

BEFORE THE U.S. DEPARTMENT OF ENERGY
OFFICE OF ENERGY EFFICIENCY & RENEWABLE ENERGY

IN THE MATTER OF:)
) Docket No.
CHRONIC BERYLLIUM DISEASE) AU-RM-11-CB DPP
PREVENTION PROGRAM)
NOTICE OF PROPOSED RULEMAKING)
)
)

Building C1
North Las Vegas Facility
2621 Losee Road
North Las Vegas, Nevada

Wednesday,
July 27, 2016

The parties convened, pursuant to the notice, at
9:23 a.m.

BEFORE:

JACQUELINE D. ROGERS, MS
U.S. Department of Energy
Office of Worker Safety and Health Policy (AU-11)
1000 Independence Avenue, S.W.
Washington, D.C. 20585
(202) 586-4714

SPEAKERS:

CHARLES DAVIS
DAVID SAMS
SEURI TARURU

P R O C E E D I N G S

(9:23 a.m.)

1
2
3 MS. ROGERS: Before we get started, I'd like
4 to call Mr. Mike Kinney, who is the Safety Division
5 Manager here, and he's going to give us the safety
6 features and if we hear any alarms, what we're
7 supposed to do. Mr. Kinney?

8 MR. KINNEY: Good morning. I want to
9 welcome everybody to the North Las Vegas Facility here
10 for National Security Technologies. We're the M&O.
11 For the occupants in the room, in case we have to --
12 you hear any type of emergency evacuations, we'll be
13 going out those doors, take a right and go to the west
14 and you'll follow out in the parking lot. We're going
15 to shelter in place. You'll remain where you are.

16 For visitors from out of town that we -- our
17 heat index, it's going to be significant today because
18 we have a lot of humidity. It was around -- it's well
19 past 90 already. So please drink lots of water. A
20 good rule is drink about four cups an hour. Drink
21 even though you don't feel you're thirsty to keep
22 yourself hydrated. If you're going to be out in the
23 sun, please wear long sleeve shirts and caps and watch
24 out and reduce the potential for melanoma.

25 Welcome everybody here today. I'll return

1 control of the meeting back over.

2 MS. ROGERS: Okay. Good morning and
3 welcome. I'm Jacqueline Rogers, an industrial
4 hygienist within the Office of Environment, Health,
5 Safety and Security. On behalf of the Department of
6 Energy, I would like to thank you for taking the time
7 to participate in this public hearing concerning the
8 Notice of Proposed Rulemaking to Amend the Chronic
9 Beryllium Disease Prevention Program and particularly
10 those of you who have traveled to be here with us
11 today.

12 The purpose of this hearing is to receive
13 oral testimony from the public on the Department of
14 Energy's Notice for the Chronic Beryllium Disease
15 Prevention Program, 10 CFR 850. Your comments are not
16 only appreciated, they're essential in us developing a
17 final rule.

18 The comments received here today and those
19 submitted during the written comment period which ends
20 on September 6, 2016 will assist the Department in the
21 rulemaking process. All written comments must be
22 received, as I said, by September 6 to ensure
23 consideration by the Department of Energy. The
24 address for sending comments is Jacqueline D. Rogers,
25 U.S. Department of Energy, Docket No. AU-RM-11-CBDPP,

1 Mail Stop AU-11, 1000 Independence Avenue, S.W.,
2 Washington, D.C. 20585. Also, comments can be filed
3 electronically at <http://www.regulations.gov>, or they
4 can be emailed to rulemaking.850@hq.doe.gov.

5 As the presiding official for this hearing,
6 I would like to set forth the guidelines for
7 conducting the hearing and provide other pertinent
8 information. This is not an evidentiary or judicial
9 hearing. It will be conducted in accordance with
10 Section 553 of the Administrative Procedures Act and
11 the Department of Energy's Organization Act. To
12 provide the Department with as much pertinent
13 information and as many views as can reasonably be
14 obtained and to enable interested persons to express
15 their views, the hearings will be conducted in
16 accordance with the following procedures.

17 I forgot I'm up, so I'm getting out of
18 breath. Speakers will be called to testify in the
19 order indicated on the agenda. Speakers will have --
20 speakers have been allotted 10 minutes to testify in
21 the order indicated on the agenda. Anyone may make an
22 unscheduled oral statement after all scheduled
23 speakers have delivered their statement. To do so,
24 please submit your name to the registration desk
25 before the conclusion of the last speaker.

1 And at the conclusion of all presentations,
2 if time permits -- and it looks like we have a lot of
3 time today -- scheduled speakers who request to do so
4 will be given the opportunity to make rebuttal or
5 clarifying statements. If you would like this
6 opportunity if available, please give your name to the
7 person at the registration desk -- and Meredith is
8 sitting on the outside and give your name to her --
9 and indicate that you're making such a request. Only
10 members of the DOE panel -- and since I'm the only one
11 up here today -- conducting the hearing will be
12 allowed to ask questions of the speaker, so it's not a
13 back and forth.

14 In approximately 30 days, a transcript of
15 this hearing will be available for inspection and
16 copying on the website located at
17 [http://www.energy.gov/ehss/chronic-beryllium-disease-](http://www.energy.gov/ehss/chronic-beryllium-disease-prevention-program-10-CFR-850)
18 [prevention-program-10-CFR-850](http://www.energy.gov/ehss/chronic-beryllium-disease-prevention-program-10-CFR-850). There's going to be a
19 test after this to see if you all got that. As
20 mentioned earlier, the public comment period will
21 close on September 6, 2016. All written comments will
22 be made available for public inspection at the
23 internet address that I just gave.

24 Three copies of the comments are requested.
25 If you have any questions concerning the submission of

1 your comments, please contact me, Jacqueline Rogers,
2 on 202-586-4714. It is assumed that any information
3 provided at this hearing is public and will be
4 included in the record for rulemaking. Any person
5 submitting information that he or she believes to be
6 confidential and exempt by law from public disclosure
7 should submit to the comment address I mentioned a
8 total of four copies of the information, one complete
9 copy with the confidential material included and three
10 copies without the confidential information. The
11 Department of Energy will make its own determination
12 in accordance with applicable procedures as to whether
13 the information will be exempt from public disclosure.

14 We appreciate the time and effort you have
15 taken in preparing your statements and are also
16 pleased to receive your comments.

17 If there were additional members here, at
18 this time I would introduce the panel, but it's only
19 me today. So now I will call the first speaker to the
20 agenda. For the record, I am asking each speaker that
21 I call to state his or her name and whom you represent
22 before making your statement. Thank you. And the
23 first speaker is Charles Davis.

24 MR. DAVIS: Okay. All right. I'm Charles
25 Davis. I represent myself. I have no official ties

1 with any beryllium program at this particular time.
2 If any of you want to rectify that situation, you may
3 do so.

4 I have a private consulting company,
5 Envirostat. I've been dealing with these kinds of
6 issues for years with beryllium and, prior to that,
7 with EPA regulations and gone through the MILPERS
8 process with our groundwater rules and so on. So it's
9 like, you know, I've been doing this kind of thing for
10 30 years. Okay.

11 I don't have real prepared comments. We'll
12 be putting together something jointly with Seuri,
13 Kathy, and others for formal submission. I do have
14 four issues that I want to bring up, bring to your
15 attention for your careful reading when you look at
16 the proposed changes.

17 One is that the new rules apparently apply
18 when you have a facility where the beryllium air
19 concentration is above the action level. As a
20 statistician, that is a nonsense statement. When is
21 it above, how often? There's not an air level. There
22 is a distribution, and it's time dependent, it's
23 location dependent, and, you know, what measurement,
24 what statistic or whatever, what metric for that
25 distribution is it you ought to be talking about

1 comparing with an action level, et cetera.

2 That same kind of issue comes up when you're
3 talking about, you know, surface contamination
4 concentration limits and stuff like that. But just
5 what is meant by that? What was intended? Number
6 one, how would it be enforced? How would you verify
7 it? Those kinds of issues come up there.

8 There is, of course, the issue of lowering
9 the air action level, and there are some statistical
10 issues that come up with that. One in particular is
11 whether the labs can actually reasonably meet that
12 with reliable data. I've had some discussions with
13 some folks in the business that I know, and they have
14 expressed some concerns about the differences in
15 capabilities between captive labs like some sites have
16 and your ordinary old commercial lab that is trying to
17 deal with these kinds of things.

18 I've seen situations where commercial labs,
19 in order to win a contract, report very nice, you
20 know, reporting limits, et cetera, et cetera. If you
21 give them double blind performance evaluation
22 exercises, that means that they don't know they're
23 being tested, in addition to not knowing what the
24 concentrations are supposed to be, they can sometimes
25 fail miserably on that. So how do you actually verify

1 that you're going to be getting quality data with the
2 lower action level and so on. So that's my second
3 issue, you know, what are the statistical analytical
4 complications of the current action level and lowering
5 the action level by 75 percent.

6 The third one is that there is a curious
7 statement in the prologue about allowing the use of
8 uncensored data. That's a real no-no for IH labs.
9 You can lose your accreditation or I'm told that you
10 can lose your accreditation, you know, if you allow
11 uncensored data. But it's for dealing with air data.
12 Years ago I was arguing for using uncensored data with
13 facility wipe data when you're making decisions based
14 upon entire data sets. It makes better sense in that
15 setting than in the setting where you're talking about
16 a particular worker's exposure.

17 What is the -- the question I have is what
18 is the intention for the use of uncensored data for
19 individual air sampling measurements. I can think of
20 one use, and that is when you're using the whole data
21 set in epidemiological studies. On the other hand,
22 it's exactly in the setting of evaluating individual
23 workers' measurements that you are -- that the IH
24 community as I perceive it is most sensitive about
25 reporting numbers that they could get away with not

1 reporting. I'm being a little bit snide when I say
2 that, I think, okay.

3 And then the fourth one is that in talking
4 about comparing wipe measurements, it's good, I think,
5 that facility evaluation is added to the discussion of
6 how you're going to deal with wipe measurements. But
7 that thing about being lower than .2 or the
8 concentration in soils around the facility, that's
9 gotten a little bit squirrely. In the new document
10 in one place, it says that in order to pass using the
11 bulk samples, you have to be lower than the soils. In
12 one of the things that Scott Seidel had passed around
13 to our group recently, he pointed out that at the
14 Hanford discussions of some years back they got
15 royally dinged.

16 There were some folks who were saying, hey,
17 the bulk material in your facility has got all this
18 paper fluff and human skin detritus and all this kind
19 of stuff. So you can't be comparing, you know, with
20 the upper limits of soil measurements. You've got to
21 be comparing with the fifth percentile, not 95th
22 percentile. And, of course, that may be true in
23 operating office environments. It is certainly not
24 true in forward area machine shops, which is how we
25 got started on metal ratio discussions and stuff like

1 that. And in fact, that whole issue was a major point
2 in starting the metal ratio discussions.

3 At any rate, at one point you've got, in
4 order to become clean, so to speak, with bulk samples,
5 you've got to be lower than soils. In a different
6 part of the reg, it does say above. There's a
7 contradiction in the reg itself, and just what do you
8 mean? How do you plan to enforce this, you know?
9 Those are the kinds of questions.

10 So there's the four things. When does
11 beryllium in air, how often does it have to be above
12 action level before the rule kicks in? That's one.
13 Lowering the action level is two. Three is what's
14 this about using uncensored data for breathing space
15 measurements. And then the fourth one is this
16 comparing bulk measurements with soil. That has never
17 been resolved. I've been asking folks how that ought
18 to come out, and for years nobody's been willing to
19 take a stand and say here's what we really think it
20 ought to be.

21 That's what I have, and apparently you can't
22 ask any questions. Okay.

23 MS. ROGERS: Okay. Time for me to do my
24 song and dance again. Any other speakers? This is
25 your time to tell DOE what you think about 10 CFR 850.

1 Let me make that clarifying statement.

2 MALE VOICE: So Charles spoke and that was
3 it? Did I get that?

4 MS. ROGERS: So you just get up and speak,
5 say whatever's on your mind. Now is the time.

6 (No response.)

7 MS. ROGERS: Not at this time? Okay. We'll
8 wait.

9 (Whereupon, a recess was taken.)

10 MS. ROGERS: David Sams? The next speaker
11 is David Sams. If you would state your name and who
12 you're representing.

13 MR. SAMS: My name is David Sams. I'm an
14 interested party in the rule. My focus is the
15 training arena, and so I had a couple comments
16 regarding training.

17 Currently, the requirement for chronic
18 beryllium disease prevention program training is
19 required for current beryllium workers as well as
20 beryllium associated workers. The new rule would
21 split that and divide that, so it would only be
22 current beryllium workers who would take the CBDPP
23 training. Associate workers would take an awareness
24 level training.

25 When I read the requirements, though, it's

1 not clear to me much difference between the chronic
2 beryllium disease prevention program training and
3 awareness training, especially when you look at how
4 they define awareness which is are the hazards
5 mitigations and along with that the fact that we're to
6 talk about the benefits of the medical surveillance
7 program.

8 Someone who wants to be compliant in those
9 training requirements, I want to be clear and be able
10 to differentiate and make sure I have all the points
11 that are required as we are reviewed and audited to
12 make sure we have it right. More importantly, to make
13 sure they're right for our employees, to make sure we
14 give them the correct information, we're clear what
15 that information needs to be. So that would be one
16 area of concern for me.

17 Another area in our current training program
18 talks about the medical surveillance program and all
19 its parts and pieces as voluntary. We do talk about
20 both the benefits and potential concerns of being part
21 of that program with our employees. If I read the
22 Proposed Rule, there are mandated requirements, such
23 as you will be tested as a beryllium worker if you hit
24 the action level or above or exposed to that.

25 The question I have or the concern I have is

1 employees who once enjoyed the opportunity to select
2 or choose if they would be tested or not to determine
3 if they were sensitized or had the disease no longer
4 have that option, and does that bring up concerns for
5 employers and employees and that relationship.

6 The other question is what happens with that
7 mandated test and how much of the surveillance program
8 then becomes mandated versus being voluntary. I
9 wasn't really clear on that in the reg. So I want to
10 be sure that I understand as that test is done as we
11 explain to our employees what they can expect and not
12 expect, there's no curve balls, so to speak,
13 hypothetical curve balls. But it's very clear what
14 the expectation is as a beryllium worker what's going
15 to happen, when you're required to be tested, how it's
16 no longer voluntary and why that is and why that's
17 important, as well as if you're an associated worker,
18 when that rule comes into play. And again, if they're
19 only getting awareness level training, it's not clear
20 that I have to communicate that to them at any point
21 in the training program.

22 So we want to be clear with our employees of
23 the expectation of employer but also the employee who
24 might be exposed to these types of situations. And I
25 think where it gets interesting is you look at the

1 definition of an associated worker, they in the past
2 may have been exposed below, above, at or above that
3 action level. So I'd like some clarification in
4 exactly what that training should consist of and who
5 gets what and at what level. Those are my comments.

6 MS. ROGERS: Thank you.

7 MR. SAMS: Yes, ma'am.

8 MS. ROGERS: See how easy that was? We did
9 get that.

10 (Whereupon, a recess was taken.)

11 MS. ROGERS: The next speaker is Seuri
12 Taruru. Will you please state and spell your name and
13 who you're representing?

14 MR. TARURU: Good morning, everyone. My
15 name is Seuri Taruru as in S-E-U-R-I, first name,
16 space, Taruru, T-A-R-U-R-U. My middle name is way
17 more complicated than that, so we'll just -- for that,
18 if you do a Google search, I'll be the one popping up.

19 My concerns, first of all, I do understand
20 the point and the necessity to revise the beryllium
21 rule. It clarifies a lot of ambiguity from the
22 previous rule and also adds more responsibility to
23 certain departments like occupational medicine. You
24 know, it clarifies what an industrial hygienist needs
25 to do and things like that.

1 One of my concerns was in the rule it
2 indicates that soluble beryllium should not be
3 understood to be a health hazard or as hazardous as
4 insoluble beryllium. The problem with that is
5 laboratory analysis that we use and a lot of U.S.
6 sites use cannot differentiate between soluble and
7 insoluble beryllium.

8 My second concern is in the surface
9 contamination, this is in the section of the rule
10 where DOE is specifically requesting for comments,
11 they propose a 1.5 micrograms per 100 centimeter
12 squared as a surface contamination criteria for
13 beryllium-restricted areas. A lot of DOE sites have
14 adopted a .2 micrograms per 100 centimeters squares,
15 and that seems to be protective of employees at
16 95 percent cognizance level.

17 On the other hand, DOE lowered the action
18 level for airborne concentration to .05. So my
19 concern was if the point of the new rule is to make
20 the workplace safer, why would they lower the airborne
21 and increase the surface. I would recommend for the
22 sake of consistency leave the surface the way it is
23 and deal with the airborne lowering because that would
24 make more sense to the end user. It's really hard for
25 me to tell the end user, hey, we're going to increase

1 surface and lower the airborne all in the essence of
2 trying to make you safer.

3 And then third, part of the rule they
4 propose a .01 micrograms airborne. This is for
5 equipment in areas that you cannot swipe. You can do
6 an air sample, and that will help in releasing or
7 verifying that it's clean. The problem with that,
8 number one, it's so low very few labs can detect that
9 number accurately. Second, there was no time limit
10 associated with it. So you cannot quantify that
11 number to something, like was it .01 for 30 minutes or
12 one hour, and that will determine how much volume an
13 industrial hygienist needs to collect.

14 And that's it for now. Thank you.

15 MS. ROGERS: Thank you, Seuri. The soluble
16 versus -- there was a question about soluble versus
17 insoluble.

18 (Whereupon, a recess was taken.)

19 MS. ROGERS: I'm just going to read it for
20 you. It is now 11:00, and at this time we do not have
21 any scheduled speakers. This will conclude the public
22 hearing for the Department of Energy's Notice of
23 Proposed Rulemaking for 10 CFR 850, Chronic Beryllium
24 Disease Prevention Program. On behalf of the
25 Department, I would like to thank everyone for

1 participating in the rulemaking process.

2 (Whereupon, a recess was taken.)

3 MS. ROGERS: Good evening and welcome. I am
4 Jacqueline Rogers, an industrial hygienist within the
5 Office of Environment, Health, Safety and Security.
6 On behalf of the Department of Energy, I would like to
7 thank you for taking the time to participate in this
8 public hearing concerning the Notice of Proposed
9 Rulemaking to amend the Chronic Beryllium Disease
10 Prevention Program, particularly those of you who have
11 traveled to be here.

12 The purpose of this hearing is to review
13 oral testimony from the public on the Department of
14 Energy's Notice for Chronic Beryllium Disease
15 Prevention Program, 10 CFR 850. Your comments are not
16 only appreciated, they are essential in developing a
17 final rule.

18 The comments received here today and those
19 submitted during the written comment period will
20 assist the Department in the rulemaking process. All
21 written comments must be received by September 6,
22 2016, to ensure consideration by DOE. The address for
23 sending comments is Jacqueline Rogers, U.S. Department
24 of Energy, Docket No. AU-RM-11-CBDPP, Mail Stop AU-11,
25 1000 Independence Avenue, S.W., Washington, D.C.

1 20585. Also, comments can be filed electronically at
2 <http://www.regulations.gov> or emailed to
3 rulemaking.850@hq.doe.gov.

4 As the presiding official for this hearing,
5 I would like to set forth the guidelines for
6 conducting the hearing and provide other pertinent
7 information. This is not an evidentiary or judicial
8 hearing. It will be conducted in accordance with
9 Section 553 of the Administrative Procedures Act and
10 the DOE Organization Act.

11 To provide the Department with as much
12 pertinent information and as many views as can
13 reasonably be obtained and to enable interested
14 persons to express their views, the hearings will be
15 conducted in accordance with the following procedures.

16 Speakers will be called to testify in the
17 order indicated on the agenda. Speakers have been
18 allotted 10 minutes for their verbal statement.
19 Anyone may make an unscheduled oral statement after
20 all scheduled speakers have delivered their
21 statements. To do so, please submit your name to the
22 registration desk in the back before the conclusion of
23 the last scheduled speaker. And at the conclusion of
24 all presentations, if time permits, scheduled speakers
25 who request to do so will be given the opportunity to

1 make a rebuttal or a clarifying statement.

2 If you would like this opportunity, and if
3 opportunity's available -- and trust me, we have a lot
4 of time -- please give your name to the person at the
5 registration desk and indicate that you are making
6 such a request. Only members of the DOE panel -- and
7 that is me -- conducting the hearing will be allowed
8 to ask questions for the speakers.

9 In approximately 30 days, a transcript of
10 this hearing will be available for inspection and
11 copying on the website located at
12 [http://www.energy.gov/ehss/chronic-beryllium-disease-](http://www.energy.gov/ehss/chronic-beryllium-disease-prevention-program-10-CFR-850)
13 [prevention-program-10-CFR-850](http://www.energy.gov/ehss/chronic-beryllium-disease-prevention-program-10-CFR-850). As mentioned earlier,
14 the public comment period will close on September 6,
15 2016. All written comments received will be made
16 available for public inspection at the internet web
17 address I just gave.

18 Three copies of the comments are requested.
19 If you have any questions concerning the submission of
20 these contacts -- I mean of the comments, please
21 contact me, Jacqueline Rogers, on 202-586-4714. It is
22 assumed that any information provided at this public
23 hearing is public and will be included in the record
24 for the rulemaking. Any person submitting information
25 that he or she believes to be confidential and exempt

1 by law from public disclosure should submit to the
2 comment address I mentioned a total of four copies of
3 the information, one complete copy with the
4 confidential material included and three copies
5 without the confidential information. The Department
6 of Energy will make its own determination in
7 accordance with applicable procedures as to whether
8 the information will be exempt from public disclosure.

9 We appreciate the time and effort you have
10 taken in preparing your statements and are pleased to
11 receive your comments.

12 And now, at this time, if I had a scheduled
13 speaker, I would call that speaker to the podium to
14 make his or her statement, but since I don't, we will
15 wait for one to show up.

16 (Whereupon, a recess was taken.)

17 MS. ROGERS: It is now 5:58, and at this
18 time I do not have any scheduled speakers, so this
19 will conclude the public hearing for the Department of
20 Energy's Notice of Proposed Rulemaking for 10 CFR 850,
21 Chronic Beryllium Disease Prevention Program. On
22 behalf of the Department, I would like to thank
23 everyone for their participation in this rulemaking
24 process.

25 //

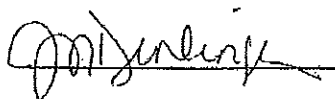
1 (Whereupon, at 5:58 p.m., the meeting in the
2 above-entitled matter concluded.)
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REPORTER'S CERTIFICATE

DOCKET NO.: AU-RM-11-CBDPP
CASE TITLE: Chronic Beryllium Disease Prevention
Program Notice of Proposed Rulemaking
HEARING DATE: July 27, 2016
LOCATION: North Las Vegas, Nevada

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the U.S. Department of Energy, Office of Energy Efficiency & Renewable Energy.

Date: July 27, 2016



Jacqueline Denlinger
Official Reporter
Heritage Reporting Corporation
Suite 206
1220 L Street, N.W.
Washington, D.C. 20005-4018

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SPEAKER:

SEURI TARURU

P R O C E E D I N G S

(9:05 a.m.)

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20 statements. To do so, please submit your name to the
21 registration desk before the conclusion of the last
22 scheduled speaker. And at the conclusion of all
23 presentations, if time permits -- and we have a lot of
24 time this morning -- scheduled speakers who request to
25 do so will be given the opportunity to make a rebuttal

1 or clarifying statement.

2 If you would like this opportunity, if
3 available, please give your name to the person at the
4 registration desk and indicate that you are making
5 such a request. Only members of the DOE panel -- and
6 that would be me today -- conducting the hearing will
7 be allowed to ask questions for the speaker.

8 In approximately 30 days, a transcript of
9 this hearing will be available for inspection and
10 copying at the website located at
11 [http://www.energy.gov/ehss/chronic-beryllium-disease-](http://www.energy.gov/ehss/chronic-beryllium-disease-prevention-program-10-CFR-850)
12 [prevention-program-10-CFR-850](http://www.energy.gov/ehss/chronic-beryllium-disease-prevention-program-10-CFR-850). As mentioned earlier,
13 the public comment period will close on September 6,
14 2016. All written comments received will be made
15 available for public inspection at the internet
16 address I just gave you.

17 Three copies of the comments are requested.
18 If you have any questions concerning the submission of
19 your comments, please contact me, Jacqueline Rogers,
20 at 202-586-4714. It is assumed that any information
21 provided at this hearing is public and will be
22 included in the record for rulemaking. Any person
23 submitting information that he or she believes to be
24 confidential and exempt by law from public disclosure
25 should submit to the comment address I mentioned a

1 total of four copies of the information, one completed
2 copy with the confidential material included and three
3 copies without the confidential information. The
4 Department of Energy will make its own determination
5 in accordance with applicable procedures as to whether
6 the information will be exempt from public disclosure.

7 We appreciate the time and effort you have
8 taken in preparing your statements and are pleased to
9 receive your comments.

10 And now I would call the first speaker to
11 the podium. For the record, I ask each speaker to
12 state his or her name and who you represent before
13 making your statement. And at this time, I do not
14 have any scheduled speakers, so I will wait until I
15 get one to call them or unscheduled speakers.

16 (Whereupon, a recess was taken.)

17 MS. ROGERS: It is now 10:08, and at this
18 time we do not have any scheduled speakers, so this
19 will conclude the public hearing for the Department of
20 Energy's Notice of Proposed Rulemaking for 10 CFR 850,
21 Chronic Beryllium Disease Prevention Program. On
22 behalf of the Department, I would like to thank
23 everyone for participating in the rulemaking process.

24 (Whereupon, a recess was taken.)

25 MS. ROGERS: Good evening and welcome. I am

1 Jacqueline Rogers, an industrial hygienist within the
2 Office of Environment, Health, Safety, and Security.
3 On behalf of the Department of Energy, I would like to
4 thank you for taking the time to participate in this
5 public hearing concerning the Notice of Proposed
6 Rulemaking to amend the Chronic Beryllium Disease
7 Prevention Program, particularly those of you who have
8 traveled to be here.

9 The purpose of this hearing is to receive
10 oral testimony from the public on the Department of
11 Energy's Notice for the Chronic Beryllium Disease
12 Prevention Program, 10 CFR 850. Your comments are not
13 only appreciated, they are essential in developing a
14 final rule.

15 The comments received here tonight and those
16 submitted during the written comment period will
17 assist the Department in the rulemaking process. All
18 written comments must be received by September 6, 2016
19 to ensure consideration by DOE. The address for
20 sending comments is Jacqueline Rogers, U.S. Department
21 of Energy, Docket No. AU-RM-11-CBDPP, Mail Stop AU-11,
22 1000 Independence Avenue, S.W., Washington, D.C.
23 20585. Also, comments can be filed electronically at
24 <http://www.regulations.gov> or emailed to
25 rulemaking.850@hq.doe.gov.

1 As the presiding official for this hearing,
2 I would like to set forth the guidelines for
3 conducting the hearing and provide other pertinent
4 information. This is not an evidentiary or judicial
5 hearing. It will be conducted in accordance with
6 Section 553 of the Administrative Procedures Act and
7 the DOE Organization Act.

8 To provide the Department with as much
9 pertinent information and as many views as can
10 reasonably be obtained and to enable interested
11 persons to express their views, the hearings will be
12 conducted in accordance with the following procedures.

13 Speakers will be called to testify in the
14 order indicated on the agenda. Speakers have been
15 allotted 10 minutes for their verbal statements.
16 Anyone may make an unscheduled oral statement after
17 all scheduled speakers have delivered their statement.
18 To do so, please submit your name to the registration
19 desk before the conclusion of the last scheduled
20 speaker. And at the conclusion of all presentations,
21 if time permits, scheduled speakers who request to do
22 so will be given the opportunity to make a rebuttal or
23 clarifying statement.

24 If you would like this opportunity, and if
25 available, please give your name to the person at the

1 registration desk and indicate that you are making
2 such a request. Only members of the DOE panel
3 conducting the hearing will be allowed to ask
4 questions for the speaker.

5 In approximately 30 days, a transcript of
6 this hearing will be available for inspection and
7 copying at the website located at
8 [http://www.energy.gov/ehss/chronic-beryllium-disease-](http://www.energy.gov/ehss/chronic-beryllium-disease-prevention-program-10-CFR-850)
9 [prevention-program-10-CFR-850](http://www.energy.gov/ehss/chronic-beryllium-disease-prevention-program-10-CFR-850). As mentioned earlier,
10 the public comment period will close on September 6,
11 2016. All written comments received will be made
12 available for public inspection at the internet web
13 address I just gave.

14 Three copies of your comments are requested.
15 If you have any questions concerning how to submit
16 your comments, please contact me, Jacqueline Rogers,
17 on 202-586-4714. It is assumed that any information
18 provided at this public hearing is public and will be
19 included in the record for the rulemaking. Any person
20 submitting information that he or she believes to be
21 confidential and exempt by law from public disclosure
22 should submit to the comment address I mentioned a
23 total of four copies of the information, one complete
24 copy with the confidential material included and three
25 copies without the confidential information. The

1 Department of Energy will make its own determination
2 in accordance with applicable procedures as to whether
3 the information will be exempt from public disclosure.

4 We appreciate the time and effort you have
5 taken in preparing your statement and are pleased to
6 receive your comments.

7 Now, if I had a speaker, this would be the
8 time that I would call the speaker to the podium. I
9 do not have any scheduled speakers at this time, so I
10 will wait to see if I get any.

11 (Whereupon, a recess was taken.)

12 MS. ROGERS: For the record, I'm asking each
13 speaker to state his or her name and whom you
14 represent before making your statement. And now I'm
15 going to call Seuri to make a statement. Will you
16 please state your name and spell it for the reporter
17 and who you represent?

18 MR. TARURU: My name is Seuri Taruru, as in
19 S-E-U-R-I, space, last name T-A-R-U-R-U. I am an
20 interested observer. I do not represent anyone right
21 now except for myself. I would just like to thank DOE
22 personnel for coming out here, explaining to us what
23 the rule is all about, the intent of the rule,
24 clarifying some of the ambiguity and explaining to us
25 what they'd like to see us comment on and review our

1 comments and taking the time to help us understand the
2 process. Thank you very much, and that's it.

3 MS. ROGERS: It is now 5:15 p.m. At this
4 time, we do not have any scheduled speakers. This
5 will conclude the public hearings for the Department
6 of Energy's Notice of Proposed Rulemaking for 10 CFR
7 850, Chronic Beryllium Disease Prevention Program. On
8 behalf of the Department, I would like to thank
9 everyone for participating in the rulemaking process.
10 Thank you all very much.

11 (Whereupon, at 5:19 p.m., the meeting in the
12 above-entitled matter concluded.)

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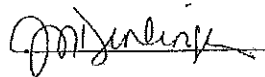
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REPORTER'S CERTIFICATE

DOCKET NO.: AU-RM-11-CBDPP
CASE TITLE: Chronic Beryllium Disease Prevention
Program Notice of Proposed Rulemaking
HEARING DATE: July 28, 2016
LOCATION: North Las Vegas, Nevada

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the U.S. Department of Energy, Office of Energy Efficiency & Renewable Energy.

Date: July 28, 2016



Jacqueline Denlinger
Official Reporter
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