MEMBER GRIFFON: Sure. I can take  
22 a stab at it. I know we have not had a work

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1 group meeting on Chapman Valve since the last  
2 meeting. I do remember as they left and I  
3 might want to go back to the record for the  
4 exact action items, but we did ask NIOSH to  
5 follow up on certain things.

6 One was the question about the  
7 naval operations and second was whether there  
8 was any reports or if they could contact the  
9 company that was involved in the actual  
10 cleanup of the site to see if there's any  
11 records -- any discussions.

12 Mainly, both the reasons for those  
13 were to pursue this question of the enriched  
14 uranium, the possible use of enriched uranium  
15 and the timing of that on the site. So I  
16 think that was where we left it.

17 I don't know if John has heard  
18 anything back from NIOSH, but we haven't had  
19 another meeting yet and we were kind of  
20 waiting, I think, until we had some more new  
21 information to be discussed, otherwise there  
22 wasn't a need for a meeting.

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1 MR. ELLIOT: This is Larry Elliot,  
2 if I can.

3 MEMBER GRIFFON: Sure.

4 MR. ELLIOT: I'm offering a comment  
5 here that might help inform. Yes, we took an  
6 action item for NIOSH to attempt to see if we  
7 could get the Department of Defense to give us  
8 some feedback on questions about what  
9 Department of Defense activities might have  
10 occurred at Chapman Valve that could have  
11 resulted in this enriched uranium sample  
12 that's been the subject of conversation and  
13 debate.

14 We have advanced that issue to the  
15 Department of Defense and we have not yet  
16 heard back from them. We had one exchange for  
17 clarification and we provided that  
18 clarification, but we have not received  
19 anything further at this time.

20 CHAIR ZIEMER: So we are awaiting a  
21 reply from DOD and depending on what that is,  
22 the work group then can proceed. Any

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1 questions or comments?

2 (No response.)

3 CHAIR ZIEMER: Thank you.

4 MR. KATZ: Okay. Fernald site,  
5 then, by Clawson.

6 MEMBER GIBSON: Ted, this is Mike.  
7 Could I interrupt for just a minute?

8 CHAIR ZIEMER: You bet. Mike  
9 Gibson.

10 MEMBER GIBSON: Yes, I just got an  
11 e-mail from Dan McKeel that looks like it's  
12 addressed to Paul, Ted and the board that he  
13 tried to call into this conference call and it  
14 says that it's reached capacity and he  
15 wondered if more ports can be made available.

16 MR. KATZ: Mike, thank you for  
17 that. Let me check into that.

18 MEMBER GIBSON: Okay. Thanks.

19 CHAIR ZIEMER: Mike, would you mind  
20 if you have your e-mail open, could you reply  
21 to Dan and indicate that we are trying to see  
22 about opening more ports?

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1 MEMBER GIBSON: Yes, I'll do that.

2 CHAIR ZIEMER: Thank you very much.

3

4 MR. KATZ: I'm sorry, I'm going to  
5 have to just take a 30 second break to do  
6 that. But I'll be right back with you.

7 CHAIR ZIEMER: Okay. Well, let's  
8 go ahead with the Fernald site. Brad Clawson,  
9 if you want to report?

10 MEMBER CLAWSON: Okay. Can you  
11 hear me okay?

12 CHAIR ZIEMER: Sure.

13 MEMBER CLAWSON: Okay. We met the  
14 28<sup>th</sup> of this month, we're proceeding on --

15 CHAIR ZIEMER: Well actually last  
16 month, right? October 28<sup>th</sup>?

17 MEMBER CLAWSON: Yes, well I guess  
18 we are into the next month. Yes, the 28<sup>th</sup> of  
19 last month, the Fernald work group met in  
20 Cincinnati. We've got several issues that  
21 we're looking into.

22 SC&A has provided that they're

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1 going to do sampling plan force at this  
2 meeting we reconstructed a little bit and made  
3 it more clear what we wanted to be able to get  
4 out of that. We're still dealing with several  
5 issues, the radon issues, they're looking into  
6 the Tiger Team reports back in those areas.

7 They're also looking at the co-  
8 worker data model that's going to be used on  
9 the O: drive. We're still just proceeding on  
10 forward. We've got -- each side's got several  
11 things that they're working on and we're just  
12 proceeding forward.

13 CHAIR ZIEMER: Okay. Thank you.  
14 Questions for Brad or comments?

15 (No response.)

16 CHAIR ZIEMER: Okay.

17 MR. KATZ: Okay, I'm back with you.

18 Let me just note, I hope someone would send  
19 an e-mail to Dr. McKeel because we have 50  
20 ports and it's hard for me imagine that there  
21 are 50 people listening in, although I've  
22 asked for them to expand the ports regardless,

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1 but there should be enough ports already.

2 MEMBER MELIUS: Ted, when I signed  
3 in which was a little bit late, I was told I  
4 was the 50<sup>th</sup> caller.

5 MR. KATZ: Oh, okay. Well there  
6 you have it then. I've asked for them to  
7 expand it. Thank you Jim.

8 MR. KATZ: Okay, so let's move on  
9 then --

10 CHAIR ZIEMER: That was Fernald,  
11 let's proceed.

12 MR. KATZ: To Hanford site profile  
13 and that's you, Dr. Melius.

14 MEMBER MELIUS: Yes. The work  
15 group hasn't met. I actually just got an  
16 update from NIOSH about some of their recent  
17 activities and we also have had a, sort of an  
18 internal report from SC&A looking at some of  
19 the neutron issues and I think we're -- we  
20 need to resolve some of the data access issues  
21 which we're working on now in terms of getting  
22 some information to -- so SC&A can review it.

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1           So I think probably -- I don't  
2           expect any work group meetings until at least  
3           until the December meeting, but we will be  
4           active in terms of reviewing the SEC issues  
5           there.

6           CHAIR ZIEMER:   Okay.   Thank you.  
7           Questions?

8           (No response.)

9           CHAIR ZIEMER:   Okay, let's proceed.  
10          Ted, are you still there?   We lost Ted there  
11          temporarily, I guess.   Let me look at, to get  
12          the work group list here before me and see  
13          who's next here.       He was doing them  
14          alphabetically I think.

15          MS. BARRIE:    Yes, he was.   Just  
16          finished Hanford.

17          CHAIR ZIEMER:   That was Hanford,  
18          let's see.   I think Los Alamos then is next,  
19          Mark?

20          MEMBER GRIFFON:   Yes, Los Alamos is  
21          next.   And I think LaVon just gave my update.  
22          They -- we're waiting for the LANL evaluation

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1 report and as soon as we get that we're going  
2 to reconvene the work group on LANL. So  
3 there's no update on this at this point.

4 MR. KATZ: I'm sorry. It's Ted, I  
5 was somehow -- I don't know if it's this port  
6 problem, but I was dropped and I'm back.  
7 You've already -- did you just get through INL  
8 and LANL?

9 CHAIR ZIEMER: Yes. We're ready  
10 for Linde Ceramics.

11 MR. KATZ: We're ready for Mound,  
12 right?

13 MEMBER MUNN: You didn't do INL;  
14 did you?

15 MR. KATZ: We don't have a work  
16 group for -- we did LANL, next would be Mound;  
17 right?

18 CHAIR ZIEMER: Well, Linde work  
19 group actually finished their task, I believe  
20 is the case, right?

21 MEMBER MUNN: Right.

22 MR. KATZ: Right. Right. So next

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1 is Mound, Ms. Beach?

2 MEMBER BEACH: Yes. The Mound work  
3 group last met face-to-face on October 27<sup>th</sup>.  
4 SC&A reported on several issues. The work  
5 group is making progress and plans to schedule  
6 two technical calls between NIOSH and SC&A on  
7 the Plutonium-238 issue and neutrons.

8 And hopefully we're going to have  
9 those scheduled before the end of this year.  
10 I also hope to be ready to schedule the next  
11 work group meeting right at the first of 2009.

12 That's all I have.

13 CHAIR ZIEMER: Okay. Thank you.  
14 Questions or comments?

15 (No response.)

16 CHAIR ZIEMER: Okay.

17 MR. KATZ: Okay, the Nevada Test  
18 Site, Bob Presley.

19 MEMBER PRESLEY: Okay. The Nevada  
20 Test Site met on the 29<sup>th</sup>, all members were  
21 present either there in person or by phone.  
22 SC&A had turned in their comment evaluation on

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1 the occupational internal or environmental  
2 dose. That was discussed at length by SC&A  
3 and NIOSH.

4 We are presently waiting for some  
5 comments back from NIOSH. Also, there was an  
6 internal dosimetry data document that SC&A had  
7 prepared and that was also discussed in full.

8 We're waiting on NIOSH's comment on that.

9 I think that the NTS working group  
10 is moving forward. I believe there's some  
11 hope for us now. We will schedule a working  
12 group somewhere around the first of the year  
13 when NIOSH has a chance to make their comments  
14 and then get back to the working group. So,  
15 that's my report.

16 CHAIR ZIEMER: Thank you, Robert.

17 Again questions or comments?

18 (No response.)

19 CHAIR ZIEMER: Okay.

20 MR. KATZ: Okay. Before we go on,  
21 let me just make a note. If someone has Dr.  
22 McKeel's e-mail handy, and if he hasn't been

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1 able to join us, we added 20 ports, so he  
2 should be able to now.

3 CHAIR ZIEMER: Mike, did you try --  
4 Mike Gibson, did you try e-mailing Dr. McKeel?

5 DR. MCKEEL: This is Dan McKeel,  
6 I'm on.

7 CHAIR ZIEMER: Oh, Dan, you're on.

8 DR. MCKEEL: Okay, I was the 50<sup>th</sup>  
9 port joining at 11:30 and I missed all of  
10 LaVon's presentation. So I'm really very  
11 unhappy about that, but I'll turn it back.

12 CHAIR ZIEMER: Yes, and LaVon if  
13 you wouldn't mind at the end of the meeting,  
14 could you send Dr. McKeel a summary of what  
15 you presented?

16 MR. RUTHERFORD: Yes, there's no  
17 problem. I'll send that.

18 MR. KATZ: Okay. And we apologize  
19 on that.

20 CHAIR ZIEMER: We'll try to get you  
21 updated, Dr. McKeel, as quickly as we can.

22 MR. KATZ: I don't know if we've

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1 ever broached 50 before, but in the future we  
2 will have more ports for these calls.

3 CHAIR ZIEMER: Okay. Dr. McKeel,  
4 we'll try to get you that information as  
5 rapidly as we can here.

6 DR. MCKEEL: Thank you very much.

7 CHAIR ZIEMER: Okay. Then let's  
8 see, where are we on --

9 MR. KATZ: We're on Pantex and  
10 that's Brad Clawson.

11 MEMBER CLAWSON: Yes. Pantex work  
12 group, if you remember right, we just formed  
13 that last time. We're in the process -- and I  
14 believe you were assisting us with this, Ted,  
15 to be able to set up a meeting to be able to  
16 discuss how we're going to be able to handle  
17 this with the amount of classified material  
18 and so forth. As of yet, we have not been  
19 able to meet.

20 CHAIR ZIEMER: Okay. Any  
21 questions, board members?

22 (No response.)

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1 CHAIR ZIEMER: Okay, let's proceed.

2 MR. KATZ: Okay. We have Pinellas,  
3 Phil?

4 MEMBER SCHOFIELD: Yes. Pinellas,  
5 we're waiting on the review by DOE on OTIB-66  
6 on the metal tritides. Until that issue is  
7 kind of cleared up, we're not going to do  
8 anything to that. Hopefully that will be done  
9 soon and we will be able to proceed then with  
10 some guidance from DOE.

11 CHAIR ZIEMER: Did they provide any  
12 rough estimate of when that would be  
13 available? Are we talking about a few weeks?  
14 Any indication --

15 MEMBER SCHOFIELD: No idea on that,  
16 when it will actually be ready at this point.

17 MR. KATZ: If I may, I mean, John  
18 Mauro may correct me if I'm wrong, but I  
19 believe I've heard from John recently that  
20 this is in the works and coming soon, I think.

21 MR. MAURO: Yes, this is John  
22 Mauro. Yes, Ted, I've been told Joe

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1 Fitzgerald is our point man working with  
2 Regina and he's been in touch with her on this  
3 matter. And I guess I was left with the  
4 impression that we're really close to getting  
5 that cleared.

6 MR. FITZGERALD: Yes, this is Joe.

7 That was held up at Hanford. I had it  
8 transferred to DOE headquarters. It's with  
9 headquarters now for about a week, a little  
10 over a week, so we expect to get that back  
11 within a week or so.

12 CHAIR ZIEMER: Okay. That's  
13 helpful. So then, Phil, your group can plan  
14 accordingly.

15 MEMBER SCHOFIELD: Thank you.  
16 Appreciate that update there.

17 CHAIR ZIEMER: Okay. Let's  
18 proceed.

19 MR. KATZ: Okay. Procedures  
20 review, Wanda?

21 MEMBER MUNN: Procedures met in  
22 Cincinnati on October 14<sup>th</sup> and spent a full day

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1 going through the outstanding items that we  
2 have. We have now fully transferred our  
3 activities to electronic means and it seems to  
4 be working quite well.

5 We spent a considerable amount of  
6 time discussing what the proper protocols were  
7 for some of the handling of electronic  
8 material, since that's a new process that  
9 we're feeling our way through, trying to  
10 establish, so that it will be workable for all  
11 involved.

12 We are particularly concerned about  
13 the number and security of electronic links  
14 that we are incorporating into the database as  
15 we go along to clarify some of the decisions  
16 and comments that are made in the database  
17 proper.

18 We feel we're making reasonable  
19 progress with this. Procedures, of course, by  
20 its very nature is going to be ongoing  
21 throughout the entire life of this board. So  
22 we are pleased that we've been able to

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1 accomplish what we have so far insofar as  
2 collaborating with all of the entities  
3 involved to make this database what we feel it  
4 needs to be.

5 We had assumed, and it appears to  
6 be the case, that other work groups and  
7 committees will be undertaking the use of this  
8 same type of format as we go forward. We have  
9 another meeting scheduled, prior to the  
10 December meeting, tentatively scheduled.

11 We had not seen the agenda at that  
12 time and we're not sure that we could have the  
13 time available to us to do that. But at this  
14 moment, it is our expectation that we will  
15 meet again just prior to the December meeting  
16 that's upcoming.

17 CHAIR ZIEMER: Thank you, Wanda.  
18 And let me make a note here that I believe Mr.  
19 Presley is trying to help us arrange for a  
20 site tour of the Savannah River Site also  
21 prior to that meeting. So we need to  
22 coordinate those activities.

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1                   MEMBER MUNN: We'll try to do that  
2 offline.

3                   CHAIR ZIEMER: Robert, can you tell  
4 us what the plans are there or is it too early  
5 to say?

6                   MEMBER PRESLEY: Well, it's really  
7 too early. I got an e-mail message back just  
8 a few minutes ago and I forwarded it on to  
9 Ted, that their group that does the tours will  
10 be contacting me, hopefully today. And we  
11 have asked them to set the tour up for either  
12 the morning of the 15<sup>th</sup> -- I'm sorry, the  
13 afternoon of the 15<sup>th</sup> or the morning of the  
14 19<sup>th</sup>.

15                   CHAIR ZIEMER: Just prior to or  
16 just following our --

17                   MEMBER PRESLEY: Prior to or --

18                   CHAIR ZIEMER: -- actual board  
19 session?

20                   MEMBER PRESLEY: Right, yes.

21                   CHAIR ZIEMER: Thank you.

22                   MEMBER PRESLEY: So that's where we

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1 stand.

2 CHAIR ZIEMER: Thank you.

3 MEMBER MUNN: And procedures had  
4 discussed the possibility of meeting that  
5 morning of the 15<sup>th</sup>. So we'll reconsider what  
6 our possibilities are, once we know what the  
7 tour schedule's going to be.

8 CHAIR ZIEMER: And let me add to  
9 that, that it will be important for us to  
10 resolve that fairly fast because people making  
11 both flight arrangements and hotel  
12 arrangements for that meeting, it may be  
13 effected by that schedule. For example, if  
14 your work group is meeting that morning, folks  
15 may need to come in a day earlier than they  
16 otherwise would have planned.

17 MEMBER MUNN: Yes. We will have to  
18 look at the overall schedule. And Bob  
19 Presley, when you get information, if you send  
20 it electronically and do not get a response  
21 from me, I would appreciate your calling me  
22 with that information, since I'm not sure how

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1 long our system's going to be down.

2 MEMBER PRESLEY: We can handle  
3 that.

4 MEMBER MUNN: Thank you so much.

5 CHAIR ZIEMER: One other comment  
6 let me make concerning procedures review, you  
7 may recall this particular work group we have  
8 recommended it be transformed to the sub-  
9 committee status and I'd like to ask Ted if he  
10 can -- or perhaps Liz could give us a comment  
11 on where that stands, or Emily?

12 MR. KATZ: I can give you a comment  
13 on that, which is it's sitting in my hands,  
14 but it hasn't moved forward yet. So it's not  
15 going to take long to implement once I get to  
16 it.

17 CHAIR ZIEMER: Oh, okay. That  
18 doesn't effect, in a sense, the committees or  
19 the work group's ability to operate, it's  
20 simply -- once it takes effect will impact how  
21 the meetings are announced.

22 MR. KATZ: Yes, it will impact that

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1 and it will require sort of scheduling further  
2 out too because there's a time -- a required  
3 time frame for making public notice at the  
4 Federal Register.

5 CHAIR ZIEMER: -- Federal Register  
6 announcements, right.

7 MEMBER MUNN: We should be able to  
8 adapt to that in view of the fact that there  
9 is seldom much leeway in terms of how long the  
10 meeting is going to last, which is a common  
11 unknown for work groups, but in this  
12 particular case, virtually any meeting that we  
13 have is going to be a full day meeting. So we  
14 can handle that.

15 CHAIR ZIEMER: Thank you. Let's  
16 proceed.

17 MR. KATZ: Okay, then we have Rocky  
18 Flats. Mark?

19 MEMBER GRIFFON: Yes. Just a short  
20 update on Rocky Flats. I mean, the only item  
21 that's outstanding for the Rocky Flats work  
22 group, well, other than the site profile items

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1 is related to the SEC, the only item  
2 outstanding is question on the implementation  
3 of the class and specifically the protocol for  
4 identifying who was monitored or should have  
5 been monitored for neutron exposures. I think  
6 people remember that.

7 Where we stand right now is that  
8 NIOSH is working with the University of  
9 Colorado and I think they've at least been  
10 talking with Margaret Ruttenburg about the  
11 data she has versus the database that they  
12 have.

13 I'm not sure, actually I think that  
14 the transfer of the physical database hasn't  
15 occurred yet, but hopefully it's going to  
16 happen soon. We just want to make sure that  
17 we're not talking past each other. There  
18 remains some concerns and we want to make sure  
19 that these databases are consistent and look  
20 at that from that angle.

21 And I don't know if, Larry Elliot,  
22 if you can maybe give an update on your

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1 progress with the University of Colorado folks  
2 on -- am I characterizing that correctly,  
3 Larry, or --

4 MR. ELLIOT: Yes. Mark, this is  
5 Larry. Yes, you have it correct. I don't  
6 know that I can add much at this time, simply  
7 awaiting a letter from Margaret Ruttenburg  
8 that will, I hope, effect the full transfer of  
9 the information to us. And we have had  
10 conversations, as you indicate, between her  
11 and technical staff here about ways to make  
12 comparisons and better understand the data  
13 sets that she has versus those that we have.

14 MEMBER GRIFFON: So we are going to  
15 stay on this item, but we really need that  
16 data to review and we're going to get that  
17 hopefully as soon as we can and follow up on  
18 that. And that's the only update I have at  
19 this time.

20 CHAIR ZIEMER: Okay. Thank you.  
21 Questions or comments for Mark?

22 (No response.)

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1 CHAIR ZIEMER: Then let's proceed.

2 MR. KATZ: Okay. Santa Susanna,  
3 Mike Gibson?

4 MEMBER GIBSON: Okay. Nothing new  
5 to report right now. Would still like to try  
6 to get a work group meeting scheduled in that  
7 area, if we can work it around everyone's  
8 holiday schedules and the upcoming board  
9 meeting. If not, we'll shoot for right after  
10 the first of the year. So that's about it.

11 CHAIR ZIEMER: Okay. So you'll  
12 work with Ted in finding a suitable date.

13 MEMBER GIBSON: Right.

14 MR. KATZ: Okay. Savannah River  
15 Site, Mark?

16 MEMBER GRIFFON: Yes, this is my  
17 same update as for LANL. LaVon just gave a  
18 report, it looks like we're going to have the  
19 Savannah evaluation report soon. Is that  
20 correct, LaVon?

21 MR. RUTHERFORD: Yes, that's  
22 correct, Mark. It should be out after the

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1 review by DOE within the next 10 to 14 days.

2 MEMBER GRIFFON: So my proposal is  
3 that, at the next board meeti,ng we'll set a  
4 date to have our work group meet shortly after  
5 the next board meeting, probably early next  
6 year, is what it amounts to.

7 CHAIR ZIEMER: Okay. Thank you.

8 MR. KATZ: Okay, SEC issues, Dr.  
9 Melius. Jim?

10 MEMBER MELIUS: Yes. The SEC  
11 evaluation work group has a meeting scheduled  
12 in Cincinnati on November 17<sup>th</sup> to discuss two  
13 issues. One is the 250-day issue and the  
14 second issue is the Dow SEC report and so  
15 we'll have that on the 17<sup>th</sup> and report on those  
16 at the December board meeting, I suspect.

17 CHAIR ZIEMER: Very good.  
18 Questions for Jim?

19 (No response.)

20 CHAIR ZIEMER: Okay. Go ahead.

21 MR. KATZ: Dr. Ziemer, you're up  
22 now for TBD-6000.

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1 CHAIR ZIEMER: Okay. TBD-6000,  
2 6001 our work group will be meeting next week  
3 on November 10<sup>th</sup>. We have just, this past  
4 week, received the dosimetry report, basically  
5 white paper from NIOSH. I do have once  
6 concern on that and that's undergoing review  
7 for -- it's currently still, I believe the  
8 review has not been completed for  
9 confidentiality so that report has not yet  
10 been made available to the petitioner.

11 So I wonder if Larry or Stu or Jim  
12 can kind of tell us if there's any change on  
13 that, because I know the petitioners would  
14 certainly like to have that before our work  
15 group meeting.

16 MR. ELLIOT: I'm sorry, Dr. Ziemer,  
17 I was -- could you restate your question  
18 again.

19 CHAIR ZIEMER: The white paper on  
20 the film dosimetry at General Steel  
21 Industries. I think the work group members  
22 just received that this past week, but it's

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1 still undergoing confidentiality review and  
2 the petitioners have not yet received it.

3 MR. ELLIOT: Right. We're working  
4 toward providing that to the petitioners in  
5 advance of your meeting and I think we'll be  
6 successful in that.

7 CHAIR ZIEMER: Okay. Because today  
8 is Thursday and the meeting is coming up this  
9 Monday.

10 MR. ELLIOT: Sure. I understand.

11 CHAIR ZIEMER: So, they will not  
12 have too much time to review it, but at least  
13 we'll have it in hand. SC&A is also -- has a  
14 copy of that and looking at that. They are  
15 hoping to have some responses to that by the  
16 time of the meeting. John Mauro, can you give  
17 us any update on that?

18 MR. MAURO: Yes. Good morning,  
19 everyone. Yes, we received the document, we  
20 are reviewing it. We do plan on issuing, I  
21 guess what we've called a white paper. My  
22 guess is, that won't be done until the end of

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1 the day tomorrow though. I try to address as  
2 many of the issues in the white paper as  
3 possible.

4 I suspect it's going to make it  
5 very difficult to have that PA cleared. But  
6 we will try to have in the hands of the work  
7 group and NIOSH our initial response to the  
8 white paper and various issues.

9 We're also in the process of  
10 reviewing the white paper, we're also  
11 reviewing the evaluation report. It turns  
12 out, it's very helpful -- is additional  
13 information in the evaluation report that's  
14 also very relevant to these discussions over  
15 and above the material that's in the white  
16 paper.

17 So right now, we are prepared -- we  
18 will be prepared to discuss all these matters  
19 at our meeting on Monday. We are hoping to  
20 have some paper, white paper in the hands of  
21 NIOSH and the work group tomorrow. Whether or  
22 not that provides sufficient time for it to be

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1 PA-cleared, that's another question.

2 CHAIR ZIEMER: Yes. I'm guessing  
3 that that's going to be very difficult for  
4 that to occur. So we'll be operating under a  
5 bit of a handicap there as far as the  
6 petitioners are concerned. But at least I  
7 think we can have our initial discussions on  
8 both the white paper on the evaluation report  
9 and begin to define some of the issues.

10 I'm personally not expecting us to  
11 be ready to make any formal recommendation to  
12 the board at the time of the December meeting  
13 as far as the evaluation report is concerned  
14 because of the status of where we are on these  
15 documents.

16 But at least between the board and  
17 its contractor and NIOSH and the petitioners,  
18 I'm hopeful we'll be able to frame the issues  
19 sufficiently that we can move forward. So,  
20 let me ask if there's any questions on that.

21 DR. MCKEEL: Dr. Ziemer, this is  
22 Dan McKeel.

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1 CHAIR ZIEMER: Sure, Dan.

2 DR. MCKEEL: May I please mention  
3 that from the petitioner's point of view, the  
4 most urgent thing to take place, which has not  
5 taken place is to have a dispute resolution  
6 process between SC&A, which has 13 findings  
7 about Appendix BB indicating that their belief  
8 was that NIOSH had seriously underestimated  
9 the doses at GSI.

10 And it seems to the petitioners  
11 that that matter should take precedence  
12 certainly over the evaluation of the SEC  
13 petition, which came much later. And this  
14 white paper, I sent you all an e-mail  
15 reminding everybody that I alerted the board,  
16 SC&A, NIOSH to the existence of that data more  
17 than two years ago.

18 And so I really think the order  
19 that the documents for GSI, which are about 20  
20 actually, should at least include a discussion  
21 first of those 13 SC&A findings.

22 CHAIR ZIEMER: Oh, yes, Dan, and

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1 thank you for mentioning that because that  
2 certainly is going to be on the agenda.

3 DR. MCKEEL: Okay.

4 CHAIR ZIEMER: We do have the  
5 findings, the SC&A findings and that will be  
6 on the agenda for discussion as well.

7 DR. MCKEEL: Good. Okay, thank  
8 you.

9 CHAIR ZIEMER: I brought this other  
10 up because of the issue of getting things  
11 cleared regarding that white paper, but that  
12 will be on the agenda and I appreciate you  
13 reminding us of that.

14 DR. MCKEEL: Thank you.

15 CHAIR ZIEMER: Any other questions  
16 or comments?

17 (No response.)

18 CHAIR ZIEMER: Okay. Thank you,  
19 next?

20 MR. KATZ: Okay. Before I go to  
21 the next, John Mauro, if you'll talk to me  
22 offline about the Privacy Act issue with this

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1 -- sort of your response document, just in  
2 case we can do something.

3 MR. MAURO: Sure.

4 MR. KATZ: Thank you.

5 MR. MAURO: As soon as it's ready,  
6 I planned on as soon as it's prepared, we will  
7 be distributing it. And of course,  
8 immediately we can work together and try to  
9 get it cleared.

10 MR. KATZ: Okay. Thanks, John.  
11 Now we're up to surrogate data, Dr. Melius.  
12 Jim?

13 MEMBER MELIUS: Yes. We circulated  
14 our draft report on the evaluation surrogate  
15 data to the board around the time of the last  
16 meeting, I believe. I can't remember exactly  
17 when. I'm waiting to hear back from board  
18 members. That's where we stand.

19 CHAIR ZIEMER: Okay. Any  
20 questions? Let me ask the board members and  
21 remind the board members of that document and  
22 ask that you reply to Jim and I myself, I'm

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1 speaking not only to the choir, but to the  
2 choir director here. I owe Jim a comment,  
3 too.

4 And Jim, I have my comments ready  
5 and Im going to transmit them here, hopefully  
6 today. But I want the other board members to  
7 be sure to look at that document. I'm trying  
8 to look for the date that you distributed it.

9 The document itself, incidently does not have  
10 a date on it, but it's called Criteria for the  
11 Use of Surrogate Data.

12 And I think at this point we will  
13 consider it a draft, although keep in mind  
14 that it's being used or tried already, I  
15 believe, for the -- was it for the Texas City  
16 site?

17 MR. MAURO: Dr. Melius, this is  
18 John Mauro. Yes, we tried it out both at the  
19 Texas City and for Blockson.

20 CHAIR ZIEMER: Right. But the  
21 board has not officially adopted these  
22 criteria so we do need to get this in final

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1 form and perhaps it's sort of trial use and  
2 those sites will help us see if we've  
3 addressed all the issues, but we still need to  
4 formalize it sort of independently of any  
5 particular site. So I ask you to make your  
6 comments.

7 MEMBER ROESSLER: Hello, this is  
8 Gen. I think that e-mail came through on  
9 October 14<sup>th</sup>.

10 CHAIR ZIEMER: Okay. That will  
11 people help locate it in their computers or in  
12 their e-mail files. So thank you. Jim, any  
13 other comments on that then? Do you want to  
14 give us a deadline?

15 MEMBER MELIUS: Yes, no comments.  
16 I'm sorry, I had my mute on.

17 CHAIR ZIEMER: Yes.

18 MEMBER MELIUS: I wasn't naming  
19 names.

20 CHAIR ZIEMER: Well, I think  
21 probably you've gotten very few comments as I  
22 understand it.

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1 MEMBER MELIUS: Yes.

2 CHAIR ZIEMER: So, board members,  
3 if you think it's okay, also let Jim know.  
4 Silence is not that helpful. If you have  
5 comments, give him your comments, if you think  
6 it's great, let him know. And then Jim, you  
7 folks can move to a final version, I think,  
8 that the board could officially adopt. Very  
9 good. Let's proceed.

10 DR. MCKEEL: Dr. Ziemer?

11 CHAIR ZIEMER: Yes.

12 DR. MCKEEL: This is Dan McKeel.

13 CHAIR ZIEMER: Yes, sir.

14 DR. MCKEEL: May I make one  
15 comment?

16 CHAIR ZIEMER: You certainly may.

17 DR. MCKEEL: In the evaluation of  
18 Texas City Chemical's SEC 88 where this -- the  
19 full criteria were applied as a test case,  
20 SC&A made a recommendation that actually they  
21 add a fifth criteria regarding plausibility.  
22 And I would recommend that everyone read that

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1 SC&A report because it raises the possibility  
2 of adding the plausibility criteria, which I  
3 would endorse. I think it's a very good idea.

4 But if you read that and then  
5 incorporated that idea into your comments back  
6 to Dr. Melius, that would be very helpful.

7 CHAIR ZIEMER: Yes. And in fact  
8 that was, we thought in a sense, was one of  
9 the values of trying it out, although  
10 originally we hadn't planned that way, it kind  
11 of turned out that way that a trial usage  
12 might point out where there were either other  
13 criteria or modifications of these four  
14 criteria that might be helpful.

15 So the fifth criteria recommended  
16 by SC&A, which they call plausibility, I  
17 believe, and that could be added as an  
18 additional one or it could in some form be  
19 incorporated into one of the others. But  
20 either way, that's an additional consideration  
21 to keep in mind as you review this. Thank you  
22 again, Dan, for that comment.

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1 DR. MCKEEL: Thank you.

2 CHAIR ZIEMER: Okay. Let's  
3 proceed.

4 MR. KATZ: The last work group is  
5 worker outreach and that's Mike.

6 MEMBER GIBSON: Okay. On the  
7 worker outreach, we have not met. We did  
8 discuss at last full board meeting that we're  
9 going to take a little different approach  
10 instead of waiting for NIOSH to develop a  
11 policy and have SC&A review it and the back  
12 and forth matrix-type deal.

13 We're basically trying to  
14 brainstorm and look at areas for improvement  
15 for worker outreach and worker input and we're  
16 also kind of looking at some of the worker and  
17 advocates' criticism and complaints and where  
18 we can possibly make recommendations to NIOSH  
19 to address those and better help the program  
20 if possible.

21 So we're still plugging along at  
22 it, and should have a meeting here, you know,

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1 hopefully soon.

2 CHAIR ZIEMER: Okay. Thank you.

3 Is that all the work groups Ted?

4 MR. KATZ: That is, Dr. Ziemer.

5 That concludes.

6 CHAIR ZIEMER: Okay. Last chance  
7 for any questions or comment.

8 (No response.)

9 CHAIR ZIEMER: Okay. If not, let's  
10 move on to update on the board's technical  
11 report contractor or no, update -- well, it's  
12 actually update from the board's technical  
13 support contractor first, then we'll get an  
14 update on the selection process.

15 So, John Mauro, you're going to  
16 give us an update on where you folks are as  
17 you are closing out the five-year contract.

18 MR. MAURO: Yes, Dr. Ziemer. Our  
19 contract will end on December 1<sup>st</sup> and I tried  
20 to assemble some notes to send out to  
21 everyone. I hope everyone received the e-mail  
22 where I, in a, I guess the 30-second sound

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1 bite regarding the status of each of our major  
2 tasks and where we are, what we've  
3 accomplished and what will not be  
4 accomplished.

5 I think that's also important to  
6 point out when this contract comes to an end  
7 on December 1<sup>st</sup>. Did everyone receive that e-  
8 mail that it says Update on SC&A activities by  
9 me dated 11/3/06? The `06 of course is an  
10 error, but I emailed that out. I thought it  
11 might be a little easier to just get that out  
12 to everyone.

13 In a nutshell, all of our work  
14 products that we have been requested to  
15 deliver on all tasks will have been delivered  
16 to NIOSH and the work group by the end of this  
17 contract. Right now, I'm sort of stepping  
18 back from the write-up and giving you the real  
19 big picture.

20 Right now, we owe a number of  
21 items. Everything's been delivered except for  
22 a few number of items which will be delivered

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1 over the next couple of weeks. And these are  
2 what we are calling -- there's some work  
3 related to site profile reviews on Santa  
4 Susanna, Pantex and Savannah River  
5 Construction.

6 As you recall, you folks had  
7 requested that. We put together what we would  
8 call a paper study of the evaluation report  
9 and site profiles as best we could to move  
10 those programs along. And we will be  
11 delivering those work products into your hands  
12 before the end of the contract.

13 One of the things I would like to  
14 ask is, our work on the Savannah River  
15 Construction is based on the SEC petition. Of  
16 course, the evaluation report has not been  
17 reviewed because we haven't seen it yet, but  
18 we are actually able to put together a report  
19 based on the petition itself and looking at  
20 the database.

21 So, we do plan on delivering a work  
22 product so that you have something prior to

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1 the end of our contract. So you will be  
2 receiving -- that's in progress.

3 The other item that we owe you, a  
4 big item is the ninth set of 40 cases dose  
5 reconstruction reviews. Right now, many of  
6 you are aware that we are scheduling our one-  
7 on-one discussions. In fact, I believe, we  
8 have one scheduled for tomorrow, we had one  
9 earlier this week.

10 But the plan is to deliver that  
11 large document, you've seen them before --  
12 before the end of the contract. So, those are  
13 the major deliverables that we still owe you  
14 that we will be getting to you.

15 Now, but beside the delivery of  
16 these work products that you have, what's not  
17 done that's important is -- and that's what's  
18 really detailed in this handout that I sent is  
19 that for all intents and purposes we're, I  
20 would say -- if you wanted to say that in the  
21 grand scheme of things, we're about half way  
22 through the close-out process.

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1           You know, if you look at the issues  
2 resolution process regarding site profiles,  
3 SEC petitions, procedure reviews, dose  
4 reconstruction reviews, all of those work  
5 products and all of the matrices, the  
6 databases, information, for all intents and  
7 purposes, when I look at it and as I summarize  
8 the information and the material I e-mailed to  
9 everyone, we're really about half-way home and  
10 there's a lot more work to do to close them  
11 out.

12           I would say the good news is that  
13 with regard to the site profiles, in the  
14 handout you may have noticed that we actually  
15 have 23 site profile reviews that are in  
16 various stages of close-out and we only  
17 actually closed out five and I've identified  
18 the five that we've closed out, but leaving  
19 what would appear to be quite a bit of work on  
20 site profiles.

21           But, it's a little misleading.  
22 Many of those site profile reviews are

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1 currently undergoing review within the context  
2 of the SEC petitions that accompany those  
3 documents. And I believe that -- and those  
4 are really moving along aggressively.

5 And I believe that when we resolve  
6 the issues related to the SEC petition, we  
7 will have accomplished a great deal in also  
8 resolving the issues that still remain on the  
9 site profile.

10 So on first blush it would appear  
11 that we really haven't put much of a dent in  
12 the site profile review close-out process, but  
13 in reality, I think we have. And that's why I  
14 feel as if we're half-way home.

15 I think it may appear that, you  
16 know, we have out of the 28 that we -- bottom  
17 line is we did a formal large review of 28  
18 site profiles and we delivered these large-  
19 volume documents to the board. We've only  
20 closed out the issues on five of them;  
21 Bethlehem Steel, Mallinckrodt, Iowa Army  
22 Ammunition Plant, Linde and Nevada Test Site,

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1 which would appear there are 23 remaining.

2 But the fact is, many of those 23  
3 are really undergoing active review as part of  
4 the SEC process. So from that prospective I  
5 think we're doing very well, but there are  
6 going to be many issues still that will  
7 require part of the close-out, which will not  
8 be completed under the current contract and  
9 will have to go to the next contract, whoever  
10 is awarded.

11 There's also -- I'm still on the  
12 subject of site profile. Sandia, when I say  
13 we've delivered them all, reality is one of  
14 them is quasi-delivered. I believe Joe  
15 Fitzgerald could confirm this, I believe you  
16 have not actually received the Sandia site  
17 profile review because it is currently in the  
18 hands of DOE.

19 But, Joe Fitzgerald, if you're on  
20 the line, perhaps you can clarify the status  
21 of that one particular site profile review?

22 MR. FITZGERALD: No. We did

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1 receive Sandia back from DOE, I think early  
2 last week. So that should be forthcoming any  
3 day.

4 MR. MAURO: Okay. So we will be  
5 delivering that before --

6 MR. FITZGERALD: Yes.

7 MR. MAURO: -- the end of the  
8 contract?

9 MR. FITZGERALD: Yes.

10 MR. MAURO: Great. Thank you. One  
11 other item that we owe you, during the, I  
12 believe it was the meeting we held in Redondo  
13 Beach to activate the INL process, close-out  
14 process. One of the things you have asked us  
15 to do was to sort of refresh the site profile  
16 review and it was actually three years old as  
17 of September sitting on the shelf.

18 And we will be delivering to you,  
19 what I would call a refresher document, which  
20 would allow the site, the work group, the  
21 newly formed INL work group to move forward.  
22 So we will have delivered that also before the

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1 end of the contract.

2 During the meeting, I believe also  
3 in Redondo Beach, you had requested that we  
4 review two procedures, OCAS IG 4 and 3. Four,  
5 we will be -- and that has -- by the way  
6 that's a, I think, very important part of the  
7 surrogate issue that we talked about earlier.

8 OCAS IG-004 deals with NIOSH's  
9 protocol with dealing with surrogate data and  
10 we are preparing our review. We will be  
11 delivering that report before the end of our  
12 contract, and I think that will be very  
13 helpful to the surrogate working group because  
14 it deals explicitly with that subject.

15 Last item on the handout that I  
16 sent, if you have that in front of you, is  
17 OTIB-0066. That is, as Joe pointed out  
18 earlier, a very important OTIB in our review  
19 of that document. It deals with a subject  
20 that is of great interest to many of the SEC  
21 petitions and site profiles: metal tritides.

22 I think that once that -- our

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1 review is cleared by DOE, and that could  
2 happen any day, it sounds like Joe had  
3 indicated perhaps within a week, you will have  
4 that in your hands. That will, I think, allow  
5 certainly, for example, Pinellas, I know you  
6 folks are eager to move forward with the  
7 Pinellas work group meeting and I think this  
8 is one of the more important issues. And once  
9 that document is cleared, we'll be able to  
10 engage that issue.

11 So bottom-line on the site profile  
12 review is really we will have delivered just  
13 about everything, but there's still quite a  
14 bit of work on the close-out process that will  
15 have to carry over into the next contract.

16 Procedure reviews, in the handout  
17 that I forwarded to you folks, one of the  
18 conveniences of having everything automated  
19 now is I got in touch with Steve Marschke and  
20 I said, Steve, could you give me a quick  
21 printout of where we are, and he sent me this,  
22 you know, 10 minutes later.

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1                   Bottom-line is we have 101  
2 procedures in the system, there are a total of  
3 485 commentaries or issues associated with  
4 those 101 procedures. Half of them, about 215  
5 have been closed, which means that we made  
6 quite a bit of progress on issues, resolution  
7 under the procedures work group.

8                   But the other half, and another  
9 chunk of them, 63 are in what we call in  
10 abeyance. That's good news. In abeyance  
11 really means that the work group agrees that  
12 by-and-large the technical issue has been  
13 resolved, but the procedure itself is yet to  
14 be revised and so it sort of sits in limbo  
15 until that, in fact, happens.

16                   So the reality is we have 282  
17 procedures out of the 405, for all intents and  
18 purposes have been resolved and I think that's  
19 a lot of progress. But the bottom line is,  
20 the remaining approximate, let's say 170, 160,  
21 whatever the number comes to, 180, whatever  
22 the number comes to, still require issues

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1 resolution and of course, that won't occur  
2 until the next contract period.

3 Dose reconstruction reviews, as I  
4 mentioned earlier, you know, we will have  
5 delivered our ninth set of 40 cases before the  
6 end of this contract. We will have delivered  
7 the two blind dose reconstruction reports  
8 before the end of this contract, so over the  
9 next couple of weeks.

10 What we will not be able to do,  
11 unfortunately, is we did receive on October  
12 8<sup>th</sup>, the 10<sup>th</sup> set of 20 cases and we are  
13 reviewing them as we speak, but clearly, we  
14 will not have a report delivered before the  
15 end of this contract.

16 That deliverable of the review of  
17 those 20 cases will not occur until the  
18 subsequent -- it will occur under the  
19 subsequent contract. And of course, as I  
20 mentioned earlier, the closeout process. As  
21 Mark had pointed out, for all intents and  
22 purposes, the first set of about 100 dose

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1 reconstructions, the issues resolution has  
2 been resolved, but there are a large number of  
3 cases and issues that remain to be closed out  
4 as part of subcommittee activities.

5 SEC petitions, bottom-line is 16  
6 SEC -- over the course of the last five years  
7 there have been 16 SEC petition reviews. The  
8 draft reports have been completed and  
9 delivered to the board for 13 of those.

10 We still owe you, as I mentioned  
11 earlier these what I call white paper, they've  
12 not white paper, they are paper studies for  
13 Santa Susanna, Pantex, Savannah River, we will  
14 be delivering them before the end of this  
15 contract. They're in production as we speak.

16 Of the 13 reviews that have been  
17 completed, the issues resolution process has  
18 actually only been closed on Rocky Flats, IAAP  
19 and Mallinckrodt. The remainder are very much  
20 in active review, the issues resolution  
21 process. So there's a great -- that work of  
22 course will not be completed during this

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1 contract and will carry over to the next  
2 contract.

3 And the last item on this page, if  
4 you have it in front of you, is number 16 and  
5 that's the 250-workday issue. And on November  
6 17<sup>th</sup>, we will be meeting with the work group to  
7 engage that particular issue.

8 As far as -- so, I mean, the way I  
9 look at it, as I mentioned earlier, and I  
10 think we've delivered the work, the draft work  
11 products and the few remaining ones that we  
12 still owe, we will be getting into your hands.

13 What has been, you know, when you  
14 step back and look at the past five years  
15 where we were helping out, what has been part  
16 of the process that has been the most  
17 challenging is the issues resolution process  
18 and that is of course taking more time and  
19 resources than I guess anyone's really  
20 anticipated. Although I guess, we probably  
21 should have realized that that was going to be  
22 the tough part of this.

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1           Finally, as far as the budget goes,  
2 we have, certainly more than sufficient  
3 resources to allow us to finish up everything  
4 we have to finish up by the end of December.  
5 We will have, perhaps \$600,000, \$700,000 left  
6 over on December 1<sup>st</sup> when we stop work.

7           That doesn't mean we're coming  
8 under budget because there's still lots of  
9 work to do, but that \$700,000 is in effect  
10 there as resources that in principle is  
11 available to keep the issues resolution  
12 process going into the next contract.

13           That summarizes what -- I believe  
14 that captures the essence of what we've  
15 accomplished and where we are on all the work  
16 we've been doing to support the board.

17           CHAIR ZIEMER: Thank you very much,  
18 John. Board members, do you have any  
19 questions for John?

20           (No response.)

21           CHAIR ZIEMER: And let me ask David  
22 Staudt a question, David, if you're still on

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1 the line.

2 MR. STAUDT: Yes, sir.

3 CHAIR ZIEMER: If there were a  
4 different contractor, could this contract  
5 still be extended to assist in resolving  
6 issues based on the money still left?

7 MR. STAUDT: Yes, sir.

8 CHAIR ZIEMER: Okay. Thank you,  
9 that's helpful. If the contractor remains the  
10 same, does this money carry forward in  
11 addition to a new contract?

12 MR. STAUDT: A couple things could  
13 happen. We could just utilize the funding  
14 that's on there and/or else that money could  
15 be just deobligated and put towards a new  
16 contract.

17 CHAIR ZIEMER: Okay. Thank you.  
18 Board members, other questions?

19 (No response.)

20 CHAIR ZIEMER: If not, Ted Katz,  
21 could you comment on OCAS IG-003, which is a  
22 sub-topic on this activity?

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1 MR. KATZ: Yes, sure. And I don't  
2 know whether John had managed -- I had a  
3 slight disruption, I don't know whether John  
4 managed to mention anything about this.

5 But as he said at the Redondo Beach  
6 meeting, SC&A was tasked with reviewing IG-003  
7 and 4. 003, which is titled radiation  
8 exposures covered for radiation -- dose  
9 reconstructions in the part B of EEOICPA.

10 John called me a couple weeks ago  
11 regarding that review with concern because he  
12 had sort of read it over and realized that  
13 this OCAS procedure is really essentially an  
14 interpretation provided, you know, with legal  
15 counsel for OCAS' use so they know what  
16 radiation doses are covered under EEOICPA.

17 And it really does not provide any,  
18 you know, technical HP type guidance about how  
19 to go about doing dose reconstructions. And  
20 John, I think, properly felt this was really -  
21 - does not fall under the scope of work for  
22 what SC&A does in its technical and scientific

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1 reviews.

2 You know, I've reviewed the  
3 document and concurred, I believe he's right  
4 about this. And I sent, I think, all of the  
5 board members, you know, a summary of this  
6 consideration that I've given.

7 What I wanted to do now, of course,  
8 is if there are any issues with this,  
9 certainly, we should discuss them, but  
10 otherwise, I certainly wanted to make this a  
11 matter of record since they were tasked at  
12 Redondo with reviewing this that we would have  
13 a clear detasking of them with respect to this  
14 review, if everybody's in agreement with this.

15 CHAIR ZIEMER: And Ted's e-mail to  
16 the board members was dated November 3<sup>rd</sup>, I  
17 believe, if board members you need to track  
18 that back. The subject was -- what was the  
19 subject of the e-mail --

20 MEMBER MUNN: It was annotated  
21 ABRWH meeting agenda under that list.

22 CHAIR ZIEMER: Okay. I guess it

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1 had carried a topic from an earlier couple of  
2 e-mails where initially an annotated agenda  
3 had been sent out and then John Mauro had  
4 replied to that and then Ted had replied to  
5 John and copied all of us on that and that was  
6 this particular issue.

7           What we need is an agreement on the  
8 part of the board that review of that  
9 procedure, OCAS IG-003, which was tasked to  
10 SC&A should be rescinded that the tasking is  
11 inappropriate since it's actually not a  
12 technical procedure per se, it really gives  
13 what was indicated legal statutory and  
14 regulatory interpretations necessary for dose  
15 reconstructions.

16           Really defines how OCAS is going to  
17 carry out some things legally, but it doesn't  
18 provide technical or scientific guidance and  
19 therefore it's recommended that that not be  
20 subject to our procedures review by SC&A. And  
21 I think we can do this by a formal motion,  
22 Ted, if necessary to get it on the record.

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1           The Chair would ask for a motion to  
2 rescind the tasking of SC&A for procedure --  
3 or for OCAS IG-003.

4           MEMBER MUNN: This is Wanda. I'll  
5 be glad to make a motion to the effect that we  
6 rescind the direction to our contractor to  
7 review IG-003 based on the fact that it is not  
8 in effect a true technical document, it is  
9 more an administrative document and therefore,  
10 not in the purview of what we prefer to task.

11          CHAIR ZIEMER: Okay. The Chair's  
12 going to interpret the first part of the  
13 sentence as the motion and the rest as  
14 discussion for the motion.

15          MEMBER MUNN: Fine.

16          CHAIR ZIEMER: The motion is to  
17 rescind the tasking of 003. Is there a  
18 second?

19          MEMBER BEACH: There is a second.  
20 This is Josie.

21          CHAIR ZIEMER: Thank you Josie.  
22 Any discussion?

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1 (No response.)

2 CHAIR ZIEMER: Let's, for the  
3 record, do a roll call vote, Ted.

4 MR. KATZ: Okay. Are we ready for  
5 that?

6 CHAIR ZIEMER: Yes.

7 MR. KATZ: Yes, okay. And I will  
8 just run it alphabetically.

9 CHAIR ZIEMER: Yes.

10 MR. KATZ: Ms. Beach?

11 MEMBER BEACH: Yes.

12 MR. KATZ: Mr. Clawson?

13 MEMBER CLAWSON: Yes.

14 MR. KATZ: Mr. Gibson?

15 MEMBER GIBSON: Yes.

16 MR. KATZ: Mr. Griffon?

17 MEMBER GRIFFON: Yes.

18 MR. KATZ: Dr. Lockey?

19 MEMBER LOCKEY: Yes.

20 MR. KATZ: Dr. Melius?

21 MEMBER MELIUS: I'll abstain.

22 MR. KATZ: Okay. Ms. Munn?

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1 MEMBER MUNN: Yes.

2 MR. KATZ: And Dr. Poston is not  
3 present for the record. Mr. Presley?

4 MEMBER PRESLEY: Yes.

5 MR. KATZ: And Dr. Roessler?

6 MEMBER ROESSLER: Yes.

7 MR. KATZ: And Mr. Schofield?

8 MEMBER SCHOFIELD: Yes.

9 MR. KATZ: And Dr. Ziemer?

10 CHAIR ZIEMER: Yes. Motion carries  
11 and that tasking is thereby rescinded. Are  
12 there any other questions for SC&A for John  
13 Mauro or his staff?

14 DR. MCKEEL: Dr. Ziemer?

15 CHAIR ZIEMER: Yes.

16 DR. MCKEEL: This is Dan McKeel.

17 CHAIR ZIEMER: Yes, Dan.

18 DR. MCKEEL: This is just a  
19 clarification. I believe SC&A was reviewing  
20 the site profile for Weldon Spring and I know  
21 I gave a site expert interview about that, but  
22 at least I haven't seen that review. Was that

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1 released?

2 CHAIR ZIEMER: John, can you speak  
3 to that?

4 MR. MAURO: This is John. Yes, we  
5 completed that and Joe, is that being held up  
6 at DOE or has that moved through the system?

7 MR. STAUDT: No, that has moved  
8 through the system and we did get notification  
9 again, I think it was late last week. So a  
10 lot of these are coming out.

11 CHAIR ZIEMER: I have not seen this  
12 myself.

13 MR. STAUDT: No. All the site  
14 profile reviews go to DOE before they go on  
15 the public website.

16 DR. MCKEEL: Thank you.

17 MR. MAURO: Yes. This is John  
18 Mauro. Let me just add, one of the things we  
19 don't have control over, of course, if this  
20 new step in the process by going through the  
21 DOE cycle that I do believe that all of our  
22 work products, such as the Weldon Springs you

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1 just mentioned, will -- once we get them back  
2 from DOE, we do move them very quickly.

3 Usually there's very little for us  
4 to do to polish them up, get them through PA  
5 clearance, but when I said earlier that we  
6 will have delivered, I guess, we will have  
7 delivered to the extent that some of them  
8 might still be held up in DOE or in the  
9 process of working their way through the final  
10 DOE process where we go through PA clearance  
11 then it goes through another DOE review.

12 So there is some procedural steps  
13 to actually have them finally in the hands of  
14 the board and the public and on the website  
15 that I guess in reality, will in fact carry  
16 over into the next contract. Even though from  
17 SC&A's perspective, all technical work is done  
18 and we actually completed our work products,  
19 there are certain administrative steps that  
20 need to be taken that will result in some of  
21 our work products might actually have to carry  
22 over into the next contract.

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1 CHAIR ZIEMER: Yes, thank you for  
2 that clarification John. Okay, I think we're  
3 ready to move on. Next we have an update on  
4 the selection of the board's contractor and  
5 Ted Katz will update us on that and David  
6 Staudt, contracting official is also on the  
7 line.

8 MR. KATZ: Yes, this will be very  
9 brief just to tell you the proposals that  
10 we've received have been reviewed by the  
11 valuation panel and we're on track to awarding  
12 a new contract. We expect to do that still  
13 before Thanksgiving.

14 CHAIR ZIEMER: So if that occurs  
15 before Thanksgiving, is there a likelihood an  
16 announcement could be made by the time of our  
17 next board meeting?

18 MR. STAUDT: Yes, this is David  
19 Staudt. Yes, we should be able to make that  
20 announcement by then.

21 CHAIR ZIEMER: Thank you.  
22 Questions board members?

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1 (No response.)

2 CHAIR ZIEMER: Okay. Thank you.  
3 Board response to congressional letter from  
4 Senators Schumer, Clinton and Representative  
5 Slaughter. I distributed a draft and then a  
6 second draft or a revised draft because of the  
7 fact that I had omitted mentioning the  
8 residual period in the first draft, so I had  
9 added that.

10 Let me ask, are there any board  
11 members that do not have a copy of the  
12 proposed draft letter to the congressional  
13 people?

14 (No response.)

15 CHAIR ZIEMER: I'm taking that by  
16 the silence that everyone has a copy. I would  
17 like to propose a motion to accept the letter  
18 and then we can amend it as needed.

19 MEMBER CLAWSON: Second.

20 CHAIR ZIEMER: Did somebody move to  
21 --

22 MEMBER CLAWSON: Yes, Paul I did.

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1 I'll second that motion.

2 CHAIR ZIEMER: Okay. So we have a  
3 motion with a second to transmit the proposed  
4 letter to these two senators and the  
5 congresswoman. I'd like to now ask for any  
6 suggested revisions or amendments to the  
7 letter.

8 (No response.)

9 CHAIR ZIEMER: I, myself, was  
10 thinking that it might be important to mention  
11 something further on the period, the `47 to  
12 `53 period which LaVon discussed a little bit.  
13 That is a period for which the petition did  
14 not qualify.

15 And I was going to add this  
16 sentence and let me give you the sentence I'm  
17 suggesting because although the third  
18 paragraph says basically the board is aware of  
19 the concerns about that period, and then we  
20 mention that the earlier period `42 to `47  
21 already is in the special exposure cohort and  
22 we mention here that the period from `54 to

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1 2006, the so-called residual period, that  
2 petition now has qualified, nothing further is  
3 said on the `47 to `53 period.

4 Now, I guess LaVon, we should add  
5 that it not only now is -- the residual period  
6 not only qualified, but we now have an  
7 evaluation report?

8 MR. RUTHERFORD: That's correct.  
9 Yes, the evaluation report was approved  
10 yesterday and you will have your electronic  
11 copy later this afternoon.

12 CHAIR ZIEMER: Okay. The last  
13 sentence before the closing brief phrase says  
14 this, at the present time, further action by  
15 the board concerning employees for the later  
16 time period will await the official evaluation  
17 report from NIOSH.

18 Now, see we basically, that is  
19 going to be issued or has it been issued?

20 MR. RUTHERFORD: It has been  
21 approved and the actual -- it will be FedExed  
22 out later today and the petitioner already has

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1 an electronic copy we sent her this morning.

2 CHAIR ZIEMER: What will the date  
3 on that be? Today's date?

4 MR. RUTHERFORD: The actual report  
5 will say -- it was approved yesterday and it  
6 will have yesterday's date. The letter that  
7 will go out today will have today's date.

8 CHAIR ZIEMER: Okay. Well, there's  
9 two things. One is the last sentence I think  
10 needs to say, on October -- today's date -- or  
11 November 5<sup>th</sup> the evaluation report was issued  
12 and further action by the board concerning  
13 employees related time period will await the  
14 board's review of the evaluation report from  
15 NIOSH.

16 Would that modification be  
17 agreeable? Any objection?

18 MEMBER MUNN: That's agreeable and  
19 appropriate.

20 CHAIR ZIEMER: Okay. Unless I hear  
21 an objection, I'm going to take it that,  
22 that's basically a friendly amendment to make

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1 sure we're up to date on what actually  
2 happens.

3 The other thing I'm proposing to  
4 insert would be right after the first sentence  
5 in that third paragraph, the first sentence  
6 says, as a follow-up to that information, I  
7 want to assure you that the advisory board  
8 members are aware of your concerns about the  
9 petition submitted on behalf of Linde  
10 employees who worked during the 1947 through  
11 '53 time period.

12 I was going to suggest inserting  
13 after that sentence, inserting the following  
14 comment, since there is currently no qualified  
15 petition for the period from 1947 to 1953, the  
16 board is not in a position to make a  
17 recommendation concerning special exposure  
18 cohort status for that time span.

19 Shall I read that again?

20 MEMBER MUNN: It's adequate for me  
21 and appropriate.

22 CHAIR ZIEMER: Let me read it again

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1 and make sure that -- this would become the  
2 second sentence of the third paragraph. Since  
3 there is currently no qualified petition for  
4 the period from 1947 to 1953, the board is not  
5 in a position to make a recommendation  
6 concerning special exposure cohort status for  
7 that time period.

8 MEMBER ROESSLER: This is Gen, I  
9 think that clarifies things and I think it's a  
10 good idea.

11 CHAIR ZIEMER: Any other comments  
12 pro or con? Both of these changes, I think  
13 are friendly amendments just to clarify.  
14 There's the earlier period for which the SEC  
15 status has already been recommended, there is  
16 this `47 to `53 period for which there is no  
17 qualified petition and then there is the  
18 residual period which now has qualified and  
19 for which an evaluation report has just been  
20 issued.

21 So I think with that, this should  
22 clarify things. And of course the original

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1 issues that were raised, which were procedural  
2 issues on handling the various documents and  
3 some concerns from the petitioner were  
4 addressed by Christine Branche in her  
5 response, early response to the letter from  
6 the congressional group.

7 So with those changes, are you  
8 prepared to, as you recall, you have to  
9 approve an official response on behalf of the  
10 board. So, are you prepared to vote on this  
11 response?

12 MEMBER MUNN: Yes.

13 CHAIR ZIEMER: Let's do a roll call  
14 vote again.

15 MR. KATZ: Okay. Ms. Beach?

16 MEMBER BEACH: Yes.

17 MR. KATZ: Mr. Clawson?

18 MEMBER CLAWSON: Yes.

19 MR. KATZ: Mr. Gibson?

20 MEMBER GIBSON: Yes.

21 MR. KATZ: Mr. Griffon?

22 MEMBER GRIFFON: Yes.

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1 MR. KATZ: Dr. Lockey?

2 MEMBER LOCKEY: Yes.

3 MR. KATZ: Dr. Melius?

4 (No response.)

5 MR. KATZ: Maybe he's on mute.

6 Dr. Melius?

7 (No response.)

8 MR. KATZ: Okay. Let me carry on.

9 Ms. Munn?

10 MEMBER MUNN: Yes.

11 MR. KATZ: Dr. Poston, for the  
12 record, is not available. Mr. Presley?

13 MEMBER PRESLEY: Yes.

14 MR. KATZ: Dr. Roessler?

15 MEMBER ROESSLER: Yes.

16 MR. KATZ: Mr. Schofield?

17 MEMBER SCHOFIELD: Yes.

18 MR. KATZ: And Dr. Ziemer?

19 CHAIR ZIEMER: Yes.

20 MR. KATZ: Jim Melius, Dr. Melius  
21 are you still with us?

22 (No response.)

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1 CHAIR ZIEMER: Maybe he lost him,  
2 but the vote carries in any event.

3 MR. KATZ: Right.

4 CHAIR ZIEMER: So, board members I  
5 will send you a final copy of this before we  
6 actually distribute it so you'll have a chance  
7 to look at the actual words before it goes out  
8 and actually, Larry Elliot if you'll make sure  
9 that we have everything correct on dates and  
10 so on as well, I'd appreciate it.

11 MR. ELLIOT: I'd be happy to.  
12 Thank you.

13 CHAIR ZIEMER: Let's go on then.  
14 We received notice recently that there will be  
15 a GAO evaluation of the program and I've asked  
16 Liz Homoki-Titus if she could give us a quick  
17 update on that and what board members should  
18 or should not do. You may be contacted by GAO  
19 and what are the ground rules for responses  
20 and so on.

21 MS. HOWELL: Dr. Ziemer, this is  
22 Emily.

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1 CHAIR ZIEMER: Okay, Emily Howell  
2 will speak from General Counsel.

3 MS. HOWELL: Right. Regarding the  
4 GAO report, if a board member is contacted by  
5 GAO, the policy that we follow is similar to  
6 the policy with respect to board members  
7 speaking with members of the press.

8 You are always able to speak with  
9 GAO in your personal capacity, but you need to  
10 be very clear about the fact that you're  
11 speaking in your personal capacity and not in  
12 your board capacity.

13 If you do wish to speak with GAO as  
14 a board member in your official capacity, then  
15 you need to coordinate those discussions  
16 through Ted as the DFO and he will help you  
17 coordinate them through HHS. So that's a  
18 short and simple policy for any conversations  
19 you may have with GAO.

20 The other item that we were on the  
21 agenda for was just to offer a gentle reminder  
22 regarding the Privacy Act and some of the

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1 documents that the board members receive  
2 through working groups from Nancy Johnson with  
3 SC&A.

4 We had an issue about a month or so  
5 ago where a document that had not been privacy  
6 act reviewed and cleared was forwarded on and  
7 released to a member of the public even though  
8 it had privacy act restricted information in  
9 it.

10 And I realize you all get many e-  
11 mails from SC&A and it can be confusing  
12 sometimes to tell which documents have been  
13 reviewed and which have not and the same  
14 person documents from NIOSH.

15 We're trying to be more clear. The  
16 e-mail, the cover e-mails usually always state  
17 that the materials are Privacy Act restricted,  
18 but sometimes, I think what happened in this  
19 instance is that the e-mail that went out did  
20 not necessarily say that and the document  
21 itself did have a Privacy Act restriction  
22 notice on each page, but I think it was

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1 forwarded without being opened.

2           So, we just wanted to, you know,  
3 offer our standard reminder that, you know, if  
4 you ever feel like there's a petitioner,  
5 claimant, a member of the public or someone  
6 else who has requested or should be privy to a  
7 working group document to work with Ted to  
8 ensure that you have the right versions of  
9 those documents and not to just forward things  
10 without being certain that they've been  
11 cleared first.

12           Ted, did you have any follow-up on  
13 either of those two items?

14           MR. KATZ: No. No, I have nothing  
15 else, but thank you Emily.

16           MS. HOWELL: Thanks.

17           CHAIR ZIEMER: Emily, let me pose a  
18 question. This is Ziemer again. I want to  
19 clarify when board members speak as members of  
20 the public versus board members.

21           My experience with GAO is that they  
22 may ask questions about your opinion on either

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1 board or NIOSH operations. Now clearly, you  
2 can't answer those questions in a sense of the  
3 member of the public because it requires a  
4 knowledge of the board's activities, but they  
5 often want individual opinions.

6 Like the GAO may say something  
7 like, do you think the size of the board is  
8 adequate? Now, I think, if I'm not mistaken,  
9 we can still answer that as an individual.  
10 You would not be representing, for example, if  
11 I said, I think the board should have 17  
12 members or something like that, that still is  
13 your personal opinion. It does not represent  
14 a position of the board.

15 And as long as we stick to  
16 something like that, because I think the GAO  
17 questions often ask about sort of the  
18 operational things, what could be done to make  
19 the operation more efficient or they may ask  
20 your opinion of whether or not the contractor  
21 is carrying out its task and so on.

22 We're still allowed to give our

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1 individual opinions, which come out of our  
2 work on the board. Is that not correct?

3 MS. HOWELL: Right. I mean, we  
4 would just ask that you be very clear with the  
5 person that you're speaking to that you are  
6 stating your individual opinion. And if you  
7 ever are in a situation where you have  
8 questions about it or you're concerned, then  
9 we would just ask that you get in touch with  
10 Ted as he can help facilitate that.

11 CHAIR ZIEMER: Right. Board  
12 members, any other questions or clarity  
13 needed?

14 MEMBER MUNN: This is Wanda. You  
15 asked the question that was foremost in my  
16 mind already, Paul, that's how one can clarify  
17 that is still a bit of a mystery, I think.  
18 It's obvious GAO would not be contacting us if  
19 we were not board members, they know that.  
20 Surely they must also know that we cannot  
21 speak as a representative of the board without  
22 prior board authorization to do so.

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1           It seems obvious to me that any  
2 response that we give would have to be  
3 considered a personal response and not a board  
4 approved response. Am I missing something?  
5 Emily?

6           MS. HOWELL: No. You know, I don't  
7 think you are, I just think that, you know, it  
8 is always helpful, especially if you're asked  
9 questions, I mean, this probably comes up with  
10 Dr. Ziemer more than anyone else, but if you  
11 are asked questions because of your role as a  
12 working group chair or whatnot and you feel  
13 like the questions are being asked of you  
14 because of that, you know, to reiterate the  
15 fact that you're speaking in your personal  
16 capacity and if they want a board opinion on  
17 something then they're going to have to work  
18 through Dr. Ziemer and Ted and HHS.

19           MEMBER MUNN: Hopefully one could  
20 make that statement up front in any context  
21 that occurs and not have to keep repeating it.

22           MEMBER ROESSLER: This is Gen. I

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1 am hesitant to answer any questions because  
2 I'm not sure on the spur of the moment I can  
3 come up with something and be confident that  
4 I'm answering appropriately. Is it just okay  
5 to say I prefer not to answer it?

6 MEMBER MUNN: I mean certainly you  
7 have that ability if you're concerned about  
8 wanting to, you know, if the concern is just  
9 that you're being asked stuff and you haven't  
10 had proper time to prepare or a meeting to be  
11 set up and I'm sure that Ted could assist  
12 individual board members to make sure that,  
13 you know, you're not being blindsided, I  
14 guess, with questions.

15 I mean, you know, like I said, you  
16 don't have to go to Ted only if you think that  
17 they're asking you in your official capacity  
18 if you have individual conversations or you're  
19 approached for kind of an interview, you know,  
20 and you would just like to let Ted know that  
21 might be helpful for everyone.

22 But, I mean, I don't think that, I

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1 mean, Ted, do you have any response to this?  
2 I don't know that, you know, there's any  
3 problem with you, you know, saying that you'd  
4 prefer not to give responses. It just maybe  
5 interpreted perhaps in a way you don't intend  
6 for it to be.

7 MEMBER ROESSLER: Okay. Thank you.

8 CHAIR ZIEMER: And I think you just  
9 have to use good judgment on many of these and  
10 we don't know in advance who we're -- how many  
11 board members may or may not be contacted in  
12 any event.

13 So, just to give you a heads-up to  
14 remind you that if you are contacted, you're  
15 certainly welcome to give your individual  
16 opinions on any issues that they raise.

17 The only thing that you can -- if  
18 the board has taken an official action on  
19 something and they ask you what that position  
20 is, you can certainly refer to it, you know,  
21 what is the board's position on whatever it  
22 may be. But, if it's not an official board

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1 position, if it's your opinion, then you have  
2 to make that very clear.

3 Any other comments or questions?

4 (No response.)

5 CHAIR ZIEMER: Okay. Let's move to  
6 future plans. Ted, we need to talk about  
7 meeting date issues and also some issues  
8 relating to upcoming IT security issues.

9 MR. KATZ: Right. And I've sent  
10 around, I think, I hope everybody got it. I  
11 know it was just yesterday I believe, so I  
12 know it's sort of late coming. I mean, one  
13 issue where we have a date set, but the date's  
14 a problem now and that is the October 27<sup>th</sup>  
15 through 29<sup>th</sup> full board meeting.

16 CHAIR ZIEMER: That's in 2009  
17 though.

18 MR. KATZ: Of course, 2009. That  
19 is in conflict with NIOSH meeting and won't  
20 work. And so I've suggested the weeks on  
21 either side of that whether, I don't know if  
22 anybody's has had a chance to review that

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1 calendar to see whether one or the other would  
2 work for them.

3 CHAIR ZIEMER: Well, let's find  
4 out. So what are our options? Would it be  
5 the 20<sup>th</sup> through the 22<sup>nd</sup>?

6 MR. KATZ: No. There's one option  
7 is October 19<sup>th</sup> through the 23<sup>rd</sup>, that week.

8 CHAIR ZIEMER: Or?

9 MR. KATZ: Or November 2<sup>nd</sup> through  
10 6<sup>th</sup>.

11 CHAIR ZIEMER: Yes. And what would  
12 you like at this time Ted? To know if there  
13 are conflicts?

14 MR. KATZ: Yes, absolutely. A  
15 sense if one or the other works.

16 CHAIR ZIEMER: Okay. Let's start  
17 with October 19<sup>th</sup> through 23<sup>rd</sup>. Any board  
18 members have significant conflicts that week?

19 (No response.)

20 CHAIR ZIEMER: Okay. I'm hearing  
21 none. Let's look at the other week, November  
22 2<sup>nd</sup> through 6<sup>th</sup>, any conflicts that week?

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1                   MEMBER MUNN: No. This is Wanda.  
2                   Isn't the 19<sup>th</sup> to the 23<sup>rd</sup> very close to the  
3                   Thanksgiving date?

4                   CHAIR ZIEMER: No. We're in  
5                   October, not -- oh, yes, October right.  
6                   Thanksgiving is --

7                   MEMBER MUNN: In November.

8                   CHAIR ZIEMER: -- in November.

9                   MEMBER MUNN: No, now forget what I  
10                  said. I was looking at the wrong month.

11                  CHAIR ZIEMER: Okay. There appear  
12                  to be no conflicts of the group on the phone.  
13                  Ted, I would also ask you to check with John  
14                  Poston separately and did Dr. Melius come back  
15                  on the line?

16                  (No response.)

17                  CHAIR ZIEMER: If you would double  
18                  check their schedules and can we give Ted the  
19                  freedom to make the choice depending on the  
20                  outcome of those contacts?

21                  MEMBER MUNN: Yes, fine with me.  
22                  My personal preference would be the October

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1 dates, the 19<sup>th</sup> through 23<sup>rd</sup>.

2 CHAIR ZIEMER: Any other comments  
3 pro or con?

4 (No response.)

5 CHAIR ZIEMER: It sounds like the  
6 rest are fairly neutral Ted.

7 MEMBER LOCKEY: Well, it's Jim  
8 Lockey. It would be great if they could do  
9 that as soon as possible.

10 CHAIR ZIEMER: To finalize it?  
11 Yes. Okay.

12 MR. KATZ: Absolutely Jim. I mean,  
13 that's why I'm raising this now, I'd like to  
14 settle this, you know, within the week. So, I  
15 will check with John Poston and Jim Melius  
16 before I decide this and then send out a  
17 notice to everybody.

18 And if anybody, you know, discovers  
19 in going back to their calendars after, you  
20 know, in the next few days that they actually  
21 have a problem, of course let me know.

22 CHAIR ZIEMER: Okay.

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1 MR. KATZ: That's great. That was  
2 easier than I expected. Thanks. We're just  
3 trying to push out the planning for a couple  
4 more meetings to keep that decent cushion for  
5 those members that tend to have issues, even  
6 pretty far out.

7 And so I hoped we could schedule,  
8 this would be the next call, you know, at the  
9 end of the list here for 2010, around March  
10 30<sup>th</sup> is the right timing, but I don't know  
11 which day that week of March 30<sup>th</sup> is best for  
12 the crew or if March 30<sup>th</sup> is fine, that's  
13 great.

14 MEMBER LOCKEY: Jim Lockey, March  
15 30<sup>th</sup> is not good for me.

16 MEMBER MUNN: Ted, your note says  
17 March 20<sup>th</sup> I think if I'm reading it right.

18 CHAIR ZIEMER: Yes, your note said  
19 March 20<sup>th</sup> of 2010.

20 MEMBER ROESSLER: Which is a  
21 Saturday.

22 MEMBER LOCKEY: Is a Saturday, yes.

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1 MR. KATZ: Okay. I mean, must have  
2 -- I'm sorry. I must have mistyped, because  
3 note in front of me says the 30<sup>th</sup>, but that's  
4 what I was meaning the March 30<sup>th</sup>.

5 MEMBER LOCKEY: That date's not  
6 good for me. It's Jim Lockey.

7 MR. KATZ: Right. Right. But I  
8 guess on either side of it is the question  
9 too. That whole week whether, I mean, that  
10 week is the right timing if that works.

11 MEMBER LOCKEY: The 31<sup>st</sup> is good  
12 for me. March 31<sup>st</sup>.

13 CHAIR ZIEMER: Anyone else have  
14 conflicts?

15 (No response.)

16 CHAIR ZIEMER: What works then Ted?  
17 Is the 31<sup>st</sup> okay?

18 MR. KATZ: I think so. I think  
19 that will be fine. It might be a -- I haven't  
20 looked at my calendar to see the day of the  
21 week, but --

22 MEMBER LOCKEY: It's a Wednesday.

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1 MR. KATZ: Yes, so that should be  
2 great.

3 CHAIR ZIEMER: Okay, this is a  
4 conference call.

5 MR. KATZ: Right.

6 CHAIR ZIEMER: So, put that down  
7 then, the 31<sup>st</sup>.

8 MR. KATZ: I've got it.

9 CHAIR ZIEMER: Okay. And then  
10 finally, we're into May of 2010?

11 MR. KATZ: That's correct. And the  
12 right timing again is the 10<sup>th</sup> through the 14<sup>th</sup>  
13 or the 17<sup>th</sup> through the 21<sup>st</sup> if one of those  
14 weeks would work. That's a face-to-face. And  
15 we generally shoot for the middle of the week,  
16 but of course if we have a problem we can push  
17 it to one end or the other end of the week as  
18 well.

19 CHAIR ZIEMER: Okay. Any  
20 preferences?

21 MEMBER MUNN: I'm sorry, Ted. I'm  
22 flying blind here because I don't have your e-

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1 mail, I don't have anybody's e-mail. What  
2 were the dates you said again?

3 MR. KATZ: I'm sorry. So the --

4 MEMBER MUNN: In May?

5 MR. KATZ: Yes, May 10<sup>th</sup> through  
6 the 14<sup>th</sup> of 2010.

7 MEMBER LOCKEY: That week's good  
8 for me. Jim Lockey.

9 MEMBER MUNN: I prefer to avoid  
10 that particular week if possible.

11 CHAIR ZIEMER: The other option was  
12 the following week.

13 MR. KATZ: The following week May  
14 17<sup>th</sup> through the 21<sup>st</sup>, that week.

15 MEMBER MUNN: Seventeen through 21  
16 would be much better for me.

17 MEMBER LOCKEY: It's not good for  
18 me.

19 CHAIR ZIEMER: It's not good for  
20 Jim.

21 MEMBER MUNN: Oh, sorry.

22 CHAIR ZIEMER: Any others pro or

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1 con?

2 MEMBER LOCKEY: The following week  
3 is fine.

4 CHAIR ZIEMER: Any others?

5 MR. KATZ: That would be May 24<sup>th</sup>,  
6 beginning May 24<sup>th</sup>?

7 MEMBER LOCKEY: Right.

8 MR. KATZ: How does that work for  
9 everybody?

10 CHAIR ZIEMER: Is that getting in  
11 to Memorial Day?

12 MR. KATZ: Yes, it's -- I don't  
13 have that up right now to see that, but it  
14 sounds like it's close.

15 MEMBER LOCKEY: The week of May  
16 16<sup>th</sup> is alright with me, but not that Tuesday.  
17 So if it's the 19<sup>th</sup>, 20<sup>th</sup>, that's okay with me,  
18 but I can't do it that Tuesday.

19 MR. KATZ: Okay. So then you're  
20 saying it would have to be Wednesday,  
21 Thursday, Friday?

22 MEMBER LOCKEY: Right.

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1 MS. ADAMS: Memorial Day is  
2 actually on 2010 is May 31<sup>st</sup>.

3 MR. KATZ: Okay, so that's not a  
4 problem. Thank you Nancy. So we have a  
5 possibility of the last half of the week  
6 beginning May --

7 MEMBER LOCKEY: Nineteenth.

8 CHAIR ZIEMER: May 19<sup>th</sup> through 21  
9 would work for Jim, for Wanda.

10 MEMBER MUNN: Yes.

11 CHAIR ZIEMER: Anyone else?

12 (No response.)

13 CHAIR ZIEMER: Why don't we go for  
14 that Ted?

15 MR. KATZ: Okay. May 19<sup>th</sup> through  
16 21<sup>st</sup>. Okay. And then that actually -- I mean  
17 given that we have the front-end of the week,  
18 you know, it might leave room then for some  
19 work groups as well.

20 MEMBER MUNN: Yes.

21 MR. KATZ: Which that might be nice  
22 actually.

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1 CHAIR ZIEMER: Okay.

2 MR. KATZ: Okay. That's great.  
3 That does it. That's as far out really I  
4 think as we need to plan at this point. We  
5 can push it out a couple more dates -- another  
6 date, you know, in the turn of the year.

7 CHAIR ZIEMER: Sure. Okay. Let's  
8 go ahead with those then you'll confirm it  
9 with an e-mail or something, Ted?

10 MR. KATZ: Absolutely.

11 CHAIR ZIEMER: Okay. Then what are  
12 the issues on IT security we need to be  
13 looking for?

14 MR. KATZ: Right. So, Ed Dacey  
15 spoke with you at the California board meeting  
16 to let you know there's sort of cause on the  
17 horizon in terms of having to make changes of  
18 procedures for access to information so that  
19 NIOSH can be compliant with IT security  
20 requirements of the department.

21 This is now -- and it was at that  
22 meeting, I think, you know, everybody felt it

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1 was fairly unclear when things would come to a  
2 head, but they're coming to that pretty  
3 quickly now.

4 OCAS will be having a new contract,  
5 a dose reconstruction contract, which should  
6 be awarded soon towards the end of the year,  
7 which means -- and as sort of part of that  
8 process, it will then have to implement this  
9 IT security step to sort of straighten out our  
10 situation with respect to being compliant with  
11 HHS requirements, policies.

12 That will mean bringing the O:  
13 drive, which everybody, you know, up until now  
14 can go to, which exists outside of the NIOSH  
15 firewall or the CDC firewall, computer  
16 firewall, that O: drive will be brought inside  
17 the firewall.

18 So, all of our board members, to  
19 access information, they won't be able to do  
20 it the way they have up until now. This won't  
21 change anything for all the information that  
22 OCAS posts, you know, on its website of

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1 course.

2 So everything that's been through  
3 PA review, Privacy Act review and all of the  
4 OCAS technical documents and so on and all of  
5 the SC&A, you know, response documents that  
6 have been through all that process, they'll  
7 all get posted and they'll all be available  
8 just as they are now. There's no change for  
9 those.

10 What it is going to impact is, you  
11 know, documents that haven't been Privacy Act  
12 reviewed, it will -- and that's not just  
13 things that are posted necessarily on the O:  
14 drive, but also documents that get sent  
15 around, you know, particularly prior to work  
16 group meetings in the hurry to get prepared  
17 for work group meetings.

18 Now, I'm giving you this as  
19 basically just a heads-up and I'll want to  
20 talk with all of you individually to see what  
21 your personal preferences are. There are a  
22 number of ways we can work this to give you

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1 the level of access that you individually  
2 would want as a board member to continue doing  
3 the work, you know, as you've been doing it.

4 So there's three options. I mean,  
5 the third will take some discussion, because  
6 it would require some change in, you know,  
7 board procedures, work group procedures and  
8 all to make it work.

9 I mean, the first option is for  
10 those of you who want to be able to download  
11 data onto a computer, want to be able to  
12 crunch data, want to be able to download  
13 reports that are not Privacy Act reviewed and  
14 so on, to be able to do that, you're going to  
15 have to have a government personal computer --  
16 a government computer rather than a personal  
17 computer.

18 And that will entail not just  
19 having that computer, but you'll have to go  
20 through, you know, just as the rest of us  
21 government employees do, an annual IT security  
22 training, which is an online training, it

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1 doesn't take a lot of time, but that's an  
2 element of it.

3           You would be assigned a key fob,  
4 which, you know, is a device that random  
5 number generated help you with security to get  
6 you into the firewall in effect and you would  
7 come through a service called SCITGO, which  
8 all of us government employees use.

9           But you would come right inside the  
10 firewall and then you would have access to,  
11 you know, all the information as you have so  
12 far and you would be able to download it onto  
13 your personal computer -- I mean, your  
14 government computer that you would be  
15 assigned.

16           And we'd have to get cracking here  
17 to get these computers purchased and out to  
18 you and get the IT training done and so on and  
19 the assignments of key fobs and all that  
20 business. So there's, you know, there's work  
21 to be done, which is why I'll need to talk to  
22 you very quickly, you know, I think in the

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1 next week to get this all going so that  
2 there's no disruption for any of you in what  
3 you're able to do as board members.

4 A second option, for those of you  
5 who, you know, feel less need perhaps to  
6 download stuff onto a computer, but want to be  
7 able to read and review these things, that, if  
8 you wanted that option you wouldn't need a  
9 computer from the government.

10 We could assign you a key fob,  
11 which is again, access to use your personal  
12 computer and we could set things up so that  
13 you would have in effect a view only mode.  
14 You'd be able to view all documents, you just  
15 simply wouldn't be able to download them.

16 And that would still require that  
17 you have, you know, this annual IT security  
18 training, again that's not really a big deal,  
19 but you would have that annually just as  
20 government employees do. So we still have to  
21 get to work to put that in place. But that's  
22 an option which would allow you not to have to

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1       bother with a government computer, which, you  
2       know, is obviously a responsibility.

3                 The third option, as I mentioned,  
4       you know, if it's feasible would be -- I mean,  
5       we'd have to do things differently with our  
6       work groups and so on in terms of pushing out  
7       scheduling and so on to ensure that all the  
8       board members, that all the materials could be  
9       Privacy Act reviewed before their distributed  
10      and so on to make those work groups  
11      functional.

12                There's still some limitations if  
13      we try to go that route though, because as you  
14      all know, some of these documents, you know,  
15      are replete with Privacy Act information and  
16      would be in effect meaningless without it, not  
17      useful to your work groups.

18                And so those documents, of course,  
19      you know this would be a problem for that.  
20      There would be no fix for that. But if, you  
21      know, I'm not sure how common those are. They  
22      are, but they do -- I've seen a number of them

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1 recently where really the Privacy Act  
2 information was essential and couldn't be  
3 meaningfully redacted. So that's a caveat.

4 But if we want to talk about that,  
5 we could talk about how, you know, we might  
6 try to deal with that situation. If you don't  
7 want to deal with a key fob, you don't want to  
8 deal with a government computer, any of it.

9 CHAIR ZIEMER: Okay. Is that it  
10 then Ted?

11 MR. KATZ: And that's it. That's  
12 it.

13 CHAIR ZIEMER: Okay. Maybe take a  
14 few questions if there are any, otherwise  
15 you'll contact each board member individually  
16 and see what their needs are?

17 MR. KATZ: That's exactly right.

18 MR. OSTROW: This is Steve Ostrow  
19 from SC&A listening in. This also effects the  
20 board's contractor SC&A or successor because  
21 we use the O: drive extensively also. So  
22 whatever solution comes up, we would have to

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1 be included too.

2 MR. KATZ: Steve, that's absolutely  
3 correct. This will effect the board's  
4 contractor equally. Absolutely.

5 MR. OSTROW: And I don't know, John  
6 are you listening in? Do you have any idea of  
7 how many of us actually access the -- have  
8 access to the O: drive?

9 MR. MAURO: I would say on the  
10 order of about eight.

11 MR. OSTROW: Okay.

12 CHAIR ZIEMER: And in that case,  
13 those folks probably would have to have  
14 government computers then too right? If  
15 they're downloading things.

16 MR. KATZ: That's absolutely  
17 correct. And it would be the same situation  
18 as applies for the people who do the dose  
19 reconstruction work for OCAS and SEC work,  
20 that contractor as well.

21 CHAIR ZIEMER: Well, I assume then  
22 Ted that you'll proceed and we'll individually

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1 have the opportunity to decide what level of  
2 access we need and determine what the  
3 appropriate equipment and training measures  
4 are on an individual persona-by-person basis.

5 MR. KATZ: That's exactly right.  
6 If you don't want to discuss the -- I mean,  
7 again, if you don't feel like it's feasible to  
8 go the third route, then yes and that's all  
9 we'll do here.

10 CHAIR ZIEMER: Okay. Thank you.  
11 Any additional questions?

12 (No response.)

13 CHAIR ZIEMER: So that's going to  
14 begin almost immediately right?

15 MR. KATZ: That's correct. Over  
16 the next week I'd like to be able to talk with  
17 each of you and get your wishes. And if you,  
18 you know, listened and you think you  
19 understand it all well enough and want to pop  
20 me an e-mail saying I already know what I  
21 need, feel free. Feel free to do that. That  
22 will be one less phone call we'll need to

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1 have.

2 CHAIR ZIEMER: Okay. Thank you  
3 very much. Let me ask if there are any other  
4 items that need to come before us this morning  
5 or this afternoon.

6 (No response.)

7 CHAIR ZIEMER: It appears that  
8 there aren't. If there are none, then I will  
9 declare the meeting adjourned and we will see  
10 all of you in December or sooner in the case  
11 of the work groups. Thanks everybody.

12 (Whereupon, the above-entitled  
13 matter was concluded at 1:14 p.m.)

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