

UNITED STATES OF AMERICA
CENTERS FOR DISEASE CONTROL

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NATIONAL INSTITUTE FOR OCCUPATIONAL
SAFETY AND HEALTH

+ + + + +

ADVISORY BOARD ON RADIATION AND
WORKER HEALTH

+ + + + +

73rd MEETING

+ + + + +

THURSDAY
NOVEMBER 18, 2010

+ + + + +

The meeting convened at 8:15 a.m.,
Mountain Standard Time, in the Hilton Santa
Fe, 100 Sandoval Street, Santa Fe, NM, James
M. Melius, Chairman, presiding.

PRESENT:

JAMES M. MELIUS, Chairman
HENRY ANDERSON, Member
JOSIE BEACH, Member
BRADLEY P. CLAWSON, Member
R. WILLIAM FIELD, Member
MICHAEL H. GIBSON, Member
RICHARD LEMEN, Member
JAMES E. LOCKEY, Member
WANDA I. MUNN, Member
JOHN W. POSTON, SR., Member
ROBERT W. PRESLEY, Member
DAVID B. RICHARDSON, Member

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GENEVIEVE S. ROESSLER, Member
PHILLIP SCHOFIELD, Member
PAUL L. ZIEMER, Member
TED KATZ, Designated Federal Official

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

2 (8:21 a.m.)

3 CHAIRMAN MELIUS: If everyone can
4 have a seat. So we will get an SEC update now
5 from our --

6 MR. RUTHERFORD: Okay. I'm ready
7 for this.

8 CHAIRMAN MELIUS: Go ahead, Mr.
9 Rutherford.

10 MR. RUTHERFORD: All right. Thank
11 you, Dr. Melius. I'm going to talk about the
12 upcoming SEC petition. I'm also going to talk
13 about our review of SEC Class Definitions.

14 We do this at each Board meeting
15 to give the Board an update on what petitions
16 are out there, are in the evaluation phase,
17 and also it helps the Board prepare for
18 upcoming work group meetings and Board
19 sessions.

20 As of October 31st, we have 180
21 petitions, to date. We have three in the
22 qualification process, 109 petitions have

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1 qualified. Of those 109, ten are in the
2 evaluation process, 99 evaluations completed
3 and fifteen are with the Board,. And then we
4 had 68 petitions that did not qualify. Okay.

5 Some of these again, these numbers are based
6 on October 31st, so they're some -- a little
7 outdated.

8 Linde Ceramics. We actually
9 presented that report at this Board meeting.

10 Hanford, we plan to present at the
11 February Board meeting. It's going to be
12 touch and go, that we are working on some data
13 issues there.

14 Simonds Saw and Steel was
15 presented at this Board meeting. It was
16 actually completed earlier this month,
17 and the Board concurred with our
18 recommendation on that.

19 Sandia National Lab is actually
20 probably going to be in January, not December.

21 It'll be completed. However, we do
22 anticipate presenting that at the February

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1 meeting.

2 Norton Company is a residual
3 period, that the residual periods have come up
4 on a couple of our Evaluation Reports we've
5 presented here, recently, and I think you're
6 going to get to see an increased number of
7 those.

8 We do anticipate completing that
9 in January and presenting it at the February
10 Board meeting. You will notice, there are a
11 number of reports to be completed in January
12 and early February that likely will be
13 presented at the February meeting.

14 Wah Chang is another one that we
15 anticipate completing in January and there was
16 some questions on the number of claimants. We
17 only have four claimants associated with Wah
18 Chang, just to update.

19 CHAIRMAN MELIUS: Excuse me. Are
20 these 83.14s, or --

21 MR. RUTHERFORD: No. These are
22 all 83.13s. I apologize.

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1 CHAIRMAN MELIUS: Okay.

2 MR. RUTHERFORD: And the rest of
3 them, I'll make sure that I point that out.

4 Grand Junction Operations Office
5 is another 83.13. We do anticipate completing
6 this report in early January and there were
7 operations going on at Grand Junctions
8 Operations. I mean, just by the title, you
9 look at it and you think that there would be
10 an administrative support function, but there
11 were actually operations that occurred there.

12 Vitro Manufacturing. This, again,
13 is a residual period. If you remember, we
14 recommended a Class, and the Class was added
15 for Vitro, for the operational period. Since
16 then, we've received this petition for a part
17 of the residual period. We anticipate
18 completing that report in January as well.

19 Clinton Engineering Works is --and
20 I know Bob's well aware of this -- that
21 Clinton Engineering Works is the actual
22 initial area in Oak Ridge, that included all

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1 the early Y-12 and such in Oak Ridge. We have
2 a petition for that qualifying. We anticipate
3 completing that evaluation in early February.

4 It may or may not be ready in time for the
5 February Board meeting.

6 BWXT was an 83.14 and we did
7 complete that evaluation earlier this month.
8 We presented that at this Board meeting and
9 the Board concurred with our recommendation on
10 that.

11 Texas City Chemical is also
12 another one. We revised our Evaluation
13 Report, presented that at this meeting, and
14 the Board took action on that.

15 In addition to the petitions that
16 we've qualified, we do have two that are in
17 the qualification phase. We have Pinellas and
18 W. R. Grace.

19 That's pretty much it for the
20 update. However, I want to go over our SEC
21 Class assessment. We went back, and as the
22 Board knows, we reviewed our original SEC

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1 Classes that we'd added since the beginning,
2 since rule was promulgated in May of '04.

3 We were looking to ensure that the
4 criteria used for establishing each class is
5 consistent with current practices. During our
6 review, we looked at the types, you know, the
7 Class Definitions, based on facility, based on
8 monitored, should have been monitored,
9 exposures, thorium, neutrons and all the
10 different things that could affect
11 implementation of the Class Definition.

12 Based on that, we actually are
13 looking at modifying a few Class Definitions.

14 Ames, from 1955 to 1970, which was based on
15 worker type and General Atomics, 1960 to 1969,
16 which was based on buildings and Y-12, 1948 to
17 '57, which was based on buildings and
18 exposure, thorium exposures.

19 I don't have Iowa on here.
20 However, we do anticipate that we may modify
21 Iowa. We are trying to actually understand
22 some of the current covered facility

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1 designation associated with Iowa. Those four,
2 however, we do anticipate doing 83.14s, and to
3 modify those class definitions.

4 We did actually review all of the
5 existing Class Definitions, and I believe that
6 report is with the Board, and you've had a
7 chance to review it, I hope. And that's it.

8 CHAIRMAN MELIUS: Questions for --
9 Bob, go ahead.

10 MEMBER PRESLEY: Clinton
11 Engineering Works. As you know, I'm going
12 through a lot of the history, there, in Oak
13 Ridge, and I've just found a document that
14 puts Clinton Engineering Works as X-10 only.
15 So you may want to look at that. They called
16 X-10 site Clinton Engineering Works. You all
17 are shaking your head right. So you need to
18 look at that because what you're talking about
19 is where we had the places off sites, and
20 things like that. You may need to go in and
21 clarify some of that.

22 MR. RUTHERFORD: Okay. I would

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1 like to get that information from you, Bob.
2 You know, one thing that we uncovered with
3 Clinton Engineering Works is actually, the
4 gated portion, there were warehouses on entry
5 to Clinton Engineering Works, and one of the -
6 - at least one of the gates of entry, we know
7 that there were materials stored in that
8 warehouse, so --

9 MEMBER PRESLEY: That's where we
10 shipped the first shipments of uranium out and
11 that would have been Oak Ridge. I couldn't
12 even tell you where that's at.

13 CHAIRMAN MELIUS: Dr. Ziemer.

14 DR. ZIEMER: I want to ask you a
15 procedural question, and it's been covered
16 some time in the past, I'll chalk it off as a
17 senior moment. But what is the process if the
18 definition changes? Does this have to bounce
19 all the way back through Congress, or can it
20 be done administratively?

21 MR. RUTHERFORD: What we've had to
22 do in the past when -- if you remember Y-12,

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1 early years, we went through this process, and
2 what we've done in the past, and the only way
3 to -- it seems like the easiest way to do it,
4 is to -- we do an 83.14. We take a claim that
5 we feel that was not included in the original
6 Class, because what happens, what typically
7 drives this is administering the Class by the
8 Department of Labor, and, you know, we
9 anticipate that individuals or certain members
10 would have been included in the Class.

11 However, they come to us for dose
12 reconstruction because the Department of Labor
13 did not include them. So what we will do is
14 we'll use one of those claims as our litmus
15 claim to do an 83.14 to modify the Class.

16 CHAIRMAN MELIUS: LaVon, I have a
17 couple of questions.

18 MR. RUTHERFORD: Okay.

19 CHAIRMAN MELIUS: The section in
20 the report on Rocky Flats I'm totally confused
21 by.

22 MR. RUTHERFORD: Okay.

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1 CHAIRMAN MELIUS: You say there's
2 a potential problem.

3 MR. RUTHERFORD: Right.

4 CHAIRMAN MELIUS: You go through
5 several paragraphs, saying all the problems
6 there are with it and then you say we don't
7 have to do anything.

8 MR. RUTHERFORD: Well, I think
9 that, you know, we did want to point out, that
10 based on the Class Definition, because it does
11 limit it to neutron exposure, there is a
12 potential for problems. However, we also
13 wanted to point out that the Board and the
14 Work Group were deeply involved in that
15 process and it was -- you know, we had felt
16 that the Work Group had actually focused
17 around that Class Definition.

18 Now, that being said, we did look
19 through claims to see if there were claims
20 that we thought looked like they should have
21 been included in the Class, like we did on all
22 the other ones and at this time, we did not

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1 see any claims that we felt should have been
2 included in the Class.

3 But we do recognize that there are
4 potential problems with that Class Definition.

5 CHAIRMAN MELIUS: How do you judge
6 whether -- how do you identify claims that
7 there are potential problems? I mean, I guess
8 I'm -- I mean, if you think the Class
9 Definition is flawed in some way and that it
10 won't correctly identify people that, you
11 know, at least were intended to be in the
12 class, or it needs clarification, then how do
13 you know that somebody hasn't been missed? I
14 guess that's the question.

15 MR. RUTHERFORD: Well, what we did
16 was we went through the claims and we looked
17 at the claims. You know, if you were taking
18 Rocky Flats, you were looking at where the --
19 the individuals we would review as the
20 individual's CATI information, you know, to
21 determine, if they indicated which buildings
22 or things that they may have worked in. Some

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1 of that information is not always reviewed by
2 the Department of Labor and so we wanted to
3 make sure we looked at that type of
4 information as well as their exposure
5 histories and such, to see if there were any
6 things that triggered, in our thoughts, that
7 they should have been monitored for neutrons.

8 And we did that -- I mean, Rocky
9 Flats is one example. The other example is,
10 you know, General Atomics, I mean, we went
11 through and we had clearly identified building
12 specifics there and we went through each claim
13 and came up with a number, based on the CATIs,
14 where we felt those claims should have been
15 included. So that was just a couple of
16 examples.

17 CHAIRMAN MELIUS: And like for
18 Rocky, will you continue to do that?

19 MR. RUTHERFORD: Yes, we will.

20 CHAIRMAN MELIUS: Okay.

21 MR. RUTHERFORD: And I think what
22 -- not only will we do that, but I think our

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1 communication process with the Department of
2 Labor, we need to -- if they're having
3 difficulties and struggling with the
4 implementation them self, I think we can work
5 with them as well, and do the job of modifying
6 the Class, so --

7 CHAIRMAN MELIUS: So I guess I'm
8 just trying to think through the process.
9 Would the Department of Labor have information
10 that you wouldn't have, that might identify
11 somebody that might be sort of -- they'd have
12 information but I guess --

13 MR. RUTHERFORD: Correct.

14 CHAIRMAN MELIUS: -- in most of
15 those cases, if they didn't put somebody into
16 the Class, they would refer them to you.

17 MR. RUTHERFORD: Yes, they did.

18 CHAIRMAN MELIUS: So that
19 shouldn't be a problem. Okay, okay.

20 Any other questions, Board
21 Members?

22 So what's the process for doing

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1 this, going forward, and --

2 MR. RUTHERFORD: Well, what we
3 plan to do is we're going to talk to the
4 Department of Labor, and since, you know, they
5 administer the Classes. However, we
6 anticipate that we will work quickly to move
7 the ones that we've identified, where we have
8 claims of known problems, to move those
9 forward and to do 83.14s to modify those Class
10 Definitions. And we would hope that we would
11 have those ready, probably not for the
12 February meeting, because we're already going
13 to be loaded up with quite a few 83.13s. But
14 we would anticipate we would have those ready
15 by the May meeting.

16 CHAIRMAN MELIUS: And what's the
17 order of magnitude of the cases that you've
18 identified for these, that have been
19 misclassified, so to speak, or --

20 MR. RUTHERFORD: I apologize, but
21 I did not get that number. I can get those
22 numbers and I can forward that to the Board.

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1 CHAIRMAN MELIUS: Can you give me
2 an approximate number. Is it hundreds or tens
3 or --

4 MR. RUTHERFORD: I think it'll
5 probably be less -- I would think it would be
6 tens, you know, type. And at least for the
7 ones I've identified so far. You know, at
8 some point, if Rocky Flats or the other Class
9 Definitions had to change because of we
10 identified problems with claims, those would
11 obviously be different. But right now, I
12 definitely think it's in the tens.

13 CHAIRMAN MELIUS: Okay. Brad.

14 MEMBER CLAWSON: I was just
15 looking at the Grand Junction operation one,
16 and this one's still in qualification or --

17 MR. RUTHERFORD: No, it's in the
18 evaluation phase.

19 MEMBER CLAWSON: Because I know a
20 little bit about that. I was just looking at
21 -- cause there's quite an extensive -- in
22 looking at it, it's a pretty broad thing and I

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1 just wanted to make sure that --

2 MR. RUTHERFORD: Yes, we're
3 dealing with that cause it's the facility
4 designation and it's -- you're right. It's
5 difficult.

6 MEMBER CLAWSON: Well, and one of
7 the reasons why I brought this up is because
8 yesterday, with the plane and so forth like
9 that, I know that in Grand Junction, it wasn't
10 just one spot. They had stuff strung all over
11 the place for storage and everything else. I
12 wanted to make sure that we were looking at
13 that.

14 MR. RUTHERFORD: Yes, we are.

15 MEMBER CLAWSON: Okay.

16 MR. RUTHERFORD: In fact, what --
17 Brad, I will have our lead contact you, to
18 make sure that we get your concern and --

19 MEMBER CLAWSON: Yes.

20 CHAIRMAN MELIUS: I have another
21 question, LaVon. That's for the ones that
22 you're not recommending that anything be done

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1 at all. There's relatively little information
2 in the report on them and I guess I'm trying
3 to understand. I think what you're concluding
4 that even though they may have been, you know,
5 limited, based on work location or on
6 monitoring status, it turns out that in the
7 implementation of the Class, that didn't
8 really matter. Is that what --

9 MR. RUTHERFORD: Well, I think
10 because of the small numbers, is that --
11 because of the small numbers that are being
12 affected by this. Is that what you're --

13 CHAIRMAN MELIUS: No, no. I'm
14 talking about the ones that you're -- I mean,
15 there's a whole list here of sites.

16 MR. RUTHERFORD: Oh, actually --
17 well, what happened, if you look at it, a
18 number of them, although they may be
19 identified building-specific, we include all
20 of the buildings that are part of the covered
21 facility, so effectively, we're including
22 everyone.

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1 CHAIRMAN MELIUS: Okay.

2 MR. RUTHERFORD: And so in certain
3 applications, in certain Class Definitions,
4 although it doesn't say all employees,
5 effectively, it is all employees.

6 CHAIRMAN MELIUS: Yes. And the
7 same with monitored or should have been
8 monitored?

9 MR. RUTHERFORD: Yes, yes.

10 CHAIRMAN MELIUS: Good. So those
11 weren't such bad choices that we made.

12 MR. RUTHERFORD: It was -- I think
13 Department of Labor struggled with them a
14 little bit, but, ultimately, in the end, they
15 did include everyone under monitored and
16 should have been monitored, those cases.

17 CHAIRMAN MELIUS: Okay. So we did
18 okay, then, you're saying?

19 MR. RUTHERFORD: Actually, yes,
20 you know, you look at it and you think about
21 the process from the beginning, and trying to
22 do this and to do it -- you know, I think we

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1 haven't done too bad.

2 CHAIRMAN MELIUS: Okay. Brad,
3 you have another questions or you just didn't
4 -- okay. Anybody with comments? I guess
5 you're off the hook then.

6 MR. RUTHERFORD: All right.

7 CHAIRMAN MELIUS: But get us those
8 numbers.

9 MR. RUTHERFORD: Yes.

10 CHAIRMAN MELIUS: We're leaving in
11 about two hours, so -- since these will come
12 through as 83.14s, the Board will all see them
13 again when they come up and so forth, process-
14 wise, and so forth. I do think we need to
15 keep paying attention to this Class Definition
16 issue, and I think we had some good discussion
17 with DOL at this meeting and going forward, we
18 should continue to see how this plays out. It
19 still is confusing sometimes. Okay.

20 We've still got the Board reports
21 and Work Group reports.

22 We have the Procedures

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1 Subcommittee. We have about, I think it's
2 four or five. I've got to get my list out
3 here, but we have about four or five left to
4 do. Not a huge number.

5 MEMBER MUNN: Procedures continues
6 to meet about every six weeks or so. We last
7 met on October 13th in Cincinnati and the
8 newest additions we have to our database are
9 our PERs that we're taking on, and at our last
10 meeting, you may recall, the Board selected
11 the PERs that were going to be first on the
12 list and SC&A has been working on them. As we
13 had agreed, the Dose Reconstruction Committee
14 will be making the selection of what cases
15 will be used to verify the results that they
16 have seen with the PERs.

17 And the chair of that Subcommittee
18 serves on Procedures, so he stays abreast of
19 what we're doing.

20 Our archive effort. You will
21 recall that we're working hard to try to get
22 the two-pagers completed and well summarized,

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1 so that the public and anyone who chooses can
2 have access to them.

3 The draft of the next five after
4 our pilot effort was complete were turned over
5 to us by SC&A. During this period of time, we
6 continued to struggle with the issue of
7 attempting to simplify the language. I don't
8 need to tell you how difficult it is for
9 technical-thinking people to write in
10 simplistic language, as we want to try to
11 achieve a high standard for these two-pagers.

12 We spent quite a bit of time
13 working on them. We now have OCAS-IG-002. We
14 have PROC-80, OTIB-66, TIB-8 and PR-3.
15 They've been submitted, and it was my
16 intention to try to get those to you, so that
17 you would have an opportunity to see the
18 result of our efforts and our attempts at
19 simplification before we actually moved
20 forward to selecting the cases for them.

21 Unfortunately, my schedule didn't
22 allow me to get those to you, but I hope to do

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1 that before our -- well in advance of our
2 telephone call so that we can give the Dose
3 Reconstruction Committee the go-ahead to move
4 forward with that section of them.

5 That's my action. I have those
6 documents in tracking-change form, but they're
7 almost impossible to read because there have
8 been so many changes. So you'll get them in
9 readable format, so that you can see what's
10 going on.

11 We have a suggestion with respect
12 to SC&A's moving forward with the other items
13 that we had selected. You may remember that
14 there are 50 PERs that they have on deck. Now
15 that we've beaten them to death with our
16 problems concerning simplification of the two-
17 page documents, rather than tasking them one
18 group at a time to move ahead with them, they
19 have the capability right now to move on with
20 the next group that they want to do.

21 I would ask that the Board
22 consider giving authority at this time to SC&A

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1 to go ahead and move forward at their own rate
2 with the two-page archive reports that we've
3 asked them to provide for us over the coming
4 course of their contract.

5 Does anyone have any problem with
6 allowing them to move ahead?

7 CHAIRMAN MELIUS: I only have sort
8 of a budget question -- fiscal-year budget
9 question. But those shouldn't be expensive;
10 right?

11 MEMBER MUNN: They're not
12 expensive, and I think John can address that,
13 if he's --

14 MR. KATZ: They shouldn't be
15 expensive, and I mean, they're going to cross
16 over to the next contract year anyway, I
17 believe. I don't believe they'll get them
18 done in December, anyway.

19 DR. MAURO: First, we are in good
20 shape in the budget in terms of getting
21 through this year, a couple more months, right
22 on track. In fact, we're a little under

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1 budget. The austerity program that we
2 instituted worked out well. But bear in mind,
3 that does load up, does load us up a little
4 bit next year.

5 In other words, what we have, some
6 work pushed off to next year. So we are in a
7 -- I've done this by design, namely, create a
8 situation where you folks are in a position to
9 request that we do some additional work,
10 whether it's SEC or other. So we can receive
11 new work for this year, as you correctly point
12 out, Ted, were you to authorize us to begin
13 work on cranking out the two-pagers, I would
14 be something we could begin now. It is not a
15 very -- this is not an expensive proposition.

16 Quite frankly, I think we could
17 knock out drafts of those, and each one would
18 maybe take two days and they'd be available
19 for review, as they're generated by the
20 Subcommittee. And of course there are about
21 45 of those in front of us. We would just
22 start moving them out in packages and it would

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1 certainly carry us off well into the next
2 fiscal year.

3 CHAIRMAN MELIUS: Okay. If there
4 is no objection, I think they can --

5 MEMBER MUNN: And if they're not
6 simple enough, I can guarantee the work of the
7 Subcommittee will, indeed, simplify them.

8 We have requested that NIOSH begin
9 to identify the person or persons that we need
10 to work with to get these documents up on the
11 Web site. It's not an easy thing to do.
12 Apparently, we need to get them set up
13 appropriately and, to the best of my
14 knowledge, there's nothing new to report in
15 that arena. We'll continue to pursue that
16 because it's my desire, and I'm sure it's the
17 desire of the Subcommittee as well as the
18 Board, that those materials do reach their
19 intended spot on the ABRWH site as soon as
20 possible.

21 Our database continues to have
22 some problems. We had hoped that it would be

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1 running very smoothly by now and that we would
2 have no complaints at all, but that of course
3 is not the case.

4 We're still moving step by step
5 toward what we want it to be, which is
6 seamless and easy for anyone to use. We're
7 still a little bit away from that but, for the
8 most part, it's operating at a level that's
9 satisfactory for the Subcommittee and we're
10 happy with the ability to be able to make
11 entries on it real-time and keep it as current
12 as possible.

13 We, two meetings ago, decided that
14 we needed to pay some real attention to and
15 prioritize the number of open items that we
16 had on our list. You may recall that, to us,
17 open items means findings that have been
18 identified but have not yet been addressed by
19 anybody.

20 We had a large number of those but
21 on closer inspection realized that the vast
22 majority of the open items that we had

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1 revolved around only two of the procedures.

2 So we're very pleased that NIOSH
3 devoted a significant amount of time to
4 address at least one of those, so that we had
5 first responses to a significant number of
6 open items that we had last time and we
7 anticipate that two of them -- of the
8 principals for those findings were not
9 available to us and not available to NIOSH at
10 the time they needed to bounce some
11 information off of them. So those are
12 beginning to move forward and we're hoping
13 that at our next meeting, which is scheduled
14 for January 9th, that we'll have some
15 attention to the second of those two that were
16 so obviously outstanding for us.

17 During our last meeting we
18 encountered a couple of items which, in
19 earlier times, we had identified as being what
20 we were calling either overarching or complex-
21 wide issues and the question was asked during
22 the Subcommittee meeting, who and how are

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1 those issues now being tracked, because we are
2 not tracking them in the Subcommittee. It was
3 our memory that they were being tracked by
4 NIOSH but we were not sure by whom or how.

5 And Jim, are you able -- or Stu,
6 can you address that? Do we have an answer?

7 MR. HINNEFELD: Yes. We need to -
8 - it's been probably kind of informal up to
9 now, but we'll formalize it more into
10 something like the Procedures database, in
11 that kind of style. And we're doing that.
12 We're compiling them.

13 MEMBER MUNN: I recall -- it's
14 been over a year, I think, since I've seen
15 anything that passed as an overarching issues
16 list. Is it possible for us to request that
17 we have a look at that again at our next Board
18 meeting?

19 MR. HINNEFELD: Yes. We'll have
20 it before then. I would hope we could have it
21 before the next Subcommittee meeting.

22 MEMBER MUNN: Good. That's great.

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1 Then we'll look forward to seeing it,
2 hopefully, on January 9. Thank you, Stu.
3 That's all I have.

4 CHAIRMAN MELIUS: Okay. Questions
5 for Wanda? Sorry to hear that the database is
6 sickly.

7 MEMBER MUNN: Well, it really and
8 truly is working very well. It's just that
9 it's not smooth yet.

10 CHAIRMAN MELIUS: Okay.

11 MEMBER MUNN: And it continues to
12 have hiccups in spots.

13 CHAIRMAN MELIUS: Sort of
14 adolescent.

15 MEMBER MUNN: It is in teenage
16 stage, there's no question about it, and it
17 rebels when we least want it to.

18 CHAIRMAN MELIUS: Any serious
19 questions for Wanda?

20 (No response.)

21 CHAIRMAN MELIUS: We have three
22 work groups left. I will start off.

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1 Surrogate Data. The Surrogate Data Work Group
2 met via conference call November 5th on the
3 Texas City site and we already talked about
4 that, so nothing further to report there. And
5 actually, we have no pending actions in the
6 Surrogate Data Work Group, so we may want to
7 put the Surrogate Data Work Group to rest.
8 Not the members, but the Work Group.

9 CHAIRMAN MELIUS: So if no one
10 objects. We can always resurrect, bring it
11 back to life and usefulness. So if not, it
12 can go into the discard pile, whatever happens
13 to old work groups. Okay.

14 Weldon Springs, Mike.

15 MEMBER GIBSON: We had our first
16 meeting October 19th. We kind of just went
17 over the current status of things to refresh
18 everyone's memory and stuff. And we came out
19 of that meeting by tasking SC&A to go ahead
20 and finish up or take a double-look at their
21 SEC petition and Evaluation Report review and
22 they have that document in draft form and

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1 submitted it, I believe, about a week ago. So
2 we have another meeting scheduled tentatively
3 on January 25th.

4 CHAIRMAN MELIUS: Okay. Good.
5 Questions for Mike?

6 (No response.)

7 CHAIRMAN MELIUS: We may be
8 meeting in St. Louis not next meeting, but the
9 following meeting, so keep that in mind in the
10 schedule.

11 MEMBER GIBSON: Okay.

12 CHAIRMAN MELIUS: And then the
13 last work group, last but not least, Worker
14 Outreach.

15 MEMBER GIBSON: Worker Outreach.
16 We met on October 20th in Cincinnati. We went
17 over the issues matrix that we have. It's got
18 some open items of the review of the old PROC-
19 12 -- or the PROC-12 that replaced an older
20 ORAU, I believe it was a, PROC-97, something
21 like that, document. We want to assure that
22 everything that was in that document is

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1 currently covered in the new DCAS document.
2 So we're still ongoing with that and we have
3 another meeting scheduled for December 16th.

4 CHAIRMAN MELIUS: Okay.
5 Excellent. Any questions for Mike on Worker
6 Outreach?

7 (No response.)

8 CHAIRMAN MELIUS: Good. That
9 completes the work group. I guess the
10 question -- I think we all received an update
11 on where NIOSH and SC&A were in terms of
12 deliverables for your work groups, and I guess
13 the question -- one of the reasons with that
14 was to help you with scheduling work group
15 meetings, because you'd know when, at least,
16 something was scheduled and maybe with some, a
17 little bit of lead-time or whatever, be able
18 to then schedule a work group meeting.

19 But the other reason for that was
20 are these, are there things that we need to
21 prioritize and I think recognizing that if we
22 move something up, it may mean moving

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1 something else back in time, because there are
2 finite resources to get all of these things
3 done.

4 But do any of the work group
5 chairs have concerns about the schedule for a
6 particular report or something that they need
7 to move forward or that we should try to
8 prioritize if we're going to deal with a site?

9 Josie.

10 MEMBER BEACH: The only concern I
11 have is that the list doesn't seem to be --
12 cover everything for all the work groups. I
13 know Mound, there's one item posted for Mound
14 and Brookhaven doesn't, I don't believe, have
15 anything posted and we do have action items
16 for both of those. So I'm not sure who's
17 updating the list and where they're getting
18 their information but that needs to be looked
19 in to.

20 CHAIRMAN MELIUS: Brookhaven, on
21 my list, does have something posted.

22 MEMBER BEACH: Well, there's quite

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1 an extensive list and I guess that's what I'm
2 wondering.

3 CHAIRMAN MELIUS: Yes. The one is
4 dated -- I'm looking at what's on our -- and
5 what the Board Members were given. But I
6 think it's the same as what -- it says Updated
7 11-10-2010.

8 MEMBER BEACH: I don't have it
9 pulled up right now.

10 CHAIRMAN MELIUS: Oh, okay. I
11 think there is a concern about how, coming out
12 of the Work Group, how some of the action
13 items are getting recorded or not recorded,
14 and I think we need to do a better job in
15 that, and I know Ted's spoken to SC&A about
16 it, about making sure that these action items
17 for both SC&A and for NIOSH get recorded and
18 there is follow-up and so forth and do that.
19 So Ted, so you want to say --

20 MR. KATZ: The only thing I'd say
21 is -- which I think I've asked -- is for all
22 of you, if you notice items missing here, I

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1 think the most efficient way to capture them
2 all is for you to just communicate those.
3 Grady is sort of helping. He's sort of
4 leading the effort of keeping this updated and
5 expanding it to cover items that are missed.
6 I know Paul has indicated items that were
7 missing and I hope they turn up. Nope.
8 Paul's indicated they haven't turned up in
9 here.

10 But if you would -- you're welcome
11 to all just funnel these through me and I'll
12 work with Grady to make sure that these end up
13 showing up as they should on this master list.

14 CHAIRMAN MELIUS: Paul.

15 MEMBER ZIEMER: Some of our work
16 groups aren't identified by site. TBD-6000 is
17 one. I do notice Bliss & Laughlin has shown
18 up here on the list but General Steel
19 Industries, which has a lot of deliverables,
20 is not, and I don't know, I didn't look at
21 6001. Henry may have the same problem.

22 And we have a couple other work

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1 groups that, from time to time, could have
2 deliverables, such as the SEC, and so we may
3 want to somehow integrate those others that
4 are not necessarily site-specific into the
5 matrix, if we're looking at deliverables.

6 MEMBER ANDERSON: Right. We have
7 sort of two processes. As Jim mentioned, we
8 have this process now, where after every
9 meeting, SC&A and DCAS both send out an action
10 item list. So I think that's helpful in
11 preparing for the next meeting. I think it's
12 very helpful. So we just need sort of
13 integration between that effort and this
14 master list. I mean, there's some very minor
15 items that, of course, are action items and
16 they don't need to show up here. It's really
17 the major products that need to show up here
18 in this master list.

19 But, you know, action items from a
20 work group, there's some sort of very little
21 matters like making available data from a
22 certain study or clarifying something. Those,

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1 of course, don't need to show up here.
2 Otherwise, this will get horrifically
3 voluminous.

4 CHAIRMAN MELIUS: Brad.

5 MEMBER CLAWSON: From the last
6 Fernald work, you know that I'm still waiting
7 for products and you were going to help with
8 NIOSH to arrange for that, and that was the
9 coworker model for us.

10 It show son here but it just has
11 to be determined, so --

12 MR. KATZ: So Brad, just from what
13 you're saying, I think what we'd like to get
14 to, Stu, is maybe a point where we don't have
15 to-be-determined's on there but actually have
16 at least roughly sketched out delivery date.

17 MR. HINNEFELD: Well, we intend to
18 get there. I mean, right now it's, partly
19 because of fiscal year and Continuing
20 Resolution issues, it's a little hard to know
21 what your pattern's going to be very far
22 downstream. So these dates are always going

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1 to be, if you go more than a couple months
2 out, these are always going to be pretty
3 tentative dates, even when the funding is in
4 line. So for this product today, rather than
5 put a date on here and have people start
6 expecting to have a work group, when we really
7 don't have a good estimate when something's
8 going to be done, we just let the TBD on
9 there. But as the dates firm up, we will try
10 to get -- and, you know, we can even look at
11 doing something like a tentative date
12 designation or something, which is probably
13 something that shouldn't be, you know,
14 specifically planned for.

15 MEMBER BEACH: Well, and I'm
16 looking at the list now for Brookhaven and I'm
17 just wondering the level of detail. This
18 states, just the issues item, when I know
19 there was probably five or six items on there.

20 What kind of detail are we looking for?

21 Are you looking for just real bare
22 bones or --

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1 CHAIRMAN MELIUS: I think it's
2 deliverable reports.

3 MEMBER BEACH: So they should be
4 listed out that we can actually track them.

5 CHAIRMAN MELIUS: Yes. It's a
6 deliverable report --

7 MEMBER BEACH: Okay.

8 CHAIRMAN MELIUS: -- that is --
9 it shouldn't be a clarification or, you know,
10 double-check this document or something like
11 that.

12 MEMBER BEACH: Right.

13 MR. KATZ: Yes. So, for example,
14 I mean, if you have, I mean, separate White
15 Papers on different issues, I think we would
16 want those listed out, because the work group
17 scheduling sort of hinges on knowing that each
18 of those White Papers is delivered.

19 MEMBER BEACH: Okay. Sorry. I
20 guess we need more detail.

21 MR. HINNEFELD: Okay. Well, we'll
22 shoot for the level of detail that you would

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1 like. We will shoot for that level of detail.

2 MEMBER BEACH: Okay. Thanks.

3 CHAIRMAN MELIUS: Yes, Paul.

4 MEMBER ZIEMER: Could you clarify
5 how is Grady getting the information? Are the
6 work group chairs providing a list of
7 deliverables? Or is SC&A and NIOSH
8 identifying deliverables to him? Or are you
9 identifying them, Ted, through --

10 MR. KATZ: Really, I think it
11 should be the person that -- the lead for DCAS
12 for each work group, they're the ones who
13 capture the action items in the work group,
14 and I would hope that they have a way of
15 connecting rather than us having to coordinate
16 that piece. Does that make sense, Stu?

17 MEMBER ZIEMER: So they would
18 identify, for example, also the SC&A items?

19 MR. HINNEFELD: I think John's
20 been --

21 CHAIRMAN MELIUS: John handles the
22 SC&A, yes.

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1 MEMBER ZIEMER: So John, you're
2 feeding them into Grady --

3 MR. KATZ: No. Can I just --

4 MEMBER ZIEMER: Or to Ted.

5 MR. KATZ: So John provides his
6 own tracking list, separately; yes. So those
7 aren't merged on to this. This is just
8 strictly NIOSH's.

9 MEMBER ZIEMER: This is NIOSH.

10 MR. KATZ: NIOSH's deliverables.

11 CHAIRMAN MELIUS: And John
12 provided, I think late last week, by e-mail, I
13 think I got the list for them. I think
14 certainly, as we're getting this implemented,
15 I think -- you know, Josie, if you see, or any
16 other work group chair sees something that
17 they consider to be a significant deliverable
18 isn't on the list, then, you know, communicate
19 back through Ted to NIOSH, or directly,
20 however.

21 MEMBER BEACH: Okay. So I do see
22 there's several missing for Mound, so I will

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1 forward that information to you, Ted.

2 MR. KATZ: Yes. If everyone, if
3 you would look at your work groups and
4 communicate with me, I'll put it together in
5 one, so we don't have Grady peppered
6 individually with these but he can get sort of
7 one mass message with the missing items.
8 Thanks.

9 CHAIRMAN MELIUS: And one question
10 that I had yesterday, maybe I wasn't paying
11 enough attention and I left my notes packed in
12 my suitcase in the trunk of my car. But Phil,
13 on Idaho, what was the reason we were delaying
14 the --

15 MEMBER SCHOFIELD: Just, you know,
16 after discussion with Grady, we didn't feel
17 there was quite enough material there to have
18 a full-day meeting.

19 CHAIRMAN MELIUS: Okay.

20 MEMBER SCHOFIELD: But if you
21 notice on the schedule, the middle of April,
22 we've got a lot of stuff that's going to come

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1 due or hopefully will be turned over to us.

2 CHAIRMAN MELIUS: Okay.

3 MEMBER SCHOFIELD: If not, he'll
4 have to file a new statement.

5 CHAIRMAN MELIUS: And so what
6 about some of these other -- are any of these
7 sort of spring toward summer of 2011 reports,
8 are they problematic for any of the work
9 groups?

10 MEMBER BEACH: Well, I think for
11 Mound, we're going to wait for NIOSH to get
12 back to us with some of the information that
13 we got yesterday from the exposure potential.

14 That will determine how long it's going to
15 take them to rework some of our issues there.

16 CHAIRMAN MELIUS: Okay. So do you
17 see that as a revision of -- I'm asking Jim.
18 You're going to meet with Brant and go over
19 this, so you may not know yet. I'm just
20 trying -- if you don't -- sort of how do we
21 communicate this?

22 DR. NETON: Yes. I'm going to

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1 meet with Brant after we get back in the
2 office next week. But I don't envision it as
3 a huge rework of these materials. It's really
4 a matter of communication, what we've done.

5

6 MEMBER BEACH: And so Jim, while
7 you're up there, can I go back to a topic that
8 we had a couple days ago, back again of course
9 on Mound, since that's my main issue and the
10 tritium bioassay sample, which is the SEC
11 requirement for that '59 to 1980 time period.

12 I don't know how to address this,
13 other than just ask you. There are a group of
14 ironworkers, from my understanding, from e-
15 mails and correspondence I've gotten from
16 claimants, that were not covered under that
17 program, and so I guess I'm looking for the
18 next step of how that may be addressed.

19 DR. NETON: They weren't covered
20 because they worked in the building --

21 MEMBER BEACH: Correct.

22 DR. NETON: -- and they left no

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1 bioassay sample.

2 MEMBER BEACH: Correct.

3 DR. NETON: If you could forward
4 that information to us, we'll look at it.

5 MEMBER BEACH: I believe that
6 information's been forwarded to NIOSH through
7 Brant, so --

8 DR. NETON: Okay. I'll work with
9 Brant on that then. I'm not aware. This is
10 the first I've heard of this issue.

11 MEMBER BEACH: Okay.

12 DR. NETON: And if it looks like
13 there's something there, we'll have to work it
14 out and get with Department of Labor and
15 whatever else needs to happen.

16 MEMBER BEACH: Okay. Thank you.

17 CHAIRMAN MELIUS: As I recall, we
18 struggled to come up with a Class Definition
19 of that one, and it's sort of a indirect
20 designation of that Class. It's not a
21 surprise that it was problematic. But it was
22 hard, at the time, to do more. Okay.

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1 Any other questions on -- Wanda.

2 MEMBER MUNN: A comment. I'm not
3 asking that they be included, but I'm pointing
4 out to the other members of the Board, that
5 the action items from the subcommittees are
6 not included on here, only the work groups,
7 and please, I'm just making that statement
8 because in our case, for example, the action
9 items change so rapidly that it would just be
10 a burden, I think, to try to do this.

11 But I just want the Board to be
12 aware of the fact that this is, no matter how
13 complete it is for the work groups, NIOSH
14 still has that body of work, that they are
15 committed to doing for the subcommittees that
16 I guess the plea is give them a little slack,
17 because this isn't the whole picture.

18 CHAIRMAN MELIUS: We understand.
19 That's why I prefaced my remarks by saying is
20 there something -- I mean, we'd all like these
21 done tomorrow, or, you know, the first of the
22 year. But if we ask to move something, one

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1 thing up to the first of the year, that means
2 something else doesn't get done and I think we
3 recognize that there are things like dose
4 reconstructions, and other minor
5 administrative items that -- stuff, other
6 stuff, that need to get done.

7 MEMBER CLAWSON: Jim.

8 CHAIRMAN MELIUS: Yes, Brad.

9 MEMBER CLAWSON: I guess one of my
10 questions, that I'd like to ask too, because
11 I've kind of run aground on some of this. As
12 these deliverables come due, if we could, as
13 work group chairs, especially, if we could be
14 kept apprised a little bit better. I mean, I
15 know that it's hard, and I try to remind, and
16 so forth like that, but if they're going to
17 postpone me or something, we need to know, up
18 front, so we can cancel the work groups or
19 whatever.

20 MR. HINNEFELD: Brad has mentioned
21 that to me before. We're having our own
22 internal communication issues with the same

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1 thing. I've been surprised by deadlines
2 coming and going and things not showing up
3 when they were supposed to be there. So we
4 have our own internal communications issues to
5 work on as well, and as well as our
6 communication to the Board chair.

7 MEMBER CLAWSON: Appreciate it.

8 CHAIRMAN MELIUS: Well, Stu, if
9 you can sort of remind, like when you yell at
10 LaVon because he didn't get a report done or
11 something, or it's delayed again, that has he
12 notified the work group, or --

13 MR. HINNEFELD: Okay.

14 CHAIRMAN MELIUS: Communicate to
15 the chair, or something, so that's part of the
16 --

17 MR. HINNEFELD: Okay. I'll make a
18 little sign in my office, to make sure -- have
19 you notified the work group --

20 CHAIRMAN MELIUS: Well, yes, just
21 sort of --

22 MR. HINNEFELD: Just wear it

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1 wherever I go.

2 CHAIRMAN MELIUS: Yes. Especially
3 for those that, you know, you think may be a
4 little bit slack at that; you know LaVon and
5 others. You know?

6 (Laughter.)

7 CHAIRMAN MELIUS: Okay. I'm
8 hoping this is helpful. I found it, I think,
9 helpful, and both directly for work groups as
10 well as for the -- sort of trying to keep
11 track of things.

12 I believe it was Jim Lockey, at
13 the last meeting, had brought up -- you don't
14 remember. Well, skip that item. No. The
15 issue of the contents of the SEC letters, and
16 I think you had a question about -- wanted on
17 the agenda, for this time, a discussion of
18 putting it, I think to the effect of something
19 of a minority report in the SEC letters that
20 we send. We discussed it briefly there, and
21 then there was a request to put it on the
22 agenda for this meeting, so it's on the

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1 agenda. We've not prepared anything,
2 specifically. I think that discussion at the
3 time, it may have been satisfactory, I can't -
4 - we were also all in a hurry to get out of
5 town so time was limited.

6 And Paul reminded us that we had
7 discussed this issue, quite a while ago, in
8 the context of the -- I believe it's the
9 Mallinckrodt SEC. And do that. And again,
10 Lew can fill us in on more detail, bead in on
11 the process.

12 But what happens with our -- our
13 letter is just one small part of what goes
14 forward to the Secretary and the letter report
15 -- John Howard then -- there's a report that's
16 prepared that's based on the transcripts of
17 the Board deliberations on a particular site
18 and John actually reads through all that and
19 there's actually a fairly extensive discussion
20 of the, you know, pros and cons and sort of
21 the rationale of going forward and noting what
22 went on in the committee.

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1 So, you know, what goes forward to
2 the Secretary is not just our letter. Our
3 letter is just one part of a larger package
4 and those are forwarded to me at the time.
5 Paul received them in the past, I believe, and
6 they're very extensive. And do that. So I
7 think what's been important, what we just
8 decided, the last time we discussed this
9 issue, many years ago, was that what was
10 important was that we get onto the record
11 everyone's views about a particular
12 deliberation that we're having. And do that.

13 And we tried to leave enough time
14 to do that. I can't think of any situation --
15 we certainly don't go through these very
16 quickly in terms of the discussion, and when
17 there's ones that -- where it's evenly split,
18 or it's going to be a close vote -- and those
19 aren't very common but they do occur -- that
20 everyone gets heard.

21 And I think what's important is
22 that, you know, I think, in general, we've

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1 done that. Whatever is decided and
2 recommended, there's a justification presented
3 for it and that justification, both pro and
4 con, is what is reflected in the transcript
5 and so forth.

6 It's reviewed, and, you know,
7 NIOSH is not required to necessarily agree
8 with us on this.

9 Paul, do you want to --

10 MEMBER ZIEMER: Sure. I'll speak
11 to this as well. You're quite right that this
12 first came up in the case of Mallinckrodt,
13 where, in one sense, it was perhaps fortunate
14 that the Board had an uneven number of voters.

15 So we didn't split on it, in an even sense.
16 But I believe the vote was like six to five or
17 seven to six or something. It was very close.

18 So the issue of the minority report came up
19 again.

20 And in the larger context, we
21 realized that -- well, two things. One is it
22 became pretty clear, at least at that time,

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1 that the Secretary was not interested in a
2 minority report per se because the package
3 that is delivered is exactly what Dr. Melius
4 has described. It's the recommendation which
5 has no information about voting -- it's the
6 recommendation which, by implication, is a
7 majority. But it includes all of the
8 transcripts and the discussion and the related
9 petition material and the Evaluation Report by
10 NIOSH, and so on.

11 So it is a large package. And so
12 the Secretary does have access, not only to
13 what the actual vote is but what the views of
14 those who were dissenting in the discussion,
15 what that was as well.

16 So at that time, at least, we came
17 to the conclusion that a separate minority,
18 quote, minority report, or letter, was not
19 needed because the information was available
20 to the Secretary, and that would be conveyed
21 together with NIOSH's view and the Secretary
22 has to weigh all of this information in making

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1 the decision.

2 So the bottom line was the
3 Secretary has at his or her fingertips all of
4 the information needed to make the
5 recommendation to Congress. So that's where
6 we stood at that time.

7 MR. KATZ: Could I just add
8 something to what Paul said? I mean, in
9 addition to -- I mean, the records are there
10 for the Secretary. As you might imagine, the
11 Secretary isn't going to peruse all the
12 transcripts and everything.

13 But I think Dr. Howard and his
14 staff make a pretty conscientious effort to
15 reflect any points of contention and then the
16 director of NIOSH's views on those as well.
17 So certainly, in a case where we have a close
18 vote, and there really are strong views on
19 either side, those will get reflected directly
20 to the Secretary. You know, those aren't
21 hidden in the transcripts, but they're really
22 made salient as part of the discussion for the

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1 Secretary to consider.

2 CHAIRMAN MELIUS: And that
3 certainly happened with Blockson, and which I
4 recall, Bethlehem also, where there were close
5 votes, and relatively, some just, you know,
6 dissenting views from that.

7 So I don't know if that's helpful.

8 I'm not trying to put you on the spot, Jim.
9 I mean, because I think it was a legitimate
10 question, because it had come up before. We'd
11 raised it earlier.

12 MEMBER LOCKEY: In, like, the FDA,
13 they have minority reports; right?

14 CHAIRMAN MELIUS: Yes.

15 MEMBER LOCKEY: And so in
16 relationship to transparency, is there any
17 harm to submit a minority report? Does it do
18 any damage or does it keep the process as
19 transparent as possible? And I would say that
20 it doesn't take away from the process. It
21 just says that -- and any one issue which can
22 go either way, where there's not -- everybody

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1 doesn't agree with the outcomes, that those
2 individuals who do not agree with the outcomes
3 can also put their views down as a minority
4 report.

5 I don't think it -- it doesn't
6 take away from the process that we're
7 currently doing. If it did, then I would have
8 a problem with that. But it provides some
9 additional transparency as to how the Board
10 thinks and members of the Board.

11 CHAIRMAN MELIUS: Yes, but does it
12 provide transparency beyond what's in the
13 transcript? Secondly, it does kind of cause a
14 potential for delay, and do that, because --

15 MEMBER LOCKEY: I think that the
16 minority report would have the same format, a
17 one or two page format. That would not delay
18 the process.

19 You know, everybody goes through
20 the transcripts and brings their -- but it's
21 sort of like a summary page. It's like the
22 executive summary page, a one-page summary

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1 that says, in this particular situation, the
2 majority felt this way. There is a minority
3 who took a different approach, they feel this
4 way, and it's part of the record. That is
5 what I would throw out there for something to
6 think about.

7 I don't think it takes away from
8 the process. As you say, there's everything -
9 - if people want to look at the minority
10 report and they want to see why people arrived
11 at their conclusions based on what they said,
12 they can go back to the transcripts and look
13 at them.

14 CHAIRMAN MELIUS: Henry.

15 MEMBER ANDERSON: It would seem if
16 somebody wanted to do a minority report, they
17 could read it into the transcript. I think
18 the issue being having a separate document
19 that then gets posted separately, gives it a
20 different weight because it almost makes it a
21 subcommittee or a work group or something like
22 that.

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1 So I would think if there's
2 minority points, that can be part of the
3 transcript and then it's along with everything
4 else, so you just read it into the transcript
5 like the letters that we get for the public
6 comment and legislators, they read a letter
7 from the senator that goes into the transcript
8 and that's where it is.

9 So I think that would be -- you
10 know, that's the way you get your minority
11 comments or points made is to -- they make it
12 during the discussion comment period.

13 CHAIRMAN MELIUS: Paul.

14 MEMBER ZIEMER: There was another
15 issue, as I recall, and that has to do with
16 who is sort of authorized to communicate to
17 the Secretary on behalf of this Board. It's
18 not clear, to me, if we did this -- and again,
19 we may want to come back and debate this more
20 -- but does the minority group communicate
21 directly to the Secretary, is part of the
22 issue. I guess counsel might have to help us

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1 on that.

2 Or would you envision a minority
3 report that one would request the chair to
4 transmit along with the other letter? These
5 would be some of the issues -- or an
6 alternative would be to have a report that is
7 read into the record. But again, I'm just
8 sort of processing what's been said here.

9 I think before, we did have the
10 issue of who transmits what to the Secretary,
11 and I don't know, Emily, if you were aboard at
12 that time and recall those discussions but
13 that was another part of the issue, was what
14 is it that we're authorized to, you know,
15 recommend or submit to the Secretary.

16 MS. HOWELL: I'm not sure that I
17 was here. I may have been here very recently
18 for those discussions at that time. I think
19 the statutory language calls for a
20 recommendation to the Secretary from the
21 Board. There's not a legal impediment to
22 there being, as part of that recommendation, a

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1 minority report. I do think we got into some
2 issues in the past around Mallinckrodt, with
3 things being sent separately. So I think
4 there's some procedural questions, but I don't
5 know that there's anything to prevent it. I
6 think some of the ideas that you guys have
7 talked about, about reading things into the
8 record or coupling a letter that was similar
9 in length with the recommendation could work.

10 We would need to look at that more
11 closely. I guess the only thing I would add,
12 kind of on another note, about this whole
13 discussion about the transcripts, I think what
14 Ted and Dr. Melius have said is very correct.

15 These packages are very lengthy. They have a
16 lot of information in them that should reflect
17 the views of the Board.

18 The one thing I would note, just
19 from recent experience with the Board, is that
20 sometimes when we have a split work group and
21 there are new, sometimes technical and
22 scientific considerations coming into the

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1 debate late in the discussion, the transcript
2 is not always as robust as we would like it to
3 be because the basis for the Board Members'
4 votes are not being clearly explained on the
5 record.

6 You might have an explanation of a
7 Board Member's votes a meeting or two previous
8 to that or at a work group. But then, when
9 the Board discussion comes down to the vote,
10 it's not necessarily the same issue at hand.
11 And so, you know, as individual Board members,
12 I would just say that it's really up to each
13 of you to try to express yourselves clearly
14 about why you're voting the way you're voting
15 when the actual vote is taken.

16 Because I think sometimes we have
17 months and even years of debate and the things
18 that you've said on the record previously are
19 not necessarily what's influencing you when
20 that final vote is taken.

21 CHAIRMAN MELIUS: Paul.

22 MEMBER ZIEMER: There is -- I'm

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1 sorry. Richard was first and I've spoken a
2 couple times.

3 MEMBER LEMEN: I just wanted to
4 ask what would constitute a minority report.
5 Would that be one person dissenting from a
6 vote on the Board, or would it have to be a
7 certain percentage? Because I can see, like
8 we voted yesterday, we had two people say no
9 to the Linde and the rest of the Board voted
10 yes. Is that sufficient to write a minority
11 report? Or should it be when you have 35
12 percent or 40 percent?

13 I think that lends to what I think
14 -- I would support what Henry said, because I
15 think if we start getting into this, we could
16 actually have a minority report of one member
17 writing something every time we have a vote.

18 So I think this could be very,
19 very confusing not only to the public but to
20 the Secretary and I would recommend we would
21 be much better off just to read it into the
22 record and maybe change our voting method a

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1 little bit: when Ted calls the roll call, that
2 we have a moment to give one or two sentences
3 why we are voting in opposition or for the
4 vote. I think that would be much cleaner than
5 allowing us to have minority reports.

6 CHAIRMAN MELIUS: Can I just
7 comment on that, because I think Dick's
8 referring to the tabling motion, and --

9 MEMBER LEMEN: No, I'm not. I was
10 referring to the Linde.

11 CHAIRMAN MELIUS: Well, there was
12 tabling on Linde is the one we have to vote
13 on.

14 MEMBER LEMEN: Well, yes.

15 CHAIRMAN MELIUS: And there was
16 two people dissenting and they were doing it
17 for, I think for different reasons, I guess
18 sort of on different sides.

19 Now that's not a recommendation to
20 the Secretary, so it's not -- but it is an
21 issue there.

22 Paul.

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1 MEMBER ZIEMER: There is one other
2 possible way to approach this and I don't
3 think we necessarily need to solve it today
4 but we may want to give it some thought, and
5 that would be to alter the way the main letter
6 goes in to the Secretary, to include
7 information about the vote.

8 For example, by an eight to seven
9 vote, or a ten to twelve vote, the Board
10 approved this. That automatically shows the
11 dissent. Even though it's in the record, it
12 does sort of put it out there for the
13 Secretary, who then will be sure to say why
14 did this happen.

15 And the other part of it is, when
16 it comes to the bottom line on most of these,
17 it's either we are agreeing with NIOSH's
18 recommendation or we are disagreeing with it.

19 So basically, a minority report would say one
20 or the other of those. The detail on, you
21 know, I didn't like this on the radon model,
22 or I did like the way they approached this, I

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1 don't think that goes in a letter to the
2 Secretary or even in a report.

3 But I think, as I understand your
4 concern, Jim, is to make sure that the
5 Secretary understands that a recommendation
6 does not necessarily reflect the view of every
7 individual in that vote. Maybe that would be
8 a way to make it a little more prominent in
9 the transmittal to the Secretary to show what
10 the vote was or something like that.

11 CHAIRMAN MELIUS: Yes. I would
12 add that, if my recollection's correct, the
13 memo that goes up from NIOSH, up through
14 channels to the Secretary, does include that
15 information. It may not have the exact vote,
16 I can't recall --

17 MEMBER ZIEMER: You're talking
18 about a memo from NIOSH --

19 CHAIRMAN MELIUS: From NIOSH. The
20 package includes -- you know, it actually will
21 say, you know, what -- at least as it's
22 reflected in the transcript, what the

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1 rationale was, one way or the other.

2 I think the other thing that Emily
3 said, I think it is very important, and we
4 could lose track of it in different ways.
5 What's really critical, as much as the vote,
6 is the justification that's in there because
7 that's really what's being looked at and the
8 justification, easy, when we're all agreeing
9 with NIOSH and it's probably easy when we're
10 all disagreeing with NIOSH's recommendation.

11 But it's hard and it really does -
12 - and it also comes up in other ways. Now
13 I've communicated on the 83.14s. I'll get
14 back to LaVon and say, you know, make sure
15 that this point gets covered because it's not
16 well-covered in the SEC evaluation. Or we'll
17 do it in our questioning here to make sure we
18 have on the record the information that really
19 does justify the SEC or whatever the
20 conclusion is.

21 And so I guess I worry that what
22 was suggested, that well, when you vote you

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1 give your reasons. I think what's, in some
2 ways more important, is that when we're having
3 the discussion, that views get out there and
4 it's the full view. I mean, again, to use
5 Linde as an example.

6 I mean, I had concerns about the,
7 sort of the recovery period, when they were
8 doing all the demolition there and so forth.
9 I don't know how I would have voted on it
10 because I didn't think I was ready. But I
11 would have been hard-pressed to put, you know,
12 a justification forward because I didn't have
13 the detail in front of me, and I don't think -
14 - you know, it would have been hard to have
15 that on the record, wouldn't have been as
16 complete as it should be.

17 So I think that is as important
18 also as just recording a vote.

19 Jim, you had --

20 MEMBER LOCKEY: I tend to agree
21 with Paul because --

22 MR. KATZ: Jim, your mic.

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1 MEMBER LOCKEY: -- saying what
2 the vote is -- you know, that's a permanent
3 record for the Board.

4 MR. KATZ: Your mic is not
5 switched on or something. It's not being
6 picked up, Jim.

7 MEMBER LOCKEY: I also agree with
8 what Richard said. It wouldn't take a
9 sentence or two to say, I tend to agree that
10 NIOSH can or cannot reconstruct it and then
11 give my vote. I think that's a good idea,
12 too, because it's right up front. And then I
13 think the letter can reflect the vote. The
14 vote on this issue was ten to five or whatever
15 it was and the Secretary can look at that.

16 CHAIRMAN MELIUS: Yes, Paul, and
17 then Wanda.

18 MEMBER ZIEMER: And I understand
19 what you're saying. I think it's a good idea,
20 what you and Dick are saying. However, under
21 parliamentary procedure, that should be done
22 during the discussion. When you call for

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1 those who support the motion to tell why and
2 those that oppose the motion to tell why,
3 that's when to get it on the record. If
4 you're silent then, then don't do the
5 discussion during the vote. Under
6 parliamentary procedure, you should just vote.

7 CHAIRMAN MELIUS: And one
8 clarification, and I think I'd ask NIOSH or
9 counsel, to follow up on. My recollection is
10 when we discussed this the first time, we were
11 advised not to include the vote in the letter
12 and I can't think of a good reason why we
13 shouldn't. But I seem to recall that we were
14 persuaded not to.

15 MEMBER LOCKEY: What?

16 CHAIRMAN MELIUS: We being the
17 Board member that were on at the time, when we
18 had this discussion seven years ago.

19 MEMBER LOCKEY: I wasn't here.

20 CHAIRMAN MELIUS: No; no. I'm
21 just -- so I guess I'm asking the -- and you
22 don't have to answer now, Emily.

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1 MS. HOWELL: I don't know what the
2 answer is. I could go back and try and find
3 out if there was some advice given on that.

4 CHAIRMAN MELIUS: Yes; okay.

5 MS. HOWELL: But as I think Paul
6 or you mentioned, the vote numbers are broken
7 down in the memo from the NIOSH director to
8 the Secretary. So even if you choose not to
9 include it in your letter, it does get passed
10 along regardless of what the vote is. It's
11 not only put in when it's a one-vote
12 difference. It's always put in and they try
13 to kind of explain what was stated on the
14 record for reasons for the vote count being
15 what it was.

16 But I can look into that other
17 issue.

18 CHAIRMAN MELIUS: Wanda, you've
19 been patient.

20 MEMBER MUNN: I'm always patient;
21 it's a virtue. We have discussed this many
22 times before. What seems to be most

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1 important, in my mind, is that we separate the
2 wheat from the chaff in terms of what goes in
3 the letter, the actual letter to the
4 Secretary. Reading through transcripts and
5 reading discussion is dull and time-consuming
6 and I would not expect that the Secretary
7 would do so.

8 I would expect that the Secretary
9 probably would read the letter. Therefore,
10 anything that is considered wheat, and if we
11 have a significant number of our body that has
12 a reverse opinion, then that's wheat and
13 should be, and could be easily included in the
14 letter without a great deal of effort.

15 To prepare a separate document, it
16 seems to me would be diluting the message
17 which needs to be as concise as possible, but
18 nevertheless, in my view, needs to be in the
19 letter. I think we've been remiss in not
20 making some reference to it in the past. I
21 don't recall the discussion about including
22 the vote as being objectionable. I don't

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1 recall why -- I can't imagine why that would
2 be. It would seem to me, that if there is --
3 if you have a close vote, especially, it would
4 appear that the Secretary would be interested
5 in knowing that and would be interested in
6 knowing, at least the very simplistic basis of
7 the argument against.

8 CHAIRMAN MELIUS: The rationale
9 may have been that it was in the memo that
10 went to the Secretary already. I do recall
11 giving the advice but I don't -- that could
12 have been the reason and I don't, I just -- I
13 just wanted to check out so that we have
14 further discussion.

15 MR. KATZ: I also -- and Lew says
16 he'd like to speak on that. You're welcome to
17 add to this conversation. As Lew's coming up,
18 I'd just add, I mean, I think Dr. Howard and
19 his staff -- I mean, one thing, advantage he
20 has is time to actually flesh out the sort of
21 opposite view that you're concerned about,
22 getting proper salience in the information

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1 presented to the Secretary.

2 And knowing how things work with
3 Board votes and all, it'd be difficult for you
4 to do as good a job, I think, as Dr. Howard
5 and his staff, in giving that full light. So
6 I'd just add that note.

7 DR. WADE: Really, that's what I
8 was going to speak to and I can speak from
9 firsthand knowledge on the topic.

10 Dr. Howard's staff goes through
11 the entire transcript, and if the transcript
12 refers to a work group discussion, then that
13 transcript is gone through as well.

14 Every argument that's made against
15 the Board, the majority Board vote, is
16 captured and then rebutted in the package that
17 the NIOSH Director sends to the Secretary.

18 So as it's currently practiced, I
19 can tell you that all of the arguments opposed
20 to the majority position are captured, drawn
21 out and addressed in the NIOSH Director's
22 package to the Secretary.

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1 CHAIRMAN MELIUS: And I can
2 testify that on the Blockson, because I read
3 through that not knowing what the
4 recommendation would be, and you could not
5 tell what the final recommendation would be in
6 that memo, until the end. I mean, they really
7 presented both sides, I think -- I thought
8 fairly.

9 DR. WADE: And just since I'm
10 here, the NIOSH Director's not obliged to
11 follow the majority recommendation of the
12 Board. The NIOSH Director is of his own mind
13 at that point, in terms of what's read and
14 that's why this process is gone through so
15 rigorously.

16 Obviously, for the NIOSH Director
17 to act against the majority Board
18 recommendation is not a trivial action for him
19 to take, and therefore, it's terribly
20 important that the pros and cons, the argument
21 pros and cons be on the record, not just
22 getting the cons on the record, but the pros

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1 need to be on the record as well, because the
2 NIOSH Director will look at that record and
3 then decide what he thinks is appropriate.

4 Quite often, when the Board is
5 recommending by a close margin the approval of
6 an SEC, it's doing it against the
7 recommendation of the Agency in the Petition
8 Evaluation Report. So there is tension,
9 always and all sides are looked at.

10 The only other entreat I'd make
11 for you is that when you do refer to work
12 group calls as being relevant, it would be
13 good to try and bring those relevant arguments
14 to the Board transcript, if at all possible.
15 We will try and track them down but sometimes
16 you lose some of the focus of those comments
17 simply by a reference.

18 So if there was a work group
19 discussion that's really pertinent to your
20 vote, then it would be good to expand upon
21 that a bit during the discussion.

22 CHAIRMAN MELIUS: Yes. Jim.

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1 MEMBER LOCKEY: Lew, what's the
2 negative effect of putting the vote tally in
3 this letter?

4 DR. WADE: Well, the vote tally
5 goes in the NIOSH Director's letter to the
6 Secretary.

7 MEMBER LOCKEY: I meant in the
8 letter we write.

9 DR. WADE: I'm not a lawyer. I
10 can see absolutely no reason for it not to be
11 there, but there could be a good reason. I
12 don't know what it is. But rest assured that
13 the numbers go to the Secretary, and when the
14 numbers are close, the briefing that the NIOSH
15 Director has to do is a bit more intense, if
16 it's a five -- Mallinckrodt was five to four.

17 That was a very intense briefing as to why.

18 If you want a little bit of
19 history on that, one of the reasons why the
20 majority and the minority report question
21 didn't move forward is you'd have to develop
22 rigorous procedures as to what would

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1 constitute a minority report, what would
2 trigger one, what the process would be for
3 approving a minority report and as Dr. Melius
4 mentioned, all of that can start to take time.

5 I think what's important is that
6 the relevant arguments against a majority
7 recommendation are there and then need to be
8 addressed by the NIOSH Director.

9 MEMBER LOCKEY: You know, and I
10 agree that generating the minority report
11 could be time-consuming, but I do think that
12 if there's no harm in putting the vote tally
13 in this letter that we write, I would think
14 that's a worthwhile thing to do, and I would
15 ask to make sure, legally, we can do that.
16 But if we can, I think that is open, is
17 transparent and it's right up front in this
18 letter about how the Board stood on a
19 particular issue.

20 DR. WADE: And my last plea is,
21 make sure your discussions are on the record.

22 If there are strong points that you're

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1 making, make sure they're captured on the
2 record, because that's the slippery slope we
3 face if that doesn't happen.

4 CHAIRMAN MELIUS: Paul.

5 MEMBER ZIEMER: If we do decide to
6 do that, record it, Wanda, if I might poke you
7 a little bit -- the wheat/chaff argument
8 seemed to be that if there were enough
9 opposing something, that becomes wheat. But I
10 wanted you to know, if the vote is 15 to one
11 and I'm the one, it's still wheat.

12 (Laughter.)

13 CHAIRMAN MELIUS: Yes, but if it's
14 eight to seven, and I'm eight, it's seven is
15 chaff.

16 MEMBER ZIEMER: You get the point.

17 Okay.

18 MEMBER MUNN: They're all pearls.

19 (Laughter.)

20 MEMBER ZIEMER: So if we decide to
21 do the vote, we do it regardless. You know,
22 it's 16/zero, it's nine/seven, whatever it is.

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1 CHAIRMAN MELIUS: We'd get in a
2 lot of trouble with the wheat and chaff
3 discussion if we extend it.

4 MEMBER ZIEMER: Mr. Chairman, so
5 we're going to hear from counsel on whether we
6 can include that, and then decide next time or
7 --

8 CHAIRMAN MELIUS: Yes. We'll put
9 this on the agenda for our work time at the
10 next meeting and take it from there. I'd like
11 to thank Jim for bringing this issue up. I'm
12 sort of amazed we've not had it come up in so
13 many years.

14 Okay. We've done reports.
15 Correspondence. We have a couple new letters
16 but they just came in so we don't have
17 responses on them.

18 Scheduling issues. Everybody get
19 out their calendars.

20 MR. KATZ: Do you want to do the
21 SEC letters?

22 CHAIRMAN MELIUS: Okay. We have

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1 to read them in the transcripts. I apologize
2 up front. And I have some recommended changes
3 from counsel which I will read as part of the
4 reading them in because I think it's a little
5 bit easier.

6 They're not major. They're mostly
7 clarification in language.

8 I'll start with Texas City.

9 The Advisory Board on Radiation
10 and Worker Health, the Board, has evaluated
11 SEC Petition 00088 concerning workers at Texas
12 City Chemicals, Incorporated, under the
13 statutory requirements established by EEOICPA,
14 incorporated in 42 CFR 83.13.

15 The Board respectfully recommends
16 special exposure SEC status be accorded to all
17 atomic weapons employer employees, who worked
18 at Texas City Chemicals, Inc., from October
19 5th, 1953 through September 30th, 1955, for a
20 number of workdays aggregating at least 250
21 workdays, occurring either solely under this
22 employment or in combination with work days

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1 within the parameters established for one or
2 more other Classes of employees included in
3 the Special Exposure Cohort.

4 This recommendation is based on
5 the following factors. People working at this
6 facility during the time period in question
7 worked in uranium extraction operations
8 related to nuclear weapons production.
9 NIOSH's review of available data found that it
10 lacked adequate source- term, personnel
11 monitoring, or air sampling data in order to
12 complete individual dose reconstructions with
13 sufficient accuracy for exposure to radon for
14 employees working at the facility during the
15 time period in question.

16 The Board concurs with this
17 evaluation. NIOSH determined that health may
18 have been endangered for these Texas City
19 Chemicals, Inc. workers. The Board also
20 concurs with this determination.

21 Based on these considerations, and
22 the discussions held at our November 16th to

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1 18th Advisory Board meeting held in Santa Fe,
2 New Mexico, the Board recommends that this
3 Special Exposure Cohort petition be granted.

4 Enclosed is the documentation from
5 the Board meetings where this Special Exposure
6 Cohort Class was discussed. Documentation
7 includes transcripts of the deliberations,
8 copies of the petition, the NIOSH review
9 thereof and related materials. If any of
10 these materials are unavailable at this time,
11 they will follow, shortly.

12 Any questions or comments on that?

13

14 MEMBER RICHARDSON: I have a minor
15 comment.

16 CHAIRMAN MELIUS: Yes. Dave.

17 MEMBER RICHARDSON: The second
18 bullet point is -- it's laid out with kind of
19 an or and I don't think NIOSH's contention was
20 that it lacks adequate source-term.

21 CHAIRMAN MELIUS: Okay. That's a
22 good point. Anybody else?

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1 (No response.)

2 CHAIRMAN MELIUS: Okay. I got the
3 number wrong.

4 Emily, you have a question?

5 MS. HOWELL: Which one?

6 CHAIRMAN MELIUS: Yes. It's the
7 second bullet, second line. Rather than
8 adequate source-term personnel monitoring or
9 air sampling -- change the or to an and
10 because they have adequate -- it's a little
11 tricky, is, really, the combination of them.
12 But okay BWX.

13 The Advisory Board on Radiation
14 and Worker Health, the Board, evaluated SEC
15 Petition 00179 concerning workers at BWX
16 Technologies, Inc. in Lynchburg, Virginia,
17 under the statutory requirements established
18 by EEOICPA, incorporated in 42 CFR 83.14.

19 The Board respectfully recommends
20 Special Exposure Cohort, parentheses, SEC,
21 status be afforded to all atomic weapons
22 employer employees who worked at BWX

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1 Technologies in Lynchburg, Virginia, during
2 the period from January 1, 1985 through
3 November 30th, 1994, for a number of workdays
4 aggregating at least 250 workdays occurring
5 either solely under this employment or in
6 combination with workdays within the
7 parameters established for one or more other
8 Classes of employees in the Special Exposure
9 Cohort.

10 This recommendation is based on
11 the following factors. People working at this
12 facility during the time period in question
13 conducted research in fuel fabrication work --
14 we need to go back to that. Well, I guess
15 it's okay.

16 The Class wasn't for people doing
17 -- this is a comment from the lawyers.

18 My understanding of the Class --
19 because I went back and forth with LaVon on
20 that -- the AWE employees didn't do the fuel
21 fabrication work during this time period. The
22 facility did. It's confusing in the report.

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1 Okay? So LaVon's not here. Because I
2 originally had that in my letter, and I
3 checked with LaVon. You might want to -- I
4 guess he's gone.

5 MEMBER ZIEMER: So are we leaving
6 out fuel fabrication --

7 CHAIRMAN MELIUS: Well, let's come
8 back to that, cause the lawyers put it -- it's
9 confusing. Number two.

10 The NIOSH review of all available
11 data found that they lacked adequate source-
12 term process, air monitoring data and
13 personnel monitoring data in order to complete
14 individual dose reconstructions with
15 sufficient accuracy for internal radiation
16 doses for employees at this facility during
17 the time period in question.

18 The Board concurs with this
19 determination.

20 Number three. NIOSH determined
21 that health may have been endangered for these
22 BWX facility workers. The Board concurs with

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1 this determination.

2 Based on these considerations and
3 discussions held at our November 16th to 18th,
4 2010, Advisory Board meeting held in Santa Fe,
5 New Mexico, the Board recommends that this
6 Special Exposure Cohort petition be granted.
7 Enclosed is the documentation from the Board
8 meeting where the Special Exposure Cohort
9 class was discussed.

10 The documentation included
11 transcripts of the deliberations, copies of
12 the petition, the NIOSH review thereof and
13 related materials. If any of these items are
14 unavailable at this time, they will follow,
15 shortly.

16 Can we go back to that first
17 bullet, because that's a --

18 MEMBER RICHARDSON: Could it read,
19 people working at this facility during the
20 time period in question conducted work related
21 to nuclear fuel production?

22 CHAIRMAN MELIUS: They didn't.

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1 During the time period -- the people at the
2 facility did but the people in the Class
3 actually were people in that laboratory. My
4 understanding is the fuel fabrication, fuel
5 production work was the Navy, Nuclear Navy,
6 not the --

7 MEMBER RICHARDSON: But the people
8 who were doing laboratory work, it wasn't
9 laboratory work related to fuels production?

10 CHAIRMAN MELIUS: Well, that, and
11 other stuff, it's -- yes.

12 MEMBER BEACH: Jim.

13 CHAIRMAN MELIUS: So I figure that
14 -- the original one, I had laboratory work
15 related to nuclear weapons production, was
16 sort of very general. It's not well -- part
17 of the reason it's a Class, it's not well
18 defined.

19 Yes. Laboratory. The original
20 wording, is that -- yes. Okay. So we're back
21 to the original wording. It's not clear from
22 the report and I thought I'd let LaVon -- a

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1 little bit more clear in the slides but it's -
2 -

3 MEMBER BEACH: Jim, back to the
4 SEC petition, I believe you read 179 --

5 CHAIRMAN MELIUS: That's what the
6 lawyers told me; it was 179.

7 MEMBER BEACH: And it's not 169?

8 CHAIRMAN MELIUS: No.

9 MEMBER BEACH: Okay.

10 CHAIRMAN MELIUS: That's why I was
11 --

12 MEMBER BEACH: Double-checking.

13 CHAIRMAN MELIUS: -- I was
14 laughing at myself. Fundamental problem there.

15 MEMBER ZIEMER: Are we coming back
16 to that or --

17 CHAIRMAN MELIUS: Yes, if you have
18 other comments.

19 MEMBER ZIEMER: Well, this is a
20 comment, and it didn't occur to me before, but
21 it would apply to all of these, and again,
22 we've been using some standard language. And

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1 the language says that we're granting the
2 petition. And what we're recommending is the
3 adding of a Class.

4 I'm not even sure what it means to
5 grant the petition. Does that mean --

6 CHAIRMAN MELIUS: That the
7 petition is to add a Class.

8 MEMBER ZIEMER: I know what the
9 petition is.

10 CHAIRMAN MELIUS: So when we grant
11 it, we are -- we're recommending that it be
12 granted.

13 MEMBER ZIEMER: We're
14 recommending. The petition is to add a Class.
15 You understand what I'm saying?

16 CHAIRMAN MELIUS: No. I am. I'm
17 thinking through it out loud.

18 MEMBER MUNN: No matter what the
19 petition is, we're granting it and --

20 MEMBER ZIEMER: Well, what does it
21 mean to grant a petition? That's what I'm
22 asking. I don't know what that means,

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1 literally.

2 MEMBER MUNN: Well, we respond
3 favorably to the request.

4 CHAIRMAN MELIUS: I think it's the
5 Secretary that grants it; right? Isn't the
6 Secretary --

7 MEMBER ZIEMER: No, we're
8 recommending, I understand that part of it.

9 CHAIRMAN MELIUS: Yes.

10 MEMBER ZIEMER: We're recommending
11 that a Class be added, as requested by the
12 petition, to grant.

13 MR. KATZ: Actually, I mean, I
14 know this is boilerplate, and so everything
15 has operated okay, even despite this language,
16 but I think to be accurate, you want to use
17 the terminology that the Class be added, you
18 know, because it's not always -- the Class is
19 often not the Class as asked for in the
20 petition originally. So I mean, if you're
21 worried about exact accuracy here.
22 Frequently, the Class that the Board

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1 recommends is not exactly the Class that
2 petitioned.

3 CHAIRMAN MELIUS: So what do we
4 want to say then?

5 MEMBER ZIEMER: I was going to
6 suggest that we say that the Board recommends
7 that the Class be added to the Special
8 Exposure Cohort, but we've already said that,
9 haven't we? Let me see.

10 CHAIRMAN MELIUS: Yes.

11 MR. KATZ: But anyway, so it could
12 just read instead, the Board recommends that
13 this Class be added, because you've described
14 the class just above.

15 MEMBER ZIEMER: Right.

16 MR. KATZ: It's simple and --

17 CHAIRMAN MELIUS: Is that in the
18 minority report letter, or --

19 MEMBER ZIEMER: Or this class be
20 added to the SEC.

21 MR. KATZ: Right, to the SEC.

22 MEMBER MUNN: Why not just this

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1 Special Exposure Cohort class.

2 MR. KATZ: Class be added.

3 CHAIRMAN MELIUS: This class be
4 added, I think is --

5 MEMBER ZIEMER: To the SEC?

6 CHAIRMAN MELIUS: Well, we've said
7 that up above. I mean, we were just trying to
8 summarize this.

9 MEMBER ZIEMER: Yes.

10 CHAIRMAN MELIUS: Are the lawyers
11 -- we'll say that that paragraph, the Board
12 recommends that this Class be added.

13 MEMBER ZIEMER: Period.

14 CHAIRMAN MELIUS: Period.

15 MEMBER ZIEMER: If that is
16 agreeable, would it be agreeable, on the one
17 we just went through, to do the same thing?

18 CHAIRMAN MELIUS: Yes.

19 MEMBER MUNN: Be added to what?

20 MEMBER ZIEMER: To the SEC. It's
21 already --

22 CHAIRMAN MELIUS: It says it up

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1 front, so --

2 MEMBER ZIEMER: Well, it says
3 Special Cohort status. Maybe we shouldn't say
4 added to the SEC.

5 CHAIRMAN MELIUS: So change --

6 MEMBER ZIEMER: In the top
7 paragraph, we talk about SEC status and here
8 we're saying, add a Class.

9 CHAIRMAN MELIUS: So we edit it
10 for a little -- three more letters, we'll be
11 back to this petition be granted, so -- maybe
12 that'll be next meeting, but -- we can ponder
13 that, and let me do the last letter.

14 MEMBER RICHARDSON: Can I ask one
15 little question?

16 CHAIRMAN MELIUS: Sure.

17 MEMBER RICHARDSON: This is just a
18 curiosity. These letters introduce all of
19 these acronyms in parentheses. Sometimes
20 they're introduced multiple times, like BWX,
21 and they're never used anywhere --

22 CHAIRMAN MELIUS: Yes. BWX has

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1 been taken out. Actually, when I read the
2 letter, I detected --

3 MEMBER RICHARDSON: And SEC is an
4 acronym in the first and then never used. We
5 could strike --

6 CHAIRMAN MELIUS: Yes.

7 MR. KATZ: Take it out or use it.

8 MEMBER RICHARDSON: One or the
9 other.

10 MEMBER ZIEMER: Unless we say, add
11 it to the SEC.

12 CHAIRMAN MELIUS: There's, you
13 know, another --

14 MEMBER LOCKEY: Well, BWX is used
15 in the third point in this.

16 CHAIRMAN MELIUS: Okay. But we
17 can do that editing.

18 MEMBER RICHARDSON: Just a
19 curiosity.

20 MR. KATZ: I agree. I agree.

21 CHAIRMAN MELIUS: Okay. Let me
22 get Simonds Saw. Let me get my hard duty done

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1 here.

2 The Advisory Board on Radiation
3 and Worker Health, the Board, has evaluated
4 SEC Petition 00157 concerning workers at the
5 Simonds Saw and Steel facility in Lockport,
6 New York. Under the statutory requirements
7 established by EEOICPA, incorporated into 42
8 CFR Section 83.13, the Board respectfully
9 recommends Special Exposure Cohort status be
10 accorded to all atomic weapons employer
11 employees who worked at Simonds Saw and Steel
12 Company from January 1st, 1948 through
13 December 31st, 1957 for a number of workdays
14 aggregating at least 250 workdays occurring
15 either solely under this employment or in
16 combination with workdays within the
17 parameters established for one or more other
18 Classes of employees included in this Special
19 Exposure Cohort.

20 This recommendation is based on
21 the following factors. People working at this
22 facility during the time period in question

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1 worked on the production of uranium and
2 thorium metal products related to nuclear
3 weapons production.

4 NIOSH's review of available data
5 found that it lacked adequate source-term
6 personnel monitoring or air sampling data, in
7 order to complete -- yes, it should be and --
8 and air sampling data, in order to complete
9 individual dose reconstructions with
10 sufficient accuracy for internal and external
11 radiation doses for employees exposed to
12 thorium and its associated gaseous decay
13 products, thoron, at this facility during the
14 time period in question.

15 The Board concurs with this
16 evaluation.

17 Number three. NIOSH determined
18 that health may have been endangered for these
19 Simonds Saw and Steel facility workers. The
20 Board also concurs with this determination.

21 Based on these considerations and
22 discussions held at our November 16th to 18th

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1 Advisory Board meeting held in Santa Fe, New
2 Mexico, the Board recommends that this Special
3 Exposure Cohort Class be -- that this Class be
4 added to the Special Exposure Cohort.
5 Enclosed is the documentation of the Board
6 meeting where this Special Exposure Cohort
7 Class was discussed. The documentation
8 includes transcripts of deliberations, copies
9 of the petition, NIOSH review thereof and
10 related materials. If any of these items are
11 unavailable at this time, they will follow,
12 shortly.

13 Comments or questions?

14 MEMBER BEACH: Jim, I can't help
15 but add, in previous correspondence, we have -
16 - that last two paragraphs has always been one
17 paragraph and it's always said granted. I'm
18 wondering if, because we split those
19 paragraphs up, it drew more attention to that
20 granted.

21 It seems -- anyway, it was just
22 interesting, to change it now after all this

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1 time. As long as there was no dangling
2 participles, I figured we were -- I'm not sure
3 it matters. Back to scheduling?

4 MR. KATZ: Yes. Back to
5 scheduling. So one item, the Nashville or
6 bust was a bust. We couldn't secure a hotel
7 in Nashville for the May meeting, so I
8 suggested to Dr. Melius one possibility that
9 made sense to us and we've looked into hotels
10 -- we have availability -- would be St. Louis.

11 CHAIRMAN MELIUS: And we have
12 Weldon Springs that, where we're active on,
13 and --

14 MEMBER CLAWSON: Is Pinellas going
15 to be anywhere near?

16 MR. KATZ: No.

17 MEMBER CLAWSON: You doubt it?
18 Sounds great to me.

19 CHAIRMAN MELIUS: Is that fine
20 with everyone?

21 MR. KATZ: Is that good with
22 everyone? St. Louis for May. Same dates; no

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1 change in the dates. St. Louis, we have a
2 hotel which is a hotel I think you've stayed
3 in before and were satisfied with.

4 CHAIRMAN MELIUS: By the baseball
5 -- you baseball fans, right next to the new
6 stadium. Right next to the old stadium too.

7 MR. KATZ: I'm sorry. Dr. Poston,
8 I can't hear you.

9 MEMBER POSTON: Could you repeat
10 the last two meetings -- the next two
11 meetings, the locations and the dates?

12 MR. KATZ: So -- right. February
13 24 through six, I believe. Is that what you
14 said, Phil? Wait. Let me look. I have to
15 look at my calendar here. I don't keep these
16 things --

17 MEMBER SCHOFIELD: That's in
18 Augusta?

19 MR. KATZ: That's Augusta, yes.
20 The February meeting is Augusta.

21 CHAIRMAN MELIUS: Twenty-third.

22 MR. KATZ: Twenty-third, 24th,

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1 25th.

2 (Simultaneous speaking.)

3 MR. KATZ: So February 23rd
4 through 5th, Augusta. That's all set. And
5 then the next meeting is May. Let me look
6 that up or someone may have it in front of
7 them.

8 CHAIRMAN MELIUS: May 24th, 25th,
9 and 26th. St. Louis.

10 MR. KATZ: That's St. Louis.
11 Okay. So then we are going to try to schedule
12 a couple more out, to stay in track and a sort
13 of approximate time frame for the
14 teleconference following the May meeting, I've
15 noted on your agenda, is the August -- I mean,
16 July 4th or 11th weeks. So we just need to
17 pin down a date within those two weeks, if
18 those two weeks work. If not, we'll work on
19 either side of them.

20 MEMBER MUNN: For a
21 teleconference.

22 MR. KATZ: For a teleconference.

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1 We often do these on Wednesdays, so, for
2 example, I don't know if July 4th week is
3 problematic for people because they take the
4 whole week for vacation. If not, might
5 Wednesday or --

6 CHAIRMAN MELIUS: That doesn't
7 work for me. I'll be at a meeting in a place
8 that doesn't have cell phone service. So I
9 can't even --

10 MR. KATZ: Is that the whole week,
11 Jim, or --

12 CHAIRMAN MELIUS: No, the middle
13 of the week.

14 MR. KATZ: So how about the 11th?

15 CHAIRMAN MELIUS: I can do the
16 11th.

17 MR. KATZ: Does the 11th work for
18 everybody? Okay. So July 11, teleconference,
19 and it'll be -- the usual is 11:00 to around
20 2:00. Okay. And then the next time frame for
21 a face-to-face is the week of August 15th,
22 22nd or the 29th. Let's see what works for

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1 people.

2 CHAIRMAN MELIUS: Yes, 15th is a
3 bad one.

4 MR. KATZ: Okay. How about the
5 week of the 22nd? Yes. The week of August
6 22nd. Anyone have trouble with that week?
7 Dr. Lockey. It's not a good week. Okay.
8 Well, it's getting to be pretty short, I mean,
9 if we -- yes. I mean, it leaves little time
10 between one and the other. What about the
11 week of August 29th? Does that work?

12 MEMBER MUNN: It's okay with me,
13 but anybody that's affected by the start of
14 public school.

15 MR. KATZ: Excuse me?

16 MEMBER MUNN: Anyone who's
17 affected by Labor Day and public school
18 starting.

19 MR. KATZ: Well, Labor Day would
20 be the 5th. So this is before that and
21 people, I guess, usually take -- right?

22 MEMBER MUNN: No, you're right.

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1 MR. KATZ: So I think we're okay
2 there. Does that work for everyone? So then
3 why don't we -- since it works for everyone --
4 oh, it doesn't.

5 MEMBER FIELD: It's the start of
6 the academic calendar.

7 MR. KATZ: So it doesn't work for
8 several people.

9 Okay. If it's the week of the
10 22nd and the whole week works for people, then
11 how about the 23rd through 5th? Keep it in
12 the middle of the week. August 23rd through
13 5th. Does that work for everyone, except for
14 Dr. Lockey? Okay.

15 23rd through 25th. So now we know
16 the when part.

17 MEMBER ANDERSON: Now we need the
18 where part.

19 MR. KATZ: So Nashville was one
20 possibility. Is that still desired by folks?
21 I think --

22 CHAIRMAN MELIUS: What were the

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1 other options? Not that there's something
2 wrong with Nashville, but there are some
3 climate -- if there are places farther north
4 we'd like to go, we probably should get them
5 out of the way in the summer, rather than --

6 MR. KATZ: That's a good idea.

7 MEMBER PRESLEY: Nashville, in
8 August, is certainly hotter than blue blazes.

9 MR. KATZ: Blue blazes; okay.

10 CHAIRMAN MELIUS: So you have down
11 Hanford as a possibility.

12 MEMBER ROESSLER: It is hot there
13 in August.

14 MR. KATZ: Dry heat. It's a dry
15 heat in Hanford.

16 MEMBER MUNN: If you wanted to
17 have the Hanford meeting --

18 MEMBER PRESLEY: August in
19 Amchitka. That sounds good. That sounds
20 good.

21 CHAIRMAN MELIUS: Bring your
22 sleeping bags.

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1 MR. KATZ: Back to Idaho. Do we
2 think --

3 CHAIRMAN MELIUS: We just went
4 there.

5 MR. KATZ: That'll be a year from
6 when we went there. I'm just thinking north.
7 That's all. I mean, we have relatively few
8 sites that are close to northern locations. I
9 mean --

10 CHAIRMAN MELIUS: Is there any
11 reason to go back to Lawrence Berkeley?

12 MR. KATZ: We have a work group.
13 The Work Group hasn't engaged yet but --

14 MEMBER SCHOFIELD: We could do
15 Pinellas.

16 MEMBER ROESSLER: Oh, not in
17 August.

18 MR. KATZ: Florida. Thank you.

19 CHAIRMAN MELIUS: I guess Arjun is
20 gone, but Hanford, I imagine we -- there you
21 are, Arjun. I didn't see you. We should be
22 ready for a follow-up on Hanford by --

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1 MR. MAKHIJANI: I said yesterday,
2 I think we'll deliver our review to you early
3 in the year, and then, you know, depending on
4 the work group meetings and the number of
5 issues that are raised -- so I can't predict
6 how the evolution of the discussion will go.
7 But you'll definitely have something from us
8 early in the year.

9 CHAIRMAN MELIUS: Yes. And
10 there's a fair amount of interest out there,
11 so -- and we haven't been back for --

12 MR. KATZ: It's been a while.

13 CHAIRMAN MELIUS: Been a while.

14 MR. KATZ: It's been a few years.

15 CHAIRMAN MELIUS: Yes. Okay.

16 MR. KATZ: So we will go for
17 Hanford.

18 CHAIRMAN MELIUS: In August?

19 MR. KATZ: Right, and I don't know
20 if there's a specific hotel that has been
21 successful there.

22 CHAIRMAN MELIUS: There is a

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1 specific hotel.

2 (Laughter.)

3 MR. KATZ: Okay, very good.

4 CHAIRMAN MELIUS: August 23
5 through 25th. One other scheduling item, just
6 in terms of people's plans. I think we will
7 try to stick to our present schedule of like
8 two and a half day meetings. So if that helps
9 you.

10 MEMBER MUNN: I have one comment
11 about meetings and that is, if we're going to
12 be required to do what we did yesterday and
13 the day before in order to meet two and a half
14 day meetings, then I personally have a problem
15 with that. The business of running all the
16 way through the day and until a minimum of
17 seven o'clock at night, with public hearings
18 that are not easy on any of the people sitting
19 around this table, are really not necessary if
20 we don't hold firm to this two and a half day
21 meeting thing.

22 If we're going to have a third day

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1 of meeting, then it relieves us of the
2 possibility of having to have two days back to
3 back of straight-through hard work and
4 emotional angst at the end of the day.

5 I don't know whether anyone else
6 finds that difficult. I find that difficult.

7 It was particularly hard to not have a break
8 between our work and the public hearing
9 meetings. I would much prefer to spend
10 another two hours in work sessions on the
11 third day than to have to go directly from the
12 work that we did right into public hearing.

13 CHAIRMAN MELIUS: Two comments.
14 The problem on that is that we have -- well,
15 one is attendance at the public comment
16 sessions are unpredictable. You just don't
17 know. And secondly, the other problem with
18 that, if we go three days, a full three days,
19 is that for those of us that do other, have
20 other work commitments, it's very difficult,
21 we lose -- we essentially become five days, we
22 lose a whole week because a day to get there

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1 and a day to get back.

2 And that's difficult, and that
3 inevitably means that we lose Board members on
4 the third day, is usually what happens,
5 because people can't afford the time and do
6 that.

7 So we'll try to schedule better.
8 It's hard and it's unpredictable. We did not
9 know what was going to happen with Linde up
10 until Friday around five o'clock, before the
11 Board ended. So it becomes hard, things drop
12 off, things -- they didn't, this time.

13 MR. KATZ: They usually do.

14 CHAIRMAN MELIUS: They usually do.

15 So it's hard. We'll take that into account,
16 and all I can say on the break before that,
17 everybody's welcome during public comment to
18 take -- or any time during the meeting, to
19 take an individual break. But the option
20 there -- a short break becomes 25 minutes and
21 --

22 MEMBER MUNN: Well, I guess I

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1 could ask the question. Am I the only person
2 sitting at this table, who found the last two
3 days difficult?

4 MEMBER PRESLEY: No, no. My
5 backside did.

6 MEMBER MUNN: If I'm the only one
7 who has a problem with this, then obviously
8 there's no point in even discussing it. But
9 if I'm not the only person who had a problem
10 with it, then I understand what you're saying
11 about travel times and I recognize that it's
12 difficult. But for us to cut the third day's
13 meeting off, plan on cutting the third day's
14 meeting off prior to a two- or three-hour work
15 session, doesn't seem to be feasible if the
16 cost of doing that is running everything
17 together for two tough days.

18 CHAIRMAN MELIUS: What I'm saying
19 is that I think different Board Member -- I
20 think all of us find it difficult and tiring
21 to go through long days, but the alternative
22 is it's very difficult for people to -- for

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1 many of us to devote a whole week to a
2 meeting. And so it's five days and that's
3 problematic, and so it's -- we will try to
4 schedule it as best we can, and if we finish
5 up by noon on the third day, that means that
6 people can get home.

7 I'll get home at midnight or
8 closer to 1:00 a.m. this morning, but at least
9 I'll have a work day tomorrow, which is all
10 pretty heavily scheduled. I know for Henry
11 and Jim Lockey, that they're also busy. Many
12 of us are. So I mean it's a tradeoff.

13 MR. KATZ: I think it's probably
14 tough for the DCAS staff too, to have to take
15 a whole week out, then -- I mean, I'm happy to
16 do whatever but I think it's probably tough
17 for them as well and they have considerable
18 resources that they put into these Board
19 meetings, into being present.

20 CHAIRMAN MELIUS: Yes, Paul.

21 MEMBER ZIEMER: We might think
22 about streamlining some other things. I think

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1 the NIOSH and the DOL and the Department of
2 Energy reports now are pretty standardized.
3 Maybe we don't have to have them actually
4 presented. Are we presenting them more for
5 the local folks? I mean, I would be satisfied
6 just to have it on my fob and simply say, does
7 anyone have any questions on those. But if
8 it's important for the local folks to hear
9 that then we need to do that. It just
10 occurred to me, that for us on the Board, 90
11 percent of those three are repetitious with
12 just new numbers.

13 CHAIRMAN MELIUS: Well, I think
14 it's important for us to have them, have some
15 presentation and presence there, but it
16 doesn't need to be as long. And the other
17 side of that is that usually we have more
18 public participation in terms of an audience
19 as we get closer to a public comment period.
20 And so they actually miss the --

21 MR. KATZ: They're not here.

22 CHAIRMAN MELIUS: They're not here

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1 to put those on first. So we can work at
2 cutting back on the time for those. I mean,
3 Rachel skipped some, a number of her slides
4 and so forth. And the DOE report was mostly
5 us asking questions. I think it was a short
6 report. And Stu's was too. But we can make
7 those shorter.

8 The other thing we can do is move
9 some of the reports to the conference call,
10 which we've also tried to and so that cuts on
11 time. The hardest thing we have is the amount
12 of time it takes to deal with an SEC petition
13 is unpredictable. Even the 83.14s because we
14 don't see those reports until a few weeks
15 before the meetings and you just don't know
16 how long the discussion will take. It depends
17 on what issues are there, and how many
18 questions we have.

19 Other suggestions, Paul?

20 MEMBER ZIEMER: Again, this is
21 just -- these are top of the head things. But
22 we might want to think about the possibility

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1 of, at the front end of the public comment
2 period, have a brief five minutes from the
3 three agencies, which serves the purpose of
4 getting them the big picture of what the
5 programs are doing because as you indicated,
6 many of them are not here. They could be very
7 abbreviated and could provide a setting for
8 people to raise their questions and that I
9 think would free up a lot of time at the front
10 end of our meeting. It's just a thought that
11 jumped into my head.

12 CHAIRMAN MELIUS: Okay. It's a
13 consideration.

14 MEMBER SCHOFIELD: A lot of people
15 do follow these comments, these things by
16 Department of Labor and a lot of the activists
17 out there are actually keeping track of what
18 is said and then they distribute that.

19 The other possibility is we could
20 post those maybe on the Web site, the
21 statistics from these.

22 CHAIRMAN MELIUS: Yes. I think

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1 there's some -- a lot of that data is on the
2 Web site, so it's making it available to
3 people that may not be on those Web sites as
4 much as others are.

5 Yes. David?

6 MEMBER RICHARDSON: I think you're
7 right. You had pointed out that the
8 presentation is often at a time when people
9 aren't here. One way around it, maybe for
10 them to do something like a poster
11 presentation that could be outside, and it
12 would summarize the current status --

13 CHAIRMAN MELIUS: Yes. That's
14 actually -- that way, if they come in during
15 the afternoon, that information would be out
16 there. That's a thought too. Okay.

17 Yes, Bob.

18 MEMBER PRESLEY: Jim, one of the
19 things that I've heard is generally the people
20 that come to talk are elderly. They're my age
21 or better. Some of the people have thanked us
22 for having these things early, because a lot

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1 of them don't travel at night.

2 CHAIRMAN MELIUS: Right.

3 MEMBER PRESLEY: We may need to
4 think about moving these things up for some of
5 these people. If we think we're going to have
6 a large thing, move it up to where that they
7 don't have to travel at night and just have
8 one. I mean, we can get all this in -- we
9 used to have one public comment. Now we've
10 got two.

11 CHAIRMAN MELIUS: Yes.

12 MEMBER PRESLEY: And they just drag
13 on and a lot of people that speak the first
14 night come back the second night.

15 So, you know, we need to think
16 about that. But people have thanked us as far
17 as moving this thing up just a little bit.

18 CHAIRMAN MELIUS: That's a good
19 point. I think we've tried in the past, to
20 have a short one in the afternoon and then one
21 in the evening. It's just so hard to
22 schedule.

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1 The other thing Ted and I talked
2 about yesterday or last night, was that for
3 the people calling in for the public comment
4 period, we're going to ask some of them to e-
5 mail ahead of time, so at least we know who's
6 there. Now recently, they've been short, but
7 some of that's because our public comment
8 period went long, and do that. So we'll try
9 to get a better handle on that, and --

10 MEMBER PRESLEY: And some of them,
11 the same thing they said at the meeting
12 before.

13 CHAIRMAN MELIUS: Well, yes. I
14 think, again, it's hard -- I agree with you,
15 in some it's hard, but, you know, they're also
16 struggling. They're trying to understand what
17 we're interested in and they make an effort
18 and it's difficult.

19 Yes. Brad.

20 MEMBER CLAWSON: I just want to
21 make sure that we still remember that these
22 meetings are mainly for the public, so that

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1 they have input. This is our opportunity for
2 them to be able to see and so forth. I just
3 feel it's important.

4 CHAIRMAN MELIUS: Yes.

5 MR. KATZ: Just to respond to Bob
6 a bit. I mean, one concern I have about
7 moving it to just one public comment session
8 is -- I mean, then obviously, then, for people
9 who are local, that is -- there's just one day
10 that's possible for them.

11 So it's sort of nice to have more
12 opportunity for them. And then as Jim was
13 saying, we've tried to have one a little
14 later, one a little earlier. I mean, the
15 retirees, no doubt, it's probably easier for
16 them to get there early. But the people who
17 are working, those folks have a harder time
18 getting to, if it were to be an earlier
19 session. So that's why we had it the way it
20 is. If we want to change it, that's fine, but
21 I think it's not a bad arrangement, the way it
22 is.

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1 MEMBER CLAWSON: I agree with the
2 way it is, because we've got to remember,
3 there still are work people that need to be
4 able to get there.

5 MEMBER MUNN: With respect to the
6 possibility of doing posters, though, you
7 know, the slides are available to everyone who
8 comes in. Maybe just pointing that out to
9 them would be adequate because the information
10 is there.

11 CHAIRMAN MELIUS: That could be
12 helpful -- or having an information sheet for
13 everybody that would be out there, that would
14 be specifically for the public, so that it has
15 a little bit more explanation. Some of the
16 slides are pretty difficult for someone not
17 familiar with the program to read. Posters
18 are just nice and they're easy to do now.
19 Technology. They're colorful, and big print,
20 and all that stuff.

21 MEMBER RICHARDSON: Part of my
22 idea was also that the poster, we would cut --

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1 we would be able to save some time in the
2 meeting by replacing that presentation, which
3 is often the same, by just replacing it with a
4 poster. So then the slides wouldn't be
5 circulated anymore because --

6 CHAIRMAN MELIUS: Or even having
7 the slides circulated is fine, cause that
8 gives us a reference. I'm thinking of the
9 poster as much for the public coming in. They
10 come in early and they're sitting here,
11 listening to us, you know, do work group
12 reports on a site that they've never heard of.
13 So very bureaucratic and not very useful.

14 MEMBER CLAWSON: Jim.

15 CHAIRMAN MELIUS: Yes?

16 MEMBER CLAWSON: One thing I
17 wanted to bring up, that I found interesting
18 was at the Idaho meeting, they had a meeting
19 with DOE and DOL that was right next to us,
20 and I don't know if you guys noticed, but it
21 cut our public comment down because -- there's
22 something that I really hate to, is somebody

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1 come in and sit for eight hours, just like
2 ourselves, just to be able to try to get a
3 question answered, and then, in public
4 comment, get up and air this, and then, well,
5 you know, you need to direct that towards
6 NIOSH or DOL. I was quite surprised at how
7 that kind a worked out a little bit better.
8 But that's something to think about too.

9 CHAIRMAN MELIUS: Yes. I will
10 tell you, because I sat in on the part of one
11 of the sessions in Idaho, the joint one, and
12 some people, when that session asked the
13 question, came into our session and asked the
14 same question and do that.

15 One thing it helped there was that
16 we got fewer DOL claim questions, people
17 coming in. I think out here where, you know,
18 there's been a lot of outreach in activity,
19 both through the state and through DOL, we're
20 seeing the same. We didn't have a lot of
21 people come in with questions about DOL
22 claims, which is one of the problems we've had

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1 in sessions, because there's just relatively
2 little we can respond to there. Yes. So I
3 thought those were useful and helpful. But we
4 will work to see what we can do to do that.

5 A couple of agenda items, just
6 potential agenda items I wanted to go through.

7 A few of the Board Members have asked me,
8 have raised issues about -- came up with some
9 e-mails about how NIOSH handles coworker
10 issues. So I think we may ask NIOSH, at the
11 next meeting, to do an update on that issue.

12 The second item that came up and
13 has come up with some of the questions and I
14 think it's for the new Board Members. But
15 it's stuff that we really haven't paid
16 attention to in quite a while. There's some
17 of the scientific issues and do that. And
18 David Richardson suggested that we might want
19 to consider setting up a work group on the
20 scientific issues and so forth. I actually
21 think it would be a good idea, would be
22 helpful. But I was thinking as a way of sort

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1 of focusing that and introducing that at our
2 next Board call, if we could prevail on Jim
3 Neton to do a science issue update and then we
4 can identify issues for the work group to
5 follow up on. We will have, then, sort of a
6 status update from NIOSH, where they are with
7 various issues, and then we will also -- then
8 can talk about the work group in the
9 teleconference. Does that make sense?

10 MEMBER MUNN: Will our report on
11 overarching issues touch or cross-cut much of
12 the information that might be of concern under
13 the topic scientific issues?

14 Isn't that pretty much what we're
15 doing?

16 CHAIRMAN MELIUS: It might, and
17 then that may be something else that would
18 feed into that. I'm not familiar yet, with
19 the content of that, because it's in progress,
20 but I mean, I think that would be one thing.
21 I think there's also -- you know, there's
22 issues related to -- there are other issues

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1 that I don't think will be covered by that.

2 MR. KATZ: It might be a good
3 idea, if you actually, for those -- I know
4 Wanda's one that's sort of attuned to
5 overarching issues because of Procedures, and
6 I think some of these have come up in work
7 group meetings, the overarching issues, and
8 they get referred to Procedures.

9 It might be a good idea, for you
10 Board Members who have these in mind, to shoot
11 Jim Neton an e-mail about covering those items
12 that are of interest to you, that are sort of
13 broad, overarching issues, in this. Is that
14 okay? I mean, I'm just worried that Jim,
15 otherwise, won't know that he's necessarily
16 bringing the right rock to the table in terms
17 of what you want to hear.

18 CHAIRMAN MELIUS: But I think
19 there are also some more -- I mean, the issue
20 that Dr. Lemen raised about smoking and radon,
21 how that's handled, I think is something that
22 -- I don't think it's on the overarching

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1 issues list, and so it's something --

2 MEMBER MUNN: But it probably
3 should be. It applies everywhere.

4 CHAIRMAN MELIUS: Well, maybe;
5 yes. But I think it's -- do that. But I
6 think we have a discussion and then form the
7 work group. I think it would be appropriate.

8 So we will see you, Mike. Mike
9 has to go catch a plane also and John did.
10 And I think we're about to wrap up, anyway,
11 unless somebody has an issue we haven't --
12 yes, Gen?

13 MEMBER ROESSLER: Ted, are you
14 going to handle the Linde --

15 MR. KATZ: For folks that are on
16 the Linde Work Group, that Mike, we just lost
17 it. Just try to sort of get a head-start on
18 scheduling that, cause we're going to try to
19 do that early December. So Bill, if you could
20 just hang in after -- we don't need to do this
21 on the record. But let's try to get a date.

22 CHAIRMAN MELIUS: But we're going

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1 to lock the doors until -- okay. If there are
2 no other issues or questions or comments, do I
3 hear a motion to adjourn?

4 MEMBER ZIEMER: So moved.

5 MEMBER SCHOFIELD: Second.

6 CHAIRMAN MELIUS: Second. Okay.

7 All in favor.

8 (Chorus of ayes.)

9 CHAIRMAN MELIUS: I don't think we
10 need to do a roll call.

11 MR. KATZ: No. Thanks, everyone,
12 for all your hard work.

13 (Whereupon, the above-entitled
14 matter went off the record at 10:30 a.m.)

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