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

convenes

MEETING 47

ADVISORY BOARD ON
RADIATION AND WORKER HEALTH

DAY TWO

ROCKY FLATS MOTION AND VOTE EXCERPTS

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

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June 12, 2007

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TRANSCRIPT LEGEND

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-- (sic) denotes an incorrect usage or pronunciation of a word which is transcribed in its original form as reported.

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-- "uh-huh" represents an affirmative response, and "uh-uh" represents a negative response.

-- "*" denotes a spelling based on phonetics, without reference available.

-- (inaudible)/ (unintelligible) signifies speaker failure, usually failure to use a microphone.

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JUNE 12, 2007

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

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

DR. ZIEMER: Okay.

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

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

1 to make.

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

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

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

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

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

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

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

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

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

3 **MR. GRIFFON:** Right.

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

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

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

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

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

15 **MR. GIBSON:** Yeah.

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

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

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

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

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

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

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

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

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

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

7 **MR. SCHOFIELD:** Correct.

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

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

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

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

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

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

24 (No responses)

25 Are you ready to vote on the motion?

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

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

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

8 **MR. GRIFFON:** January.

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

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

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

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

17 **MR. CLAWSON:** No.

18 **DR. ZIEMER:** No.

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

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

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

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

23 **DR. WADE:** Ms. Munn?

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

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

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

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

11 **DR. MELIUS:** Okay.

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

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

15 **DR. ZIEMER:** Okay.

16 **DR. WADE:** Dr. Lockey?

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

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

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

20 **DR. WADE:** I'm sorry?

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

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

23 **DR. WADE:** Mr. Gibson?

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

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

1 line?

2 (No responses)

3 Dr. Mel-- Dr. Ziemer?

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

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

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

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

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

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

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

1 2005 --

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

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

5 **MR. GRIFFON:** Yeah.

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

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

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

14 **MS. MUNN:** Second.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 Wanda Munn.

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

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

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

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

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

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

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

1 Mr. Presley?

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

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

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

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

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

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

7 **DR. ZIEMER:** Yes.

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

9 **DR. ZIEMER:** Sure.

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

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

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

1 criteria was met in this situation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 **DR. ZIEMER:** Okay.

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

1 microphone) Thank you.

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

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

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

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

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

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

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

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

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

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

14 **DR. ZIEMER:** Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **DR. WADE:** Clawson?

20 **MR. CLAWSON:** No.

21 **DR. WADE:** Griffon?

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

23 **DR. WADE:** Roessler?

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

25 **DR. WADE:** Munn?

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

10 **DR. WADE:** Correct.

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

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

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

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

23 **DR. LOCKEY:** Paul?

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

25 Yes?

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

2 **DR. ZIEMER:** Jim.

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

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

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

13 **UNIDENTIFIED:** (Off microphone)

14 (Unintelligible) [name redacted]

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

17 **DR. ZIEMER:** Sure.

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

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

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

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

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

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

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

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

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

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

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

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

16 (Whereupon, a recess was taken from 1:10 p.m.
17 to 1:50 p.m.)

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CERTIFICATE OF COURT REPORTER**STATE OF GEORGIA****COUNTY OF FULTON**

I, Steven Ray Green, Certified Merit Court Reporter, do hereby certify that I reported the above and foregoing on the day of June 12, 2007; and it is a true and accurate transcript of the testimony captioned herein.

I further certify that I am neither kin nor counsel to any of the parties herein, nor have any interest in the cause named herein.

WITNESS my hand and official seal this the 14th day of June, 2007.

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