

BEFORE THE  
UNITED STATES DEPARTMENT OF ENERGY  
OFFICE OF ENVIRONMENT, HEALTH, SAFETY AND SECURITY  
TRANSCRIPT OF PROCEEDINGS  
PUBLIC HEARING  
IN RE: NOTICE OF PROPOSED RULEMAKING  
10 CFR 850  
CHRONIC BERYLLIUM DISEASE PREVENTION PROGRAM  
DOCKET Nbr. AU-RM-11-CBDPP

13 July 2016  
Oak Ridge, Tennessee USA

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1 APPEARANCES:

2 JACQUELINE ROGERS  
3 Presiding Official  
4 Industrial Hygienist  
5 Office of Worker Safety and Health Policy  
6 U.S. Department of Energy  
7 1000 Independence Avenue  
8 Washington, D.C.  
9 USA  
10 PH

11 SPEAKERS:

12 Dr. Donna Cragle  
13 Oak Ridge Associated Universities

14 ALSO PRESENT:

15 Not registered

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1                                   BEFORE THE  
2                   UNITED STATES DEPARTMENT OF ENERGY  
3       OFFICE OF ENVIRONMENT, HEALTH, SAFETY AND SECURITY  
4                   TRANSCRIPT OF PROCEEDINGS  
5       PUBLIC HEARING IN RE: NOTICE OF PROPOSED  
6       RULEMAKING, 10 CFR 850: CHRONIC BERYLLIUM DISEASE  
7       PREVENTION PROGRAM DOCKET Nbr. AU-RM-11-CBDPP

7                   Public Hearing Comments were held  
8       pursuant to Notice at the Auditorium, Oak Ridge  
9       Associated Universities, State Department Room, The  
10      Pollard Technology Conference Center, 210 Badger  
11      Avenue, Oak Ridge, Tennessee, USA, commencing on  
12      the 13th day of July, 2016, at 9:05 a.m. ET.

13                  Present: Jacqueline D. Rogers,  
14      Presiding Officer; Also present: Not registered.

15                   TRANSCRIPT OF PROCEEDINGS

16                  MS. ROGERS: Well, good morning, and  
17      welcome. I'm Jacqueline Rogers, an industry  
18      hygienist in the Office of Environment, Health,  
19      Safety, and Security.

09:01:56

20                  We have -- On behalf of the Department  
21      of Energy I'd like to thank you for taking the time  
22      to participate in this Public Hearing concerning  
23      the Notice of Proposed Rulemaking to amend the

1 current Beryllium Disease Prevention Program. And,  
2 particularly I'd like to thank those of you who  
3 have traveled to be here.

09:02:16

4 The purpose of this Hearing is to  
5 receive oral testimony from public on the  
6 Department of Energy's Notice of Proposed  
7 Rulemaking for the Chronic Beryllium Disease  
8 Prevention Program, 10 CFR 850.

09:02:33

9 Your comments are not only appreciated;  
10 they are essential in developing a final Rule. The  
11 comments received here today, and those submitted  
12 during the written comment period which ends on  
13 September 6, 2016, will assist the Department in  
14 the rulemaking pro-, process.

09:02:49

15 As I said, all written comments must be  
16 received by September sixteenth, 2016, to assure  
17 consideration by DOE. The address for sending the  
18 comment is, comments are: Jacquelin Rogers, U.S.  
19 Department of Energy, Docket Number AU dash-RM

09:03:04

20 dash-11 dash-CDDPP, Mail Stop AU dash-11, 1000  
21 Independence Avenue, Southwest, Washington, D.C.;  
22 Zip Code 20585.

23 Also, can comments be filed

1 electronically at `http: Backslash backslash`  
2 `www.regulations.gov`, or e-mailed to  
3 `Rulemaking.850@hq.doe.gov`.

09:03:43

4 As the presiding official for this  
5 Hearing I would like to set forth the guidelines  
6 for conducting the Hearing, and provide other  
7 pertinent information. This is not an evidentiary  
8 or a judicial Hearing.

09:03:55

9 It will be conducted in accordance with  
10 the Administrative Procedures Act and Section 501  
11 of the DOE Organization Act to provide the  
12 Department with as much pertinent information as  
13 many of you can reasonably be obtained, and to  
14 enable interested persons to express their views.

09:04:13

15 The Hearings will be conducted in accordance with  
16 the following procedures:

09:04:27

17 Speakers will be called to testify in  
18 the order indicated on the Agenda. Speakers have  
19 been allotted ten minutes for their verbal  
20 statement.

21 Anyone can make an unscheduled oral  
22 statement after all scheduled speakers have  
23 delivered their statement. To do so, please submit

1 your name to the Registration Desk before  
2 conclusion of the last speaker, scheduled speaker,  
3 and at the conclusion of all presentations, if time  
4 permits, and looks like we'll have a lot of time  
09:04:00 5 today, scheduled speakers who request to do so will  
6 be given the opportunity to make a rebuttal or  
7 clarifying statement.

8 If you would like this opportunity, if  
9 time is available, and it looks like we'll have a  
09:05:02 10 lot of time, please give your name to the person at  
11 the Registration Desk, and indicate that you are  
12 making such a request. Only members of the DOE  
13 Panel conducting the Hearing will be allowed to ask  
14 questions of the speaker.

09:05:17 15 In approximately 30 days, a Transcript  
16 of this Hearing will be available for inspection  
17 and copying at the web site. The web site located  
18 at [http: Backslash backslash www.energy.doe.gov](http://www.energy.doe.gov)  
19 backslash EHSS backslash chronic dash-beryllium  
09:05:40 20 dash-disease dash-prevention dash-program dash-10  
21 dash-CF-, CFR dash-80. Eight-fifty. I'm sorry.

22 As mentioned earlier, the public comment  
23 period will close on September 6, 2016. All

1 written comments received will be made available  
2 for public inspection at the Internet address given  
3 a few minutes ago.

4 Three copies of the comments are  
09:06:07 5 requested. If you have any questions concerning  
6 the submission of comments, please contact me,  
7 Jacqueline Rogers, on 202-586-4714.

8 It is assumed that any information  
9 provided at this Hearing is public, and will be  
09:06:19 10 included in the Record for the rulemaking. Any  
11 person submitting information that he or she  
12 believes to be confidential and exempt by law from  
13 public disclosure should submit to the comment  
14 address I mentioned a total of four copies of the  
09:06:38 15 information, one complete copy with the  
16 confidential material included, and three copies  
17 with the con-, without the confidential  
18 information.

19 The Department of Energy will make its  
09:06:56 20 own determination in accordance with applicable  
21 procedures as to whether the information will be  
22 exempt from public disclosure. We appreciate the  
23 time and the effort you have taken in preparing and



1 presenting a Statement, and are pleased to receive  
2 your comments.

3 And, now, let me introduce the Panel..  
4 The Panel is me.

09:06:23

5 This would be the time that I would call  
6 the first speaker, but since we don't have a  
7 speaker, we'll just wait for one to register and  
8 I'll call them to the podium at that time.

09:06:34

9 (Whereupon, at 9:06 a.m. ET, remarks  
10 were made among those present, off the Record,  
11 after which, at 11:27 a.m. ET, the following  
12 occurred:)

11:27:29

13 MS. ROGERS: Now I'm going to call the  
14 first speaker on the Agenda. For the Record I'm  
15 going to ask each speaker to state his or her name  
16 and whom you represent before making your  
17 statement.

18 The first speaker is Donna Cragle.

11:27:54

19 DR. CRAGLE: Good morning. It's a  
20 pleasure to be here.

21 My name is Donna Cragle, and I'm the  
22 Senior Vice President For Health, Energy, and  
23 Environment at ORAU. But, today I'm going to be

1 talking with you with my hat of the National  
2 Supplemental Screening Program on, which is a  
3 program that provides medical screening exams to  
4 former Department of Energy workers across the  
5 United States.

11:28:18

6 And, I have gotten together with the  
7 people that provide these exams for the workers,  
8 and what I'm going to present today is a  
9 consolidation of all of our comments. And, since  
10 we are physicians and epidemiologists, our comments  
11 are limited to the medical portion of the proposed  
12 tool.

11:28:36

13 I just said that I'm here as a  
14 representative of the National Supplemental  
15 Screening Program, and we provide medical exams to  
16 workers all across the United States from many  
17 facilities, and, so, we have an opportunity to, to  
18 screen people every day for beryllium  
19 sensitization.

11:28:54

11:29:08

20 These are the individuals who  
21 contributed to the comments that I'm, going to give  
22 you today. Between, or, among all of us, we have  
23 more than 200 years' of experience in beryllium

1 medical surveillance, and I would estimate that we  
2 have screened more than 40,000 DOE current or  
3 former workers for beryllium sensitization and  
4 beryllium disease.

11:29:36

5 So, we have a vast history of work in  
6 this area, going back to the very first days where  
7 the BldPP was ever used. First off, there are a  
8 lot of things that we like in the Rule, and so I'm  
9 not only going to say things that we don't like.

11:29:53

10 We commend DOE for continuing to take a  
11 very proactive approach to beryllium health issues,  
12 including the guidelines and the protocols  
13 regarding workers' medical screening and  
14 surveillance programs. To my knowledge, DOE is the  
15 most proactive employer with working with people  
16 who work with beryllium and making sure that they  
17 have the appropriate screening for beryllium  
18 sensitization and disease.

11:30:09

11:30:24

19 And, we think that the, the Proposed  
20 Rule provides an important step towards improving  
21 the health of current, and safety of the current  
22 workers, and, consequently, the former workers, as  
23 well.

1           We recommend that DOE rapidly review the  
2 public comments that are received, and continue on  
3 the trajectory that they're on to publish the Final  
4 Rule as soon as possible. We recommend that DOE  
11:30:53 5 and the Department of Labor engage in the immediate  
6 discussions regarding the establishment of a formal  
7 data sharing on beryllium claims under the EEOICPA.

8           We think this is very important because  
9 since the beginning of the EEOICPA Program in 2000,  
11:31:14 10 the Department of Energy has lost all of the  
11 information regarding the outcomes for people who  
12 are sensitized to beryllium, and, therefore, a  
13 really -- That's 16 years' of data that's missing  
14 for DOE to determine whether workers who are  
11:31:30 15 sensitized, which DOE has a very good grip on, end  
16 up developing disease.

17           And, we think that if you don't know  
18 whether the workers are developing CBD, it will be  
19 difficult or impossible for you to determine  
11:31:44 20 whether the new Standards are eliminating beryllium  
21 disease in the future.

22           We agree with the provisions requiring  
23 employers to demarcate and control restricted areas

1 from the rest of the workplace in a manner that  
2 alerts the workers to the boundaries of those  
3 areas. And, at each entrance to a beryllium  
4 regulated area there needs to be visible and  
11:32:11 5 clearly written signage to alert workers to  
6 respiratory and skin protection in that area.

7 We agree with DOE's proposal for  
8 mandatory medical evaluations and mandatory medical  
9 removal provision based on the understanding that  
11:32:30 10 early detection and removal of, from beryllium  
11 exposure is important to, to preventing harm to the  
12 workers who are at risk of developing CBD.

13 We do know that workers who can become  
14 sensitized to beryllium, and, thus, develop CBD,  
11:32:44 15 are genetically different, and somewhat very  
16 susceptible to exposure to beryllium disease, and  
17 so we think that removal is, is very important.

18 We support the medical screening for  
19 individuals who are conditionally hired for  
11:32:58 20 beryllium work, as well.

21 We recommend that the definition of  
22 "beryllium-associated worker" be changed to exclude  
23 the phrase "... or a worker who exhibits signs and

1 symptoms of beryllium exposure." We believe that  
2 if the intent is to offer testing to those workers  
3 who exhibit signs and symptoms of disease, then  
4 this should be a separate recommendation or  
5 category for the surveillance program, but it  
6 should not be part of a definition of a  
7 beryllium-associated worker.

8 In our med- -- In our former worker  
9 screening programs we asked workers if they worked  
10 with beryllium at their facility. If they respond  
11 that they did, we provide a beryllium metacycle  
12 refreshing test in their screening process.

13 If they didn't, we will not, unless they  
14 were at a certain facility where we know that the  
15 beryllium, the placement of beryllium was not  
16 well-characterized, and we'll do those people.  
17 But, in addition, we also have a third category  
18 where, if a worker responds positively to a set of  
19 about five respiratory screening questions that  
20 indicate symptoms compatible with beryllium  
21 disease, we'll go ahead and test them based on  
22 those respiratory symptoms.

23 But, that's just to be very, very

1 cautious, because we're working with much older  
2 workers who are not necessarily familiar with where  
3 beryllium was used in their facility. So, we think  
4 it's a good precaution to go ahead and screen those  
5 people.

11:34:34

6 But, I'd stop short of actually adding  
7 people who only have the signs and symptoms into a  
8 beryllium-associated worker category. We suggest  
9 the following definitions regarding CBD.

11:34:49

10 CBD would have been a physician,  
11 diagnosed by a Licensed physician with expertise in  
12 pulmonary medicine, and/or occupational medicine,  
13 and experience evaluating CBD. This physician  
14 should be familiar with the specialized equipment  
15 and the examination protocols that are required for  
16 the definitive diagnosis.

11:35:05

17 And, this physician should be able to  
18 differentiate between CBD and other lung diseases.

11:35:20

19 We think that the following must be  
20 present for the diagnosis of CBD: First, a  
21 beryllium sensitization as defined as one, and  
22 defined as one of the more, one or more of the  
23 following:

1 A lung biopsy indicating the presence of  
2 noncaseating granulomas and/or interstitial  
3 mononuclear cell infiltrate; or

11:35:44

4 Abnormal bronchoalveolar lavage BeLPT  
5 and lymphocytic alveolitis, which is defined as 15  
6 percent of the lymphocytes; or

11:36:08

7 Greater, or a high resolution computed  
8 tomography HRCT scan showing radiographic evidence  
9 of abnormality consistent with a granulomatous lung  
10 disease process.

11 We do not believe spirometry indicates  
12 any basis for diagnosis of chronic beryllium  
13 sensitization or CBD.

11:36:21

14 Another change, the Site Occupational  
15 Medical Director would continue to mean the  
16 licensed physician responsible for the overall  
17 direction and operation of the site occupational  
18 medicine program.

11:36:32

19 We recommend that the next statement in,  
20 in these guidelines in the Proposed Rule read:  
21 However, DOE believes the Site Occupational Med-  
22 Medical Director should be qualified to review,  
23 and, when appropriate, recommend acceptance of the



1 diagnosing physician information regarding  
2 beryllium-induced medical conditions.

11:36:59 3 We feel that this would eliminate any  
4 misunderstanding regarding the Site Occupational  
5 Medical Director's role in the diagnostic process.

6 We recommend the definition of  
7 "beryllium sensitization" be amended to include  
8 three borderline abnormal blood tests as  
9 sensitized. This is something that has been coming  
11:37:15 10 to the forefront more recently.

11 We are finding people where we do  
12 screening that never present with a frankly  
13 abnormal test. They have continued borderline  
14 tests.

11:37:27 15 And, we feel, based on the references  
16 that I've provided for you below, that the  
17 situation of an individual having three borderline  
18 abnormal tests is, is significantly different than,  
19 and, and very rare, but there are some people that  
11:37:46 20 continue to have borderline tests. And, as such,  
21 they are excluded from the Department of Labor  
22 EEOICPA process.

23 And, and, so, they kind of fall through

1 the cracks. But, we think that it's a very rare  
2 finding, and serious consideration should be given  
3 to including three borderline tests as a, as a  
4 sens-, as a call for sensitization.

11:38:12

5 We recommend that -- It was a plug for  
6 us. We, we recommend that employees leaving  
7 employment at DOE sites be provided information  
8 about the DOE former worker programs.

11:38:27

9 These programs are a very robust set of  
10 programs. We certainly don't have the only  
11 program.

12 There are about six programs in  
13 existence that provide ongoing medical screening  
14 benefits after a DOE worker leaves employment.

11:38:39

15 And, we think that information on how to access  
16 these former-worker programs should be included in  
17 either the required training materials for  
18 beryllium workers and beryllium-associated workers,  
19 or somehow provided to them at the point of their

11:38:54

20 retirement so that they know that they can have  
21 continued screening for beryllium disease in the  
22 future.

23 Based on the current beryllium

1 sensitization prevalence rates in the current  
2 worker populations, we recommend that split  
3 beryllium LPTs not be performed as part of the  
4 routine beryllium surveillance medical examination.

11:39:23

5 We recommend that the split BLPTs still  
6 be present as a follow-up for tests that are not  
7 normal, such as tests that are either abnormal,  
8 borderline abnormal, or uninterpretable, but, by  
9 itself, should not be used in a screening program.

11:39:40

10 And, I've provided a chart here to show  
11 you the, the cost of split BeLPTs for all workers,  
12 if the -- The first column in the chart of numbers  
13 indicates -- It's an illustration of a population  
14 that has about a 20-percent prevalence of  
15 sensitization in it, which, historically, none of  
16 the DOE facilities rose to that high level of  
17 sensitization.

11:40:01

18 It was usually somewhere between ten and  
19 15 percent. So, just on, on the wild end, I, I put  
20 20 in the, in the chart.

11:40:17

21 But, so, if you have a prevalence of 20  
22 sensitized workers per hundred, and you screened  
23 1,000 workers using one BLPT, you should find 200

1 workers who are sensitized.

2 If we do split tests, we know that if  
3 you do a split test you will pick up 20 percent  
4 more abnormal tests. So, the third line down shows  
5 if we do a split test in this population, then we  
6 would have found 240 sensitized workers our first  
7 time around in testing the group.

8 If we assume that the cost of the BeLPT  
9 is about \$270 a test, you can see the math is  
10 pretty simple. If you did -- If you tested 1,000  
11 workers one time, it would cost \$270,000.

12 If that first time you tested them all  
13 with split tests, it would cost you \$540,000.  
14 You'd have picked up 40 abnormals that you wouldn't  
15 have found otherwise.

16 And, so, the cost of each one of those  
17 40 abnormals would have cost you \$1,650 for each of  
18 those 40 extra tests. But, in fact, the reality  
19 for DOE today is the yellow column.

20 The prevalence per hundred workers is  
21 about .5 percent, which means if you screened 200  
22 workers, you might find one that is sensitized.  
23 So, again, working through the math, if you, if you

1 screened 1,000 workers with a .5 percent  
2 prevalence, you would find five workers who are  
3 sensitized.

11:42:00

4 If you did split tests on those 1,000  
5 workers, you'd find six, because 20 percent higher  
6 than five is six. So, basically, for that one  
7 extra test that you found that was abnormal, you  
8 will have paid \$270,000.

11:42:17

9 So, under the current prevalence level  
10 that is found in DOE facilities, it, it's, it  
11 doesn't seem monetarily prudent to require two  
12 tests. So, we, we do feel that split tests are  
13 appropriate, as I said before, as a follow-up test  
14 to an original test that's abnormal, a borderline

11:42:38

15 abnormal or unsatisfactory, or if there's a  
16 possibility that the, you're only ever going to see  
17 that worker one time, and you want to increase the  
18 possibility that, that you make sure to a higher  
19 level of certainty that that worker is not

11:42:52

20 sensitized.

21 We don't believe that the separate tests  
22 are appropriate in a regular program or in a low  
23 population of sensitized workers.

1 That's all.

2 MS. ROGERS: Thank you.

3 DR. CRAGLE: You're welcome.

4 MS. ROGERS: Okay. Anybody else get  
11:43:27 5 their nerve up?

6 (Whereupon, no response was had.)

7 MS. ROGERS: Donna shows you how it's  
8 done. Easy.

9 (Whereupon, no response was had.)

11:43:45 10 MS. ROGERS: Okay. It is now 11:48, and  
11 at this time we do not have any scheduled speakers.

12 This will conclude the Public Hearings  
13 for the Department of Energy's Notice of Proposed  
14 Rulemaking for 10 CFR 850, Chronic Beryllium  
11:28:48 15 Disease Prevention Program.

16 On behalf of the Department I would like  
17 to thank everyone for participating in this  
18 rulemaking process.

19 (Whereupon, the above matter was  
20 concluded.)

21 I certify the foregoing to be a  
22  
23

1 true transcript from my notes.

2 E-signature: D. I. Bunn

3 CSR CP RPR

4 CERTIFICATION

5 I, D. I. Bunn, a Registered  
6 Professional Reporter, Certified Conference  
7 Reporter, and Notary Public, do hereby certify that  
8 the foregoing testimony was duly taken and reduced  
9 to writing before me at the place and time therein  
10 mentioned. I further certify that I am neither  
11 related to any of the parties by blood or marriage,  
12 nor do I have any interest in the outcome of the  
13 above matter.

14 In witness whereof, I have hereunto set  
15 my hand and affixed my official seal, at Oak Ridge,  
16 Tennessee, USA, this 13th day of July, 2016.

17 E-signature: D. I. Bunn

18 Notary Public

19  
20 My Commission expires January 5, 2020.

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17                               12 July 2016  
18                               Oak Ridge, Tennessee USA

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19                               BUNN & ASSOCIATES  
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1 APPEARANCES:

2 JACQUELINE ROGERS  
3 Presiding Official  
4 Industrial Hygienist  
5 Office of Worker Safety and Health Policy  
6 U.S. Department of Energy  
7 1000 Independence Avenue  
8 Washington, D.C.  
9 USA  
10 PH

11 SPEAKERS:

12 None

13 ALSO PRESENT:

14 Not registered

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INTRODUCTIONS

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SPEAKERS:

1                                   BEFORE THE  
2                   UNITED STATES DEPARTMENT OF ENERGY  
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11   Avenue, Oak Ridge, Tennessee, USA, commencing on  
12   the 12th day of July, 2016, at 6:13 p.m. ET.

13                   Present: Jacqueline D. Rogers,  
14   Presiding Officer; Also present: Not registered.

15                   TRANSCRIPT OF PROCEEDINGS

16                   MS. ROGERS: Well, good evening, and  
17   welcome. I'm Jacqueline Rogers, an industry  
18   hygienist in the Office of Environment, Health,  
19   Safety, and Security.

09:01:56 20                   We have -- On behalf of the Department  
21   of Energy I'd like to thank you for taking the time  
22   to participate in this Public Hearing concerning  
23   the Notice of Proposed Rulemaking to amend the

1 current Beryllium Disease Prevention Program,  
2 particularly those of you who have traveled to be  
3 here. The purpose of this Hearing is to receive  
4 oral testimony from the public on the Department of  
5 Energy's Notice for the Chronic Beryllium Disease  
6 Prevention Program, 10 CFR 850.

7 Your comments are not only appreciated;  
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9 comments received here today, and those received  
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11 Department in the rulemaking process.

12 All written comments must be received by  
13 September 6, 2016, to ensure consideration by DOE.  
14 The address for sending comments is Jacqueline D.  
15 Rogers, U.S. Department of Energy, Docket Number AU  
16 dash-RN dash-11 dash-CDDPP, Mail Stop AU dash-11,  
17 1000 Independence Avenue Southwest, Washington,  
18 D.C., 20585.

19 Also, comments can be filed  
20 electronically [http: Backslash backslash](http://www.regulations.gov)  
21 [www.regulations.gov](http://www.regulations.gov), or e-mailed to  
22 [Rulemaking.850@hq.doe.gov](mailto:Rulemaking.850@hq.doe.gov), or e-mailed to  
23 [rulemaking.850@HQ.DOE.gov](mailto:rulemaking.850@HQ.DOE.gov).

1           As the presiding official for this  
2   Hearing I'd like to set forth the guidelines for  
3   conducting the Hearing, and provide other pertinent  
4   information. This is not an evidentiary or a  
18:09:16 5   judicial Hearing.

6           It will be conducted in accordance with  
7   the Administrative Procedures Act in Section 501 of  
8   the DOE Organizational Act to provide the  
9   Department with as much pertinent information and  
18:09:31 10   as many views as can reasonably be obtained, and to  
11   enable interested persons to express their views.

12           The Hearings will be conducted in  
13   accordance with the following procedures: Speakers  
14   will be called to testify in the order indicated on  
18:09:46 15   to Agenda. Speakers have been allotted ten minutes  
16   for their verbal statement.

17           Anyone can make an unscheduled oral  
18   statement after all scheduled speakers have  
19   delivered their statement. To do so, please submit  
18:10:00 20   your name to the Registration Desk -- And,  
21   Meredith's sitting in the back working the  
22   Registration Desk. -- before the conclusion of the  
23   last scheduled speaker.

1 And, at the conclusion of all  
2 presentations, if time permits, scheduled speakers  
3 who request to do so will be given the opportunity  
4 to make a rebuttal or clarifying statement. If you  
18:10:22 5 would like this opportunity, if available, please  
6 give your name to the person at the Registration  
7 Desk and indicate that you're making such a  
8 request.

9 Only members of the DOE Panel, and  
18:10:35 10 that's, I'm the only member of the DOE Panel  
11 conducting the Hearing, will be allowed to ask  
12 questions for the speaker. In approximately 30  
13 days a Transcript of this Hearing will be available  
14 for inspection and copying at the web site located  
18:10:51 15 at [http: Backslash backslash www.energy.doe.gov](http://backslash.backslash.www.energy.doe.gov)  
16 [backslash EHSS backslash chronic dash-beryllium](http://backslash.EHSS.backslash.chronic-dash-beryllium)  
17 [dash-disease dash-prevention dash-program dash-10](http://backslash.disease-dash-prevention-dash-program-dash-10)  
18 [dash-CF-, CFR dash-850](http://backslash.CF-.CFR-dash-850).

19 As mentioned earlier, the public comment  
18:11:21 20 period will close on September 6, 2016. All  
21 written comments received will be made available  
22 for public inspection at the Internet address I  
23 just gave.

1           Three copies of the comments are  
2 requested. If you have any questions concerning  
3 the submission of your comments, please contact me,  
4 Jacquelin Rogers, as 202-586-4714.

18:11:48

5           It is assumed that any information  
6 provided at this Hearing is public and will be  
7 included in the Record for the rulemaking. Any  
8 person submitting information that he or she  
9 believes to be confidential and exempt by law from

18:12:04

10 public disclosure should submit to the comment  
11 address I mentioned above a total of four copies of  
12 the information, one complete copy with the  
13 confidential information included, and three copies  
14 without the confidential information.

18:12:20

15           The Department of Energy will make its  
16 own determination in accordance with applicable  
17 procedures as to whether the information will be  
18 exempt from public disclosure.

18:12:34

19           We appreciate the time and effort you  
20 have taken in preparing your Statement, and are  
21 pleased to receive your comments. And, if I had a  
22 registered speaker, or an unscheduled speaker at  
23 this time, I would call that speaker to the podium

1 to make his or her statement.

2 Since I don't, I will wait until one  
3 shows up.

4 (Whereupon, at 6:12 p.m. ET, those  
5 present took a brief recess and returned, after  
6 which the following occurred:)

7 MS. ROGERS: It is now 6:45 at this time  
8 we do not have any scheduled speakers so we'll  
9 close the Public Hearing this will conclude the  
10 Public Hearing for the Department of Energy's  
11 Notice of Proposed Rulemaking for 10 CFR 850,  
12 Chronic Beryllium Disease Prevention Program.

13 On behalf of the Department I would like  
14 to thank everyone for participating in this  
15 rulemaking process.

16 (Whereupon, at 6:31 p.m. ET, the above  
17 Hearing was concluded.)

18 I certify the foregoing to be a  
19 true transcript from my notes.

20 E-signature: D. I. Bunn

21 CSR CP RPR

22 CERTIFICATION

23 I, D. I. Bunn, a Registered



1 Professional Reporter, Certified Conference  
2 Reporter, and Notary Public, do hereby certify that  
3 the foregoing testimony was duly taken and reduced  
4 to writing before me at the place and time therein  
5 mentioned. I further certify that I am neither  
6 related to any of the parties by blood or marriage,  
7 nor do I have any interest in the outcome of the  
8 above matter.

9 In witness whereof, I have hereunto set  
10 my hand and affixed my official seal, at Oak Ridge,  
11 Tennessee, USA, this 12th day of July, 2016.

12 E-signature: D. I. Bunn

13 Notary Public  
14

15 My Commission expires January 5, 2020.  
16  
17  
18  
19  
20  
21  
22  
23

BEFORE THE  
UNITED STATES DEPARTMENT OF ENERGY  
OFFICE OF ENVIRONMENT, HEALTH, SAFETY AND SECURITY  
TRANSCRIPT OF PROCEEDINGS  
PUBLIC HEARING  
IN RE: NOTICE OF PROPOSED RULEMAKING  
10 CFR 850  
CHRONIC BERYLLIUM DISEASE PREVENTION PROGRAM  
DOCKET Nbr. AU-RM-11-CBDPP

14 July 2016  
Oak Ridge, Tennessee USA

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1 APPEARANCES:

2 JACQUELINE ROGERS  
3 Presiding Official  
4 Industrial Hygienist  
5 Office of Worker Safety and Health Policy  
6 U.S. Department of Energy  
7 1000 Independence Avenue  
8 Washington, D.C.  
9 USA  
10 PH

11 SPEAKERS:

12 Dr. Donna Cragle  
13 Oak Ridge Associated Universities  
14  
15 Pamela Gray  
16 USW Representative  
17  
18 Robert Griffith  
19 USW Representative  
20  
21 Ashley Fitch  
22 USW Represenative  
23  
24 Daniel Reed  
25 ORNL Employee  
26  
27 Phillip Eddinger  
28 ORNL Employee

29 ALSO PRESENT:

30 Not registered  
31  
32  
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INTRODUCTIONS 4

SPEAKERS:

Pamela Gray 9

Robert Griffith 13

Ashley Fitch 17

Daniel Reed 26

Phillip Eddinger 27

1                                   BEFORE THE  
2                   UNITED STATES DEPARTMENT OF ENERGY  
3       OFFICE OF ENVIRONMENT, HEALTH, SAFETY AND SECURITY  
4                   TRANSCRIPT OF PROCEEDINGS  
5 PUBLIC HEARING IN RE: NOTICE OF PROPOSED  
6 RULEMAKING, 10 CFR 850: CHRONIC BERYLLIUM DISEASE  
7 PREVENTION PROGRAM DOCKET Nbr. AU-RM-11-CBDPP

7                   Public Hearing Comments were held  
8 pursuant to Notice at the Auditorium, Oak Ridge  
9 Associated Universities, State Department Room, The  
10 Pollard Technology Conference Center, 210 Badger  
11 Avenue, Oak Ridge, Tennessee, USA, commencing on  
12 the 14th day of July, 2016, at 9:00 a.m. ET.

13                   Present: Jacqueline D. Rogers,  
14 Presiding Officer; Also present: Not registered.

15                   TRANSCRIPT OF PROCEEDINGS

16                   MS. ROGERS: Well, good morning, and  
17 welcome. I'm Jacqueline Rogers, an industry  
18 hygienist in the Office of Environment, Health,  
19 Safety, and Security.

09:01:56

20                   We have -- On behalf of the Department  
21 of Energy I'd like to thank you for taking the time  
22 to participate in this Public Hearing concerning  
23 the Notice of Proposed Rulemaking to amend the

1 current Beryllium Disease Prevention Program. And,  
2 particularly I'd like to thank those of you who  
3 have traveled to be here.

09:02:16

4 The purpose of this Hearing is to  
5 receive oral testimony from public on the  
6 Department of Energy's Notice of Proposed  
7 Rulemaking for the Chronic Beryllium Disease  
8 Prevention Program, 10 CFR 850.

09:02:33

9 Your comments are not only appreciated;  
10 they are essential in developing a final Rule. The  
11 comments received here today, and those submitted  
12 during the written comment period which ends on  
13 September 6, 2016, will assist the Department in  
14 the rulemaking pro-, process.

09:02:49

15 As I said, all written comments must be  
16 received by September sixteenth, 2016, to assure  
17 consideration by DOE. The address for sending the  
18 comment is, comments are: Jacquelin Rogers, U.S.  
19 Department of Energy, Docket Number AU dash-11, I'm  
20 sorry, dash-RM dash-11 dash-CDDPP, Mail Stop AU  
21 dash-11, 1000 Independence Avenue, Southwest,  
22 Washington, D.C.; Zip Code 20585.

09:03:03

23 Also, can comments be filed

1 electronically at [http: Backslash backslash](http://Backslash.backslash)  
2 [www.regulations.gov](http://www.regulations.gov), or e-mailed to  
3 [Rulemaking.850@hq.doe.gov](mailto:Rulemaking.850@hq.doe.gov).

09:03:43 4 As the presiding official for this  
5 Hearing I would like to set forth the guidelines  
6 for conducting the Hearing, and provide other  
7 pertinent information. This is not an evidentiary  
8 or a judicial Hearing.

09:03:55 9 It will be conducted in accordance with  
10 the Administrative Procedures Act and Section 501  
11 of the DOE Organization Act to provide the  
12 Department with as much pertinent information as  
13 many of you can reasonably be obtained, and to  
14 enable interested persons to express their views.

09:04:13 15 The Hearings will be conducted in accordance with  
16 the following procedures:

17 Speakers will be called to testify in  
18 the order indicated on the Agenda. Speakers have  
19 been allotted ten minutes for their verbal  
09:04:27 20 statement.

21 Anyone can make an unscheduled oral  
22 statement after all scheduled speakers have  
23 delivered their statement. To do so, please submit

1 your name to the Registration Desk -- That's  
2 Meredith sitting at the back. -- before conclusion  
3 of the last speaker, scheduled speaker, and at the  
4 conclusion of all presentations, if time permits,  
09:03:57 5 and looks like we'll have a lot of time today,  
6 scheduled speakers who request to do so will be  
7 given the opportunity to make a rebuttal or  
8 clarifying statement.

9 If you would like this opportunity, if  
09:05:01 10 time is available, and it looks like we'll have a  
11 lot of time, please give your name to the person at  
12 the Registration Desk, and indicate that you are  
13 making such a request. Only members of the DOE  
14 Panel, and today I'm the only member of the Panel,  
09:05:13 15 conducting the Hearing will be allowed to ask  
16 questions of the speaker.

17 In approximately 30 days, a Transcript  
18 of this Hearing will be available for inspection  
19 and copying at the web site. The web site located  
09:05:29 20 at [http: Backslash backslash www.energy.doe.gov](http://www.energy.doe.gov)  
21 [backslash EHSS backslash chronic dash-beryllium](http://www.energy.doe.gov/EHSS/chronic-disease-prevention-program-10-dash-CF-)  
22 [dash-disease dash-prevention dash-program dash-10](http://www.energy.doe.gov/EHSS/chronic-disease-prevention-program-10-dash-CF-)  
23 [dash-CF-](http://www.energy.doe.gov/EHSS/chronic-disease-prevention-program-10-dash-CF-), CFR dash-80. Eight-fifty. I'm sorry.



1           As mentioned earlier, the public comment  
2 period will close on September 6, 2016. All  
3 written comments received will be made available  
4 for public inspection at the Internet address given  
09:06:05 5 a few minutes ago.

6           Three copies of the comments are  
7 requested. If you have any questions concerning  
8 the submission of comments, please contact me,  
9 Jacqueline Rogers, on 202-586-4714.

09:06:15 10           It is assumed that any information  
11 provided at this Hearing is public, and will be  
12 included in the Record for the rulemaking. Any  
13 person submitting information that he or she  
14 believes to be confidential and exempt by law from  
09:06:30 15 public disclosure should submit to the comment  
16 address I mentioned a total of four copies of the  
17 information, one complete copy with the  
18 confidential material included, and three copies  
19 with the con-, without the confidential  
09:06:46 20 information.

21           The Department of Energy will make its  
22 own determination in accordance with applicable  
23 procedures as to whether the information will be

1 exempt from public disclosure. We appreciate the  
2 time and the effort you have taken in preparing and  
3 presenting a Statement, and are pleased to receive  
4 your comments.

09:06:22

5 And, now, let me introduce the Panel.  
6 The Panel is me.

09:06:34

7 This would be the time that I would call  
8 the first speaker, but since we don't have a  
9 speaker, we'll just wait for one to register and  
10 I'll call them to the podium at that time.

11 (Whereupon, at 9:06 a.m. ET, remarks  
12 were made among those present, off the Record,  
13 after which, at 11:07 a.m. ET, the following  
14 occurred:)

09:47:28

15 MS. ROGERS: Now I will call the first  
16 speaker on the Agenda. For the Record I'm asking  
17 each speaker to state his or her name and whom you  
18 represent before making your statement.

11:07:29

19 Thank you. And, the first speaker is  
20 Pamela Gray.

21 COMMENTS BY PAMELA GRAY:

22 MS. GRAY: Good morning. All right.

23 I'm Pamela Gray. I'm representing the

1 USW.

2 I'm the Health and Safety contact for  
3 the workers out at the Technology Park. Health and  
4 safety at the facility is very complex and may  
5 become a difficult job to patrol all of the  
6 hazards, from serious exposures which are harmful  
7 to our health, and all the way to ergonomic issues.

8 We handle them all. Not just the USW,  
9 but several key players are important at the  
10 facility. However, since I'm heavily involved in  
11 health and safety I want to take an opportunity to  
12 describe the role that USW plays in safety and  
13 health.

14 There's one other advocate besides  
15 myself. He's up front today with us, Bobby  
16 Wilburn.

17 And, we raise safety and health  
18 concerns. We also attend meetings with Management  
19 about health and safety.

20 We help identify hazards in the field  
21 with the workers, and we believe that we're a voice  
22 for the workers concerning any health and safety  
23 issues. On top of those roles and responsibility,

1 I help provide health and safety training to  
2 workers at the Oak Ridge Center.

3 We actually have a class going on today.  
4 We offer training that provides the necessary tools  
11:09:32 5 for workers to work safely, not only at DOE sites,  
6 but all workplaces.

7 We offer classes such as the 40-hour  
8 hazwashing, hazwaterer refresher, ten-hour  
9 refresher, and hazard mapping. As a health and  
11:09:49 10 safety advocate and trainer, I know how it is on  
11 site, and to do our best to get them addressed.

12 In doing so, we use the method of  
13 hierarchy of controls to identify and fix the  
14 hazard. I'm sure everyone's familiar with that,  
11:10:05 15 but just as a matter of clarifying, first we  
16 address the hazard; then engineering control  
17 leading to administrative controls; and, finally,  
18 use PPE as our last line of defense.

19 With beryllium in mind, we know that a  
11:10:17 20 certain level of PPE is required to protect our  
21 workers, and I'm pleased to see the reduction in  
22 the exposure limit of beryllium. And, today  
23 they're, techniques exists (sic) that allows these

1 amounts to be detected.

2           There's no reason that workers should  
3 come to work with exposure limits that are about 15  
4 years old. Besides my role in safety and health, I  
5 do play another.

11:10:41

6           I'm a worker. And, although I'm  
7 speaking on behalf of the USW as a stakeholder, as  
8 a worker at ETTPI'm directly impacted by the  
9 revisions of the Rule, and probably the biggest  
10 stakeholder in this room.

11:10:57

11           I knew a young man who, unfortunately,  
12 died from exposure to beryllium, and he left behind  
13 a mother and two teenage children. I want to  
14 continue to do my part to protect workers, and I'm  
15 pleased to be here, and appreciate the USW for  
16 inviting me to speak.

11:11:10

17           Unfortunately, if it was not for my  
18 Union, I'd have never known that these Hearings  
19 were taking place this week. I hope that at future  
20 Hearings, all workers are made aware and have the  
21 opportunity to speak and provide input.

11:11:25

22           I'd also like to thank DOE for all the  
23 hard work that has been put into making this Rule,

1 and look forward to seeing the revisions adopted.

2 Thank you.

3 MS. ROGERS: Thank you, Pamela.

4 I can't read that far. The next speaker

11:11:56 5 is Bobby Griffith, Griffin.

6 COMMENTS BY ROBERT GRIFFITH:

7 MR. GRIFFITH: My name is Robert

8 Griffith. I am the -- I'm the -- My name's Robert

9 Griffith.

11:12:33 10 I'm Vice President of United Steel

11 Workers here in Oak Ridge, District 9, Local 2880.

12 I want to say good afternoon.

13 Thank you for the opportunity to speak

14 today. And, on behalf of United Steel Workers,

11:12:54 15 excuse me, of District 9, Local 208, 2880, I'd like

16 to welcome you to Oak Ridge.

17 I've been involved in United Steel

18 Workers for over 17 years, serving on many

19 different committees, and most recently been

11:13:11 20 elected as Vice President of the Local,

21 Representative of Oak Ridge.

22 As you heard from Pam, United Steel

23 Workers are very involved with health and, health,

1 health and safety, and not only at Oak Ridge, but  
2 many other DOE sites representing the USW. But,  
3 the USW is engaged beyond the training.

11:13:42 4 I also serve on, also serve on Atomic  
5 Energy Workers. Let me, to discuss the issues that  
6 are faced at all the DOE sites.

7 Exposure to beryllium is one of them.  
8 By that, by trade, I'm electrician-slash-instrument  
9 mechanic.

11:14:03 10 However, when I first started working at  
11 DOE, I was a laborer. This meant that I worked at  
12 all three sites, and, with that, based on  
13 assignment, assignments, I'm sure I was exposed to  
14 beryllium at some point.

11:14:35 15 I operated different machines, too. To  
16 continue issues that was raised, once I started as  
17 electrician-instrument mechanic, I've only worked  
18 at the K-25 site.

11:14:54 19 I worked on probably every, every one of  
20 the Oak Ridge sites during my employment, but I  
21 never exactly knew what I was working with,  
22 beryllium containment or not. Given this, what can  
23 ground, I was pleased to see that DOE is revising

1 the Chronic Beryllium Disease Defense Program.

2 But, reading through the document, there  
3 was some concerns. I'm going to let Ashley speak  
4 on the majority of these concerns.

11:15:24

5 I wanted to touch on a lack of training  
6 for beryllium workers, versus the, and associated  
7 beryllium workers. Training and education are  
8 important tools when working at DOE sites.

11:15:47

9 We have hazwater training with refresher  
10 rad tech training and many other OSHA training.  
11 For example, for example, workers.

12 Workers who work closely with asbestos  
13 are required to have specific training to make them  
14 aware of associated hazards and materials.

11:16:05

15 Beryllium, excuse me, beryllium exposure could  
16 affect the health of beryllium workers and  
17 associated beryllium workers.

11:16:28

18 The USW urges the DOE to implement  
19 stronger training and qualifications for each of  
20 these groups. This training should outline the  
21 hazards of working with beryllium, periods of  
22 exposure, proper use of controls, and PPE, safe  
23 handling of, of beryllium-containing materials, and



1 emergency cleanup training.

2 This training should also set forth  
3 guidelines that qualify workers as a beryllium  
4 worker, and be offered annually. Also, the  
11:16:58 5 training should be required to provide information  
6 on the Former Worker Health Protection Program, and  
7 with assistance with, and, with assistance, is  
8 available to workers who have been exposed to  
9 beryllium.

11:17:15 10 USW will provide more information on  
11 training in written comments. When I started at  
12 this site there was little to have been said about  
13 beryllium.

14 If a more comprehensive training was  
11:17:30 15 given when I started as, as a laborer, I probably,  
16 I would have thought twice about some of the areas  
17 I worked in, and let's say I'm very -- I'm, I'm one  
18 of the lucky ones. Throughout the years I've seen  
19 many of my coworkers become sick from exposure.

11:17:51 20 The Former Worker Health Protection  
21 Program have (sic) been identified some of my  
22 coworkers as sensitive to beryllium. I hope that  
23 implementing stricter training requirements, and by

1 adopting revisions of the proposed Rule, persons  
2 will have better understanding of what they, what  
3 they are working with and how to protect  
4 themselves.

11:18:16

5 Thank you.

6 MS. ROGERS: Thank you.

7 Ashley Fitch.

8 COMMENTS BY ASHLEY FITCH:

9 Let me make sure -- I think the -- Okay.

11:18:38

10 All right.

11 Good afternoon. My name's Ashley Fitch,  
12 F-i-t-c-h, from the United Steel Workers Health  
13 Safety and Health Department, and I'm very happy to  
14 join you this evening.

11:18:52

15 It's been a long week, so I appreciate  
16 everybody waiting until Thursday. As I said, we've  
17 had a class scheduled, so that's kind of why we  
18 wanted to stick with the Thursday date.

11:19:05

19 So, I appreciate everybody still being  
20 here, and I appreciate the DOE for all of the hard  
21 work that's gone into developing this revision, as  
22 well as all of the continued work that's still yet  
23 to do.

1           So, just for background purposes, the  
2   United Steel Workers represent workers at various  
3   sites for the Department of Energy. I've listed  
4   the sites on the screen here.

11:19:24

5           And, a majority of these sites we do the  
6   activities that Pamela kind of spoke about. We're  
7   very engaged in the safety, safety reps at the  
8   facility, so we're very involved, and we try to  
9   stay very involved throughout all DOE sites.

11:19:44

10          Yet, again, we're going to provide some  
11   comments on some of the revisions to the Rule,  
12   however, in the, at the D.C. Hearing, and also in  
13   written comments we will, we'll, we'll discuss the  
14   Rule as a whole, and the provisions that I am not  
15   discussing today.

11:19:59

16          Please don't think that since some of  
17   the provision are not discussed in the presentation  
18   today that we don't have some comments rather for  
19   or against them. So, first I would like to talk  
20   about the medical screening for conditionally hired  
21   beryllium workers.

11:20:16

22          Within the proposed rulemaking the DOE  
23   found to have BeLS and CBD or another medical

1 condition for which exposure to beryllium at or  
2 above the action level would be contradicted is not  
3 entitled to any protection of, of that employment  
4 if the employer determines that they cannot find  
5 another placement for the conditionally hired  
6 beryllium worker.

7 This condition is likely to do much harm  
8 for the workers if hired to work like that.

9 Although not many workers fall in this category,  
10 maybe one percent, anyone who does, and has likely  
11 developed BeLS from beryllium work at any DOE site  
12 for, well, for contractors paid by the DOE will not  
13 benefit from any of the medical tests for  
14 beryllium.

15 Inevitably, if there's not a job when  
16 they leave their, like, a construction trade to  
17 come on, like, a contractor, that greatly concerns  
18 us to the benefits to the workers who ultimately  
19 contracted this disease by working at a DOE site.

20 For the DOE to adopt the condition of  
21 conditional employment causes undue burdensome  
22 (sic) to workers who have developed BeLS. First,  
23 the DOE is abandoning those workers who, who

1 contracted this disease while working at DOE.

2 Second, it's creating a system in which  
3 workers are no longer able to perform the tasks and  
4 specific skills that they have learned in this area  
11:21:47 5 to continue employment. So, even if priors, even  
6 if the workers' prior exposures occurred, occurred  
7 while they were employed, while employed by other  
8 contractors, the problems were created by DOE.

9 Their work was funded by DOE, and DOE  
11:22:04 10 should, therefore, take responsibility for it, and,  
11 and address adverse the adverse health effects from  
12 the work that they, the, from the diseases that  
13 they incurred from working at the site.

14 The D-, the USW notes that the DOE did  
11:22:15 15 propose an alternative in the provision. However,  
16 I'm unable to comment on the thoughts of that  
17 provision or what recommendations the USW would  
18 have to change the conditionally hired beryllium  
19 worker subject.

11:22:31 20 Secondly, I'd like to touch base on the  
21 site occupational medical doctor. There, there  
22 seems to be a lot of gray language, and the USW is  
23 seeking some clarification from DOE on the roles

1 and the responsibilities of the SOMD.

2 And, briefly, in the, in the proposed  
3 Rule, the SOMD's responsible, responsibility  
4 includes establishment and monitoring medical  
11:22:57 5 surveillance programs, including deciding, and this  
6 is subsection, Subsection F, any other tests deemed  
7 appropriate by the SOMD for evaluating  
8 beryllium-induced medical conditions in making  
9 determinations about medical fitness of work.

11:23:14 10 These determinations include another  
11 medical condition which exposure to beryllium at or  
12 above the action level cannot be contradicted.  
13 This allows the SOMDs freedom in choice when  
14 deciding what medical tests are to be performed,  
11:23:31 15 how, and how to interpret them.

16 Within the Rule, the DOE highlights the  
17 fact that the SOMD has judgement as an economic  
18 benefit. Just for example, the process includes  
19 language that allows the SOMD to apply discretion  
11:23:44 20 to another medical condition for which exposure to  
21 beryllium at or above the action level would be  
22 contradicted.

23 This means that it could be anything

1 that comes into the mind of the SOMD or, or the  
2 medical provider, and this is not, this is clearly  
3 unacceptable and needs to be clarified for what the  
4 provisions of what this medical examination or  
5 surveillance is going to include.

11:24:05

6 The second issue that I would like to  
7 address the, with the SOMD is exactly who the SOMD  
8 is. In the "Definitions" portion, the SOMD, I  
9 mean, the DOE defines the SOMD to, to an extent, so  
10 I'm not going to repeat that definition verbatim.

11:24:23

11 However, it implies the, the SOMD is  
12 the, is the medical director for the entire site of  
13 the DOE, someone who is selected, someone who is  
14 selected by the DOE. However, if you look within  
15 the "Medical Surveillance" section of the Proposal,  
16 it reads employers must designate an SOMD who is  
17 responsible for administering the medical  
18 surveillance program.

11:24:38

19 This, in, in our view, contradicts the  
20 definition of the SOMD, and leaves it open for  
21 multiple contractors to have their own specific  
22 SOMD. The USW agrees with the definition of having  
23 an SOMD that is selected by DOE, and not selected

11:24:51

1 by contractors.

2 So, we urge for some clarity on what  
3 type of SOMD, and what an SOMD is, or who the SOMD  
4 is selected by.

11:25:18

5 I think this is my last one. The third  
6 thing I was, wanted to touch on was the mandatory  
7 removal and protection benefits. The -- We're very  
8 concerned about how this is going to be used, so we  
9 agree that the benefits of the medical removal  
10 protection are needed to protect workers.

11:25:35

11 We are a very strong advocate for that.  
12 However, the complexities of these areas are going  
13 beyond, goes beyond the simple blood test.

11:25:50

14 There needs to be a complex evaluation  
15 structured, structured and implemented to ensure  
16 workers, workers' removal and benefits are not  
17 solely relied upon one SOMD's interpretation,  
18 whoever, whomever the SOMD is selected by.

11:26:03

19 There needs to be a broader decision  
20 base to make sure that what the current worker's  
21 doing now, what, what the work looks like in the  
22 next quarter. There just -- We're very concerned  
23 about it coming down onto a simple blood test,



1 which is inevitably the, the work of the people of  
2 this community.

3 So, -- And, then, just in short, to  
4 touch on some of the other provisions in the  
11:26:24 5 proposed Rule, as always, we think that the DOE  
6 should adopt revisions that protect workers,  
7 whether this be through the medical removal  
8 protection or the mandatory medical screening.

9 The DOE should adopt clearer definitions  
11:26:39 10 that do not allow vague interpretations of the  
11 Rule. And, this is specifically referring to the  
12 jobs that are outlined for a beryllium worker  
13 versus a beryllium-associated worker.

14 If there could be some Appendix, or some  
11:26:54 15 clarification on how contractors are supposed to  
16 deem one versus the other, since benefits,  
17 mandatory benefits or voluntary benefits are based  
18 upon those two groups.

19 The DOE should implement strong training  
11:27:10 20 requirements for beryllium and beryllium-associated  
21 workers. And, I think that Bobby touched on that  
22 earlier.

23 And, then, the last two points, the DOE

1 should continue to honor the worker privacy and  
2 have medical records shared with the worker, and  
3 not directly with the SOMD, which is currently how  
4 the, how the former, well, the, the beryllium  
11:27:31 5 results are shared now with workers.

6 And, the DOE should provide clarity on  
7 the release and transfer criteria. The notes I had  
8 for that one was in a release and transfer  
9 criteria, it appears to be open to great  
11:27:46 10 discretion.

11 There is certain provisions for what is  
12 normally inaccessible, what is, what is a hard term  
13 substance. This creates a lot of leeway.

14 And, I think -- And, it would be nice to  
11:27:59 15 see if, some clarity on these, rather than in an  
16 Appendix or within the regulatory text.

17 Thank you very much.

18 MS. ROGERS: Thank you. Thank you.

19 Okay, we had three people to show you  
11:28:26 20 how to do it. We'll beg again today.

21 Anybody else want to make a statement?

22 MR. REED: I'd like to make a statement.

23 MS. ROGERS: For the Record, will you

1 state your name and whom you are representing?

2 COMMENTS BY DANIEL REED:

3 MR. REED: Okay. For the Record, my  
4 name is Daniel Reed. I am a (sic) employee at  
5 Y-12.

6 Been there for 35 years. I am a (sic)  
7 IM Machinist. I also teach hazwater.

8 I am the Cochair of the Beryllium  
9 Support Group in Y-12. I do not have a  
10 presentation like the Steel Workers, and for the  
11 fact is I'm going to tell you I'm not up here  
12 representing the Support Group.

13 I'm not representing the Unions. I  
14 ain't supporting anything about trans-stuff.

15 When we talk about -- When you brought  
16 up the thing about being DOE, and the two-year  
17 removal, it is my opinion it is DOE's  
18 responsibility for taking care of the employee that  
19 they inadvertently, their contractors exposed these  
20 employees to.

21 They shouldn't be left to, "Well, we're  
22 going to save more money doing this or that." It  
23 should be left up -- It's their responsibility.

1                   And, from what I've read on the  
2 Standards, and the changes and stuff, only thing I  
3 can ask is this: If, in your heart, that you can  
4 set (sic) there and say, "This is the best for the  
11:30:16 5 employees," the people of the United States, that  
6 you can say, "This is the best for that, and it's  
7 not a benefit for the Contractor to save money, or  
8 for DOE, DOE to save money," then pass these  
9 changes and stuff.

11:30:33 10                   But, if you can't say that in your  
11 heart, then don't pass it. Thank you.

12                   MS. ROGERS: Thank you.

13                   Anyone else?

14                   For the Record, could you state your  
11:30:56 15 name and who you represent?

16 COMMENTS BY PHILLIP EDDINGER:

17                   MR. EDDINGER: For the Record, my name's  
18 Philip Eddinger. I'm -- I represent the USW.

19                   I'm a USW health and safety ad guy, not  
11:31:10 20 a Health and Safety. I'm, came, I'm a (sic)  
21 instructor. I teach hazwater, eight-hour  
22 refresher, and several other classes at the Union  
23 hall.

1           We don't just them for the USA. We  
2    teach them for any, anybody in the public that  
3    actually wants to come in and learn the industrial  
4    hazards that are out there.

11:31:30

5           What I want to tell you is a story,  
6   small story that I can tell today, that it's real  
7   simple in these DOE facilities to accidentally be  
8   exposed to beryllium. I've worked on a K-25 dig as  
9   a laborer little over seven years ago, and seven  
10   years ago we dug a hole right next to the K-25

11:31:48

11 complex that cut a simple waterline prior to them  
12 destroying the K-25 building and tearing it down.

13                   We dug a hole. Actually, the group the  
14   day prior to that dug a hole, dug down about six  
15   feet, and on a bucket coming, backhoe bucket coming  
16   out, a laborer, who just so happened to be a radcon  
17   technician prior to becoming a laborer, spotted  
18   something.

11:32:08

19                   And, normally that, he kind of knew what  
20    it might have been.  He had a Radcon come over and  
21    scan that particular piece of equipment as the  
22    backhoe bucket came out.

11:32:22

23 Radcon scanned it, found out that it was

1 hot, and upon further investigation, they found a  
2 beryllium compressor blade that came out of the  
3 K-25 complex.

11:32:45

4 Nobody knew how it got there. Just  
5 miraculously there's a contaminated piece of  
6 equipment laying (sic) in a hole.

11:32:58

7 After further investigation, they found  
8 out that hole had been dug several years earlier  
9 during the use of K-25 back in the '80s, when K-25  
10 was actually in process at that time. And,  
11 apparently, a worker just came through, had a piece  
12 of beryllium, didn't know what to do with it;  
13 somehow got chucked in the hole.

11:33:10

14 Well, if it's that easy to find a piece  
15 of beryllium floating around on the K-25 complex,  
16 there's no telling in those other particular  
17 locations where beryllium's going to be located if  
18 somebody way back when had a notion to pitch it in  
19 a hole or stick it under a piece of equipment  
20 because they didn't know what to do with it.

11:33:30

21 That's where it's going to be. Luckily,  
22 when I got to the hole they'd already, they'd  
23 already taken control of it.

1                   And, that piece was a, a -- But, if I'd  
2   have been on that particular dig that day, I might  
3   have been exposed to it, okay? And, still, to this  
4   day, I don't know if I've been exposed to anything  
11:33:54 5   or not.

6                   But, thankfully, we have screenings to  
7   tell me that. So, thanks to DOE for, for taking  
8   this up and actually passing it forward.

9                   But, please take our recommendations to  
11:34:01 10   heart, because we mean for the worker. We want to  
11   take care of the worker, because anybody can be  
12   exposed.

13                   Doesn't matter what you're doing.  
14   Subcontractor, contractor, a DOE oversight person  
11:34:17 15   that's walking through an area might get exposed.  
16   Could be anybody.

17                   Thank you.

18                   MS. ROGERS: Anyone else?

19                   (Whereupon, no response was had.)

11:34:39 20                   MS. ROGERS: Don't everybody speak at  
21   the same time. Don't raise your hand at the same  
22   time. Anybody else?

23                   (Whereupon, no response was had.)

1 MS. ROGERS: Nobody? Okay, I'll wait.

2 Okay, this is your -- We're here, only  
3 here tonight. This is your last opportunity to  
4 tell OD-, DOE that we got it right or we got it  
11:35:27 5 wrong.

6 They made it real easy for you. We had  
7 four or five people.

8 Come on, people. Going once.

9 Okay, then if I couldn't twist anybody  
11:36:10 10 else's arms, it is now 11:40, and at this time we  
11 do not have any scheduled or unscheduled speakers,  
12 and this will conclude the public Hearings for the  
13 Department of Energy's Notice of Proposed  
14 Rulemaking for 10 CFR 850, Chronic Beryllium  
11:36:29 15 Disease Program.

16 On behalf of the Department, I would  
17 like to thank everyone for participating in this  
18 rulemaking process. Makes our job a little easier.

19 And, I do appreciate your comments.

11:36:40 20 Thank you.

21 We'll be back today from 6:00 to 9:00.

22 (Whereupon, at 11:38 a.m. ET, the above  
23 matter was concluded.)



1 I certify the foregoing to be a  
2 true transcript from my notes.

3 E-signature: D. I. Bunn

4 CSR CP RPR

5 CERTIFICATION

6 I, D. I. Bunn, a Registered  
7 Professional Reporter, Certified Conference  
8 Reporter, and Notary Public, do hereby certify that  
9 the foregoing testimony was duly taken and reduced  
10 to writing before me at the place and time therein  
11 mentioned. I further certify that I am neither  
12 related to any of the parties by blood or marriage,  
13 nor do I have any interest in the outcome of the  
14 above matter.

15 In witness whereof, I have hereunto set  
16 my hand and affixed my official seal, at Lusk,  
17 Wyoming, USA, this 16th day of July, 2016.

18 E-signature: D. I. Bunn

19 Notary Public

20  
21 My Commission expires January 5, 2020.

22

23

BEFORE THE  
UNITED STATES DEPARTMENT OF ENERGY  
OFFICE OF ENVIRONMENT, HEALTH, SAFETY AND SECURITY  
TRANSCRIPT OF PROCEEDINGS  
PUBLIC HEARING

IN RE: NOTICE OF PROPOSED RULEMAKING

10 CFR 850  
CHRONIC BERYLLIUM DISEASE PREVENTION PROGRAM

DOCKET Nbr. AU-RM-11-CBDPP

14 July 2016  
Oak Ridge, Tennessee USA

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1 APPEARANCES:

2 JACQUELINE ROGERS  
3 Presiding Official  
4 Industrial Hygienist  
5 Office of Worker Safety and Health Policy  
6 U.S. Department of Energy  
7 1000 Independence Avenue  
8 Washington, D.C.  
9 USA  
10 PH

11 SPEAKERS:

12 Dr. Donna Cragle  
13 Oak Ridge Associated Universities

14 ALSO PRESENT:

15 Not registered  
16  
17  
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19  
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## I N D E X

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INTRODUCTIONS

4

SPEAKERS:

1                                   BEFORE THE  
2                   UNITED STATES DEPARTMENT OF ENERGY  
3       OFFICE OF ENVIRONMENT, HEALTH, SAFETY AND SECURITY  
4                   TRANSCRIPT OF PROCEEDINGS  
5       PUBLIC HEARING IN RE: NOTICE OF PROPOSED  
6       RULEMAKING, 10 CFR 850: CHRONIC BERYLLIUM DISEASE  
      PREVENTION PROGRAM DOCKET Nbr. AU-RM-11-CBDPP

7                   Public Hearing Comments were held  
8       pursuant to Notice at the Auditorium, Oak Ridge  
9       Associated Universities, State Department Room, The  
10      Pollard Technology Conference Center, 210 Badger  
11      Avenue, Oak Ridge, Tennessee, USA, commencing on  
12      the 14th day of July, 2016, at 6:00 p.m. ET.

13                  Present: Jacqueline D. Rogers,  
14      Presiding Officer; Also present: Not registered.

15                   TRANSCRIPT OF PROCEEDINGS

16                  MS. ROGERS: Well, good evening, and  
17      welcome. I'm Jacqueline Rogers, an industry  
18      hygienist in the Office of Environment, Health,  
19      Safety, and Security.

09:01:56

20                  We have -- On behalf of the Department  
21      of Energy I'd like to thank you for taking the time  
22      to participate in this Public Hearing concerning  
23      the Notice of Proposed Rulemaking to amend the

1 current Beryllium Disease Prevention Program. And,  
2 particularly I'd like to thank those of you who  
3 have traveled to be here.

09:02:16

4 The purpose of this Hearing is to  
5 receive oral testimony from public on the  
6 Department of Energy's Notice of Proposed  
7 Rulemaking for the Chronic Beryllium Disease  
8 Prevention Program, 10 CFR 850.

09:02:33

9 Your comments are not only appreciated;  
10 they are essential in developing a final Rule. The  
11 comments received here today, and those submitted  
12 during the written comment period which ends on  
13 September 6, 2016, will assist the Department in  
14 the rulemaking pro-, process.

09:02:49

15 As I said, all written comments must be  
16 received by September sixteenth, 2016, to assure  
17 consideration by DOE. The address for sending the  
18 comment is, comments are: Jacquelin Rogers, U.S.  
19 Department of Energy, Docket Number AU dash-11, I'm  
20 sorry, dash-RM dash-11 dash-CDDPP, Mail Stop AU  
21 dash-11, 1000 Independence Avenue, Southwest,  
22 Washington, D.C.; Zip Code 20585.

09:03:03

23 Also, can comments be filed

1 electronically at [http: Backslash backslash](http://Backslash%20backslash)  
2 [www.regulations.gov](http://www.regulations.gov), or e-mailed to  
3 [Rulemaking.850@hq.doe.gov](mailto:Rulemaking.850@hq.doe.gov).

09:03:43

4 As the presiding official for this  
5 Hearing I would like to set forth the guidelines  
6 for conducting the Hearing, and provide other  
7 pertinent information. This is not an evidentiary  
8 or a judicial Hearing.

09:03:55

9 It will be conducted in accordance with  
10 the Administrative Procedures Act and Section 501  
11 of the DOE Organization Act to provide the  
12 Department with as much pertinent information as  
13 many of you can reasonably be obtained, and to  
14 enable interested persons to express their views.

09:04:13

15 The Hearings will be conducted in accordance with  
16 the following procedures:

09:04:27

17 Speakers will be called to testify in  
18 the order indicated on the Agenda. Speakers have  
19 been allotted ten minutes for their verbal  
20 statement.

21 Anyone can make an unscheduled oral  
22 statement after all scheduled speakers have  
23 delivered their statement. To do so, please submit

1 your name to the Registration Desk -- That's  
2 Meredith sitting at the back. -- before conclusion  
3 of the last speaker, scheduled speaker, and at the  
4 conclusion of all presentations, if time permits,  
09:03:57 5 and looks like we'll have a lot of time today,  
6 scheduled speakers who request to do so will be  
7 given the opportunity to make a rebuttal or  
8 clarifying statement.

9 If you would like this opportunity, if  
09:05:01 10 time is available, and it looks like we'll have a  
11 lot of time, please give your name to the person at  
12 the Registration Desk, and indicate that you are  
13 making such a request. Only members of the DOE  
14 Panel, and today I'm the only member of the Panel,  
09:05:13 15 conducting the Hearing will be allowed to ask  
16 questions of the speaker.

17 In approximately 30 days, a Transcript  
18 of this Hearing will be available for inspection  
19 and copying at the web site. The web site located  
09:05:29 20 at [http: Backslash backslash www.energy.doe.gov](http://www.energy.doe.gov)  
21 backslash EHSS backslash chronic dash-beryllium  
22 dash-disease dash-prevention dash-program dash-10  
23 dash-CF-, CFR dash-80. Eight-fifty. I'm sorry.



1           As mentioned earlier, the public comment  
2 period will close on September 6, 2016. All  
3 written comments received will be made available  
4 for public inspection at the Internet address given  
09:06:05 5 a few minutes ago.

6           Three copies of the comments are  
7 requested. If you have any questions concerning  
8 the submission of comments, please contact me,  
9 Jacqueline Rogers, on 202-586-4714.

09:06:15 10           It is assumed that any information  
11 provided at this Hearing is public, and will be  
12 included in the Record for the rulemaking. Any  
13 person submitting information that he or she  
14 believes to be confidential and exempt by law from  
09:06:30 15 public disclosure should submit to the comment  
16 address I mentioned a total of four copies of the  
17 information, one complete copy with the  
18 confidential material included, and three copies  
19 with the con-, without the confidential  
09:06:46 20 information.

21           The Department of Energy will make its  
22 own determination in accordance with applicable  
23 procedures as to whether the information will be

1 exempt from public disclosure. We appreciate the  
2 time and the effort you have taken in preparing and  
3 presenting a Statement, and are pleased to receive  
4 your comments.

09:06:22

5 And, now, let me introduce the Panel.  
6 The Panel is me.

09:06:34

7 This would be the time that I would call  
8 the first speaker, but since we don't have a  
9 speaker, we'll just wait for one to register and  
10 I'll call them to the podium at that time.

11 (Whereupon, remarks were made among  
12 those present, off the Record, after which, at 6:30  
13 p.m. ET, the following occurred:)

12:04:15

14 MS. ROGERS: It is now 6:30. At this  
15 time we do not have any scheduled speakers so we'll  
16 close the Public Hearing this will conclude the  
17 Public Hearing for the Department of Energy's  
18 Notice of Proposed Rulemaking for 10 CFR 850,  
19 Chronic Beryllium Disease Prevention Program.

11:28:49

20 On behalf of the Department I would like  
21 to thank everyone for participating in this  
22 rulemaking process.

23 (Whereupon, at 6:31 p.m. ET, the above

1     Hearing was concluded.)

2                     I certify the foregoing to be a  
3                     true transcript from my notes.

4                     E-signature: D. I. Bunn

5                     CSR   CP   RPR

6                     CERTIFICATION

7                     I, D. I. Bunn, a Registered  
8     Professional Reporter, Certified Conference  
9     Reporter, and Notary Public, do hereby certify that  
10    the foregoing testimony was duly taken and reduced  
11    to writing before me at the place and time therein  
12    mentioned. I further certify that I am neither  
13    related to any of the parties by blood or marriage,  
14    nor do I have any interest in the outcome of the  
15    above matter.

16                    In witness whereof, I have hereunto set  
17    my hand and affixed my official seal, at Oak Ridge,  
18    Tennessee, USA, this 14th day of July, 2016.

19                    E-signature: D. I. Bunn

20                    Notary Public

21  
22    My Commission expires January 5, 2020.

23

BEFORE THE  
UNITED STATES DEPARTMENT OF ENERGY  
OFFICE OF ENVIRONMENT, HEALTH, SAFETY AND SECURITY  
TRANSCRIPT OF PROCEEDINGS  
PUBLIC HEARING  
IN RE: NOTICE OF PROPOSED RULEMAKING  
10 CFR 850  
CHRONIC BERYLLIUM DISEASE PREVENTION PROGRAM  
DOCKET Nbr. AU-RM-11-CBDPP

15 July 2016  
Oak Ridge, Tennessee USA

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1 APPEARANCES:

2 JACQUELINE ROGERS  
3 Presiding Official  
4 Industrial Hygienist  
5 Office of Worker Safety and Health Policy  
6 U.S. Department of Energy  
7 1000 Independence Avenue  
8 Washington, D.C.  
9 USA  
10 PH

11 SPEAKERS:

12 None

13 ALSO PRESENT:

14 Not registered

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1                                   BEFORE THE  
2                   UNITED STATES DEPARTMENT OF ENERGY  
3       OFFICE OF ENVIRONMENT, HEALTH, SAFETY AND SECURITY  
4                   TRANSCRIPT OF PROCEEDINGS  
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8       pursuant to Notice at the Auditorium, Oak Ridge  
9       Associated Universities, State Department Room, The  
10      Pollard Technology Conference Center, 210 Badger  
11      Avenue, Oak Ridge, Tennessee, USA, commencing on  
12      the 15th day of July, 2016, at 9:05 a.m. ET.

13                  Present: Jacqueline D. Rogers,  
14      Presiding Officer; Also present: Not registered.

15                   TRANSCRIPT OF PROCEEDINGS

16                  MS. ROGERS: Well, good morning, and  
17      welcome. I'm Jacqueline Rogers, an industry  
18      hygienist in the Office of Environment, Health,  
19      Safety, and Security.

09:01:56 20                  On behalf of the Department of Energy  
21      I'd like to thank you for taking the time to  
22      participate in this Public Hearing concerning the  
23      Notice of Proposed Rulemaking to amend the current

1 Beryllium Disease Prevention Program. And,  
2 particularly I'd like to thank those of you who  
3 have traveled to be here.

09:02:16

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5 receive oral testimony from public on the  
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7 Rulemaking for the Chronic Beryllium Disease  
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19 Department of Energy, Docket Number AU dash-RM  
20 dash-11 dash-CDDPP, Mail Stop AU dash-11, 1000  
21 Independence Avenue, Southwest, Washington, D.C.;  
22 Zip Code 20585.

09:03:04

23 Also, can comments be filed



1 electronically at [http: Backslash backslash](http://Backslash%20backslash)  
2 [www.regulations.gov](http://www.regulations.gov), or e-mailed to  
3 [Rulemaking.850@hq.doe.gov](mailto:Rulemaking.850@hq.doe.gov).

09:03:43

4 As the presiding official for this  
5 Hearing I would like to set forth the guidelines  
6 for conducting the Hearing, and provide other  
7 pertinent information. This is not an evidentiary  
8 or a judicial Hearing.

09:03:55

9 It will be conducted in accordance with  
10 the Administrative Procedures Act and Section 501  
11 of the DOE Organization Act to provide the  
12 Department with as much pertinent information as  
13 many of you can reasonably be obtained, and to  
14 enable interested persons to express their views.

09:04:13

15 The Hearings will be conducted in accordance with  
16 the following procedures:

09:04:27

17 Speakers will be called to testify in  
18 the order indicated on the Agenda. Speakers have  
19 been allotted ten minutes for their verbal  
20 statement.

21 Anyone can make an unscheduled oral  
22 statement after all scheduled speakers have  
23 delivered their statement. To do so, please submit

1 your name to the Registration Desk before  
2 conclusion of the last speaker, scheduled speaker,  
3 and at the conclusion of all presentations, if time  
4 permits, and looks like we'll have a lot of time  
09:04:00 5 today, scheduled speakers who request to do so will  
6 be given the opportunity to make a rebuttal or  
7 clarifying statement.

8 If you would like this opportunity, if  
9 time is available, and it looks like we'll have a  
09:05:02 10 lot of time, please give your name to the person at  
11 the Registration Desk, and indicate that you are  
12 making such a request. Only members of the DOE  
13 Panel conducting the Hearing will be allowed to ask  
14 questions of the speaker.

09:05:17 15 In approximately 30 days, a Transcript  
16 of this Hearing will be available for inspection  
17 and copying at the web site. The web site located  
18 at [http: Backslash backslash www.energy.doe.gov](http://www.energy.doe.gov/EHSS/chronic-dash-beryllium-dash-disease-dash-prevention-dash-program-dash-10-dash-CF-)  
19 [backslash EHSS backslash chronic dash-beryllium](http://www.energy.doe.gov/EHSS/chronic-dash-beryllium-dash-disease-dash-prevention-dash-program-dash-10-dash-CF-)  
09:05:40 20 [dash-disease dash-prevention dash-program dash-10](http://www.energy.doe.gov/EHSS/chronic-dash-beryllium-dash-disease-dash-prevention-dash-program-dash-10-dash-CF-)  
21 [dash-CF-](http://www.energy.doe.gov/EHSS/chronic-dash-beryllium-dash-disease-dash-prevention-dash-program-dash-10-dash-CF-), CFR dash-80. Eight-fifty. I'm sorry.

22 As mentioned earlier, the public comment  
23 period will close on September 6, 2016. All

1 written comments received will be made available  
2 for public inspection at the Internet address given  
3 a few minutes ago.

09:06:07

4 Three copies of the comments are  
5 requested. If you have any questions concerning  
6 the submission of comments, please contact me,  
7 Jacqueline Rogers, on 202-586-4714.

09:06:19

8 It is assumed that any information  
9 provided at this Hearing is public, and will be  
10 included in the Record for the rulemaking. Any  
11 person submitting information that he or she  
12 believes to be confidential and exempt by law from  
13 public disclosure should submit to the comment  
14 address I mentioned a total of four copies of the  
15 information, one complete copy with the  
16 confidential material included, and three copies  
17 with the con-, without the confidential  
18 information.

09:06:38

09:06:56

19 The Department of Energy will make its  
20 own determination in accordance with applicable  
21 procedures as to whether the information will be  
22 exempt from public disclosure. We appreciate the  
23 time and the effort you have taken in preparing and

1 presenting a Statement, and are pleased to receive  
2 your comments.

3 This would be the time that I would call  
4 the first speaker, but since we don't have a  
09:06:28 5 speaker, we'll just wait for one to register and  
6 I'll call them to the podium at that time.

7 (Whereupon, at 9:17 a.m. ET, remarks  
8 were made among those present, off the Record,  
9 after which, at 11:48 a.m. ET, the following  
09:06:34 10 occurred:)

11 MS. ROGERS: Okay. It is now 11:48, and  
12 at this time we do not have any scheduled speakers.

13 This will conclude the Public Hearings  
14 for the Department of Energy's Notice of Proposed  
11:43:57 15 Rulemaking for 10 CFR 850, Chronic Beryllium  
16 Disease Prevention Program.

17 On behalf of the Department I would like  
18 to thank everyone for participating in this  
19 rulemaking process.

20 (Whereupon, the above matter was  
21 concluded.)

22 I certify the foregoing to be a  
23

1

2

true transcript from my notes.

3

E-signature: D. I. Bunn

4

CSR CP RPR

5

CERTIFICATION

6

I, D. I. Bunn, a Registered

7

Professional Reporter, Certified Conference

8

Reporter, and Notary Public, do hereby certify that

9

the foregoing testimony was duly taken and reduced

10

to writing before me at the place and time therein

11

mentioned. I further certify that I am neither

12

related to any of the parties by blood or marriage,

13

nor do I have any interest in the outcome of the

14

above matter.

15

In witness whereof, I have hereunto set

16

my hand and affixed my official seal, at Oak Ridge,

17

Tennessee, USA, this 15th day of July, 2016.

18

E-signature: D. I. Bunn

19

Notary Public

20

21

My Commission expires January 5, 2020.

22

23

1                                   BEFORE THE  
2                   UNITED STATES DEPARTMENT OF ENERGY  
3       OFFICE OF ENVIRONMENT, HEALTH, SAFETY AND SECURITY  
4                   TRANSCRIPT OF PROCEEDINGS  
5                   PUBLIC HEARING  
6       IN RE:   NOTICE OF PROPOSED RULEMAKING  
7                   10 CFR 850  
8       CHRONIC BERYLLIUM DISEASE PREVENTION PROGRAM  
9                   DOCKET Nbr. AU-RM-11-CBDPP  
10  
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17                                   15 July 2016  
18                                   Oak Ridge, Tennessee USA

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Worldwide Telefax 001-307-316-0388  
E-mail: BUNNWWORLDWIDE@aol.com  
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1 APPEARANCES:

2 JACQUELINE ROGERS  
3 Presiding Official  
4 Industrial Hygienist  
5 Office of Worker Safety and Health Policy  
6 U.S. Department of Energy  
7 1000 Independence Avenue  
8 Washington, D.C.  
9 USA  
10 PH

11 SPEAKERS:

12 None

13 ALSO PRESENT:

14 Not registered

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## I N D E X

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INTRODUCTIONS

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SPEAKERS:

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1                                   BEFORE THE  
2                   UNITED STATES DEPARTMENT OF ENERGY  
3       OFFICE OF ENVIRONMENT, HEALTH, SAFETY AND SECURITY  
4                   TRANSCRIPT OF PROCEEDINGS  
5       PUBLIC HEARING IN RE: NOTICE OF PROPOSED  
6       RULEMAKING, 10 CFR 850: CHRONIC BERYLLIUM DISEASE  
      PREVENTION PROGRAM DOCKET Nbr. AU-RM-11-CBDPP

7                   Public Hearing Comments were held  
8       pursuant to Notice at the Auditorium, Oak Ridge  
9       Associated Universities, State Department Room, The  
10      Pollard Technology Conference Center, 210 Badger  
11      Avenue, Oak Ridge, Tennessee, USA, commencing on  
12      the 13th day of July, 2016, at 6:13 p.m. ET.

13                  Present: Jacqueline D. Rogers,  
14      Presiding Officer; Also present: Not registered.

15                   TRANSCRIPT OF PROCEEDINGS

16                  MS. ROGERS: Well, good evening, and  
17      welcome. I'm Jacqueline Rogers, an industry  
18      hygienist in the Office of Environment, Health,  
19      Safety, and Security.

09:01:56 20                  We have -- On behalf of the Department  
21      of Energy I'd like to thank you for taking the time  
22      to participate in this Public Hearing concerning  
23      the Notice of Proposed Rulemaking to amend the

1 current Beryllium Disease Prevention Program,  
2 particularly those of you who have traveled to be  
3 here. The purpose of this Hearing is to receive  
4 oral testimony from the public on the Department of  
5 Energy's Notice for the Chronic Beryllium Disease  
6 Prevention Program, 10 CFR 850.

7 Your comments are not only appreciated;  
8 they are essential in developing a final rule. The  
9 comments received here today, and those received  
10 during the written-comment period, will assist the  
11 Department in the rulemaking process.

12 All written comments must be received by  
13 September 6, 2016, to ensure consideration by DOE.  
14 The address for sending comments is Jacqueline D.  
15 Rogers, U.S. Department of Energy, Docket Number AU  
16 dash-RN dash-11 dash-CDDPP, Mail Stop AU dash-11,  
17 1000 Independence Avenue Southwest, Washington,  
18 D.C., 20585.

19 Also, comments can be filed  
20 electronically [http: Backslash backslash](http://www.regulations.gov)  
21 [www.regulations.gov](http://www.regulations.gov), or e-mailed to  
22 [Rulemaking.850@hq.doe.gov](mailto:Rulemaking.850@hq.doe.gov), or e-mailed to  
23 [rulemaking.850@HQ.DOE.gov](mailto:rulemaking.850@HQ.DOE.gov).

1           As the presiding official for this  
2   Hearing I'd like to set forth the guidelines for  
3   conducting the Hearing, and provide other pertinent  
4   information. This is not an evidentiary or a  
5   judicial Hearing.

18:09:16

6           It will be conducted in accordance with  
7   the Administrative Procedures Act in Section 501 of  
8   the DOE Organizational Act to provide the  
9   Department with as much pertinent information and  
10   as many views as can reasonably be obtained, and to  
11   enable interested persons to express their views.

18:09:31

12           The Hearings will be conducted in  
13   accordance with the following procedures: Speakers  
14   will be called to testify in the order indicated on  
15   to Agenda. Speakers have been allotted ten minutes  
16   for their verbal statement.

18:09:46

17           Anyone can make an unscheduled oral  
18   statement after all scheduled speakers have  
19   delivered their statement. To do so, please submit  
20   your name to the Registration Desk -- And,  
21   Meredith's sitting in the back working the  
22   Registration Desk. -- before the conclusion of the  
23   last scheduled speaker.

18:10:00

1 And, at the conclusion of all  
2 presentations, if time permits, scheduled speakers  
3 who request to do so will be given the opportunity  
4 to make a rebuttal or clarifying statement. If you  
5 would like this opportunity, if available, please  
6 give your name to the person at the Registration  
7 Desk and indicate that you're making such a  
8 request.

9 Only members of the DOE Panel, and  
10 that's, I'm the only member of the DOE Panel  
11 conducting the Hearing, will be allowed to ask  
12 questions for the speaker. In approximately 30  
13 days a Transcript of this Hearing will be available  
14 for inspection and copying at the web site located  
15 at [http: Backslash backslash www.energy.doe.gov](http://backslash.backslash.www.energy.doe.gov)  
16 [backslash EHSS backslash chronic dash-beryllium](http://backslash.EHSS.backslash.chronic-dash-beryllium)  
17 [dash-disease dash-prevention dash-program dash-10](http://backslash.disease-dash-prevention-dash-program-dash-10)  
18 [dash-CF-, CFR dash-850](http://backslash.CF-.CFR-dash-850).

19 As mentioned earlier, the public comment  
20 period will close on September 6, 2016. All  
21 written comments received will be made available  
22 for public inspection at the Internet address I  
23 just gave.

1           Three copies of the comments are  
2 requested. If you have any questions concerning  
3 the submission of your comments, please contact me,  
4 Jacquelin Rogers, as 202-586-4714.

18:11:48

5           It is assumed that any information  
6 provided at this Hearing is public and will be  
7 included in the Record for the rulemaking. Any  
8 person submitting information that he or she  
9 believes to be confidential and exempt by law from  
10 public disclosure should submit to the comment  
11 address I mentioned above a total of four copies of  
12 the information, one complete copy with the  
13 confidential information included, and three copies  
14 without the confidential information.

18:12:20

15           The Department of Energy will make its  
16 own determination in accordance with applicable  
17 procedures as to whether the information will be  
18 exempt from public disclosure.

18:12:34

19           We appreciate the time and effort you  
20 have taken in preparing your Statement, and are  
21 pleased to receive your comments. And, if I had a  
22 registered speaker, or an unscheduled speaker at  
23 this time, I would call that speaker to the podium

1 to make his or her statement.

2 Since I don't, I will wait until one  
3 shows up.

18:12:57

4 (Whereupon, at 6:12 p.m. ET, those  
5 present took a brief recess and returned, after  
6 which the following occurred:)

11:28:39

7 MS. ROGERS: It is now 6:45 at this time  
8 we do not have any scheduled speakers so we'll  
9 close the Public Hearing this will conclude the  
10 Public Hearing for the Department of Energy's  
11 Notice of Proposed Rulemaking for 10 CFR 850,  
12 Chronic Beryllium Disease Prevention Program.

11:28:53

13 On behalf of the Department I would like  
14 to thank everyone for participating in this  
15 rulemaking process.

16 (Whereupon, at 6:31 p.m. ET, the above  
17 Hearing was concluded.)

18 I certify the foregoing to be a  
19 true transcript from my notes.

20 E-signature: D. I. Bunn

21 CSR CP RPR

22 CERTIFICATION

23 I, D. I. Bunn, a Registered

1 Professional Reporter, Certified Conference  
2 Reporter, and Notary Public, do hereby certify that  
3 the foregoing testimony was duly taken and reduced  
4 to writing before me at the place and time therein  
5 mentioned. I further certify that I am neither  
6 related to any of the parties by blood or marriage,  
7 nor do I have any interest in the outcome of the  
8 above matter.

9 In witness whereof, I have hereunto set  
10 my hand and affixed my official seal, at Oak Ridge,  
11 Tennessee, USA, this 15th day of July, 2016.

12 E-signature: D. I. Bunn

13 Notary Public

14  
15 My Commission expires January 5, 2020.

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