

**CUSTOMER SERVICE**  
**Ten-Year Review of the NIOSH Radiation Dose Reconstruction Program**

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## **CUSTOMER SERVICE**

### **Ten-Year Review of the NIOSH Radiation Dose Reconstruction Program**

#### **Executive Summary**

In 2009, the National Institute for Occupational Safety and Health (NIOSH) initiated a review of its program supporting the role of the Secretary of Health and Human Services under the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA or the Act). As stated in the NIOSH Docket #194, Phase I of the review is a data-driven assessment of the dose reconstruction program, which will be used in Phase II of the review by NIOSH leaders to offer recommendations for improving the program. This report is the Phase I report on the customer service provided by NIOSH in the program. This report was based on comments from those who received services, as well as analysis of reports and communication documents. The report looked at the incorporation of information provided by claimants, petitioners, and their representatives; the understandability of NIOSH information; and other issues raised by comments to the docket and during nine interviews.

#### Incorporation of information provided by claimants, petitioners, and their representatives

Comments received from interviews and the public docket discussed the issues of incorporation of information provided by workers, affidavits, DOE information and worker information, incorporation of information provided by others, program integrity and claimant favorability, criteria for evaluating worker statements, deadlines for NIOSH response to worker-provided information, and program assumptions.

The author of this report reviewed the 2005 and 2009 NIOSH procedures for worker outreach meetings, as well as an external evaluation report on the 2009 procedures, observed and concluded the following:

- The 2009 procedures focus on activities before and during outreach meetings and provide less guidance than the 2005 procedures regarding capturing of worker comments and follow-up.
- Without specific procedures, there is no observed NIOSH policy requiring that worker comments be recorded and action taken on the comments.
- Developing criteria for following up on worker information, policies on following up, and deadlines could be useful steps toward ensuring that worker concerns are addressed and that worker information is taken into consideration.
- It may be useful for NIOSH to highlight the changes that have been made since the SC&A evaluations and take further actions as needed to improve worker outreach procedures and actions.

The author of this report conducted a sample of 100 dose reconstruction reports and Section 6 Incident Information from computer-assisted telephone interview (CATI) reports. The results of the analysis were as follows:

- Thirteen of the dose reconstruction reports did not mention the information provided in Section 6 of the CATI reports. Unlike the other dose reconstruction reports, these 13 dose

reconstruction reports do not summarize the incident information provided by the claimant during the CATIs.

- Of the 85 cases in which claimant-provided information was fully acknowledged in the dose reconstruction report, in none of the records did NIOSH indicate that a change was made to the dose estimate based on claimant-provided information.
- In none of the 100 cases reviewed did NIOSH mention other kinds of follow up, such as talking to coworkers.
- There was little explanation of how the claimant-provided incident information was addressed by NIOSH.
- There were four cases in which NIOSH stated that it is not possible to know whether there was exposure, yet NIOSH believes that the dose estimate accounted for any potential dose.
- In most of the cases reviewed, NIOSH stated that the employee had a dosimetry record or monitoring. However, there was little indication that NIOSH had confirmed that the employee was monitored before, during, and after the reported incidents.

### Understandability of NIOSH Information

Comments received from interviews and the public docket discussed the issues of the understandability of the processes of dose reconstruction and SEC petition, the understandability of scientific information, professional assistance sought, helpfulness of NIOSH assistance, impact on trust, and suggestions for NIOSH.

A readability evaluation was performed on a sample of NIOSH documents and webpages. The evaluation found the following:

- The six sampled dose reconstruction reports were written at grade levels four to six years beyond the high school education level.
- Of 29 webpages evaluated, only four were at or below the 12.0 grade reading level.
- Of the 12 printed educational materials, seven were at the 12.0 grade reading level or below.

### Other Issues Identified in Interviews and the Public Docket

Comments received from interviews and the public docket covered a few other topics:

- Burdens: preparation for dose reconstructions, barriers faced by workers and survivors, workers' access to information, survivors' access to information, reducing information requests, reducing the number of dose reconstructions, and "burden of proof";
- Access to information: specificity and clarity of citations and reports, availability of information, access to information used by NIOSH to make decisions, Freedom of Information Act (FOIA) requests, and transparency;
- Communications: communications with staff, responsiveness of staff, mistakes in oral and written communications, communications with the Department of Labor (DOL);
- Assistance to claimants and petitioners: program procedures, assistance during CATIs, attendance at meetings, role of others, recommendations for NIOSH;
- Trust and conflict: trust in the program and the government and potential conflicts of interest; and
- Issues addressed in other sections of the Phase I review: science, decisions, and timing

## Conclusions

Comments of interviewees and docket submissions identified issues which NIOSH may wish to consider for improving customer service of the dose reconstruction program. Analysis of data indicates that there are opportunities for strengthening NIOSH communication of its use of information from workers and for increasing the understandability of NIOSH information. These issues, as well as others raised by respondents, should be considered during Phase II of the ten-year review.

## **CUSTOMER SERVICE**

### **Ten-Year Review of the NIOSH Radiation Dose Reconstruction Program**

#### **Background**

In 2009, the National Institute for Occupational Safety and Health (NIOSH) initiated a review of its program supporting the role of the Secretary of Health and Human Services under the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA or the Act). As stated in the NIOSH Docket #194, Phase I of the review is a data-driven assessment of the dose reconstruction program, which will be used in Phase II of the review by NIOSH leaders to offer recommendations for improving the program. Both phases cover the following five issues:

- The quality of science practiced in the program at the current time as well as throughout the evolution of the program (quality of science).
- The timing of the accomplishment of NIOSH program tasks (timing).
- The appropriateness and the consistency of decisions regarding petitions to add groups of claimants to the Special Exposure Cohort (SEC) established under the statute
- The appropriateness and the consistency of individual dose reconstructions
- The quality and timing of service provided to claimants and petitioners, and their representatives (customer service).

The following is the Phase I report on the last issue, customer service provided by NIOSH in the program. This report looks at the following issues:

#### I. Incorporating Information Provided by Claimants, Petitioners, and Their Representatives

- A. Comments from Interviews and the Public Docket
- B. Procedures for Worker Outreach Meetings
- C. Incident Information from the Computer Assisted Telephone Interview (CATI)

#### II. Understandability of NIOSH Information

- A. Comments from Interviews and the Public Docket
- B. Readability Evaluation

#### III. Other Issues Identified in Interviews and the Public Docket

- A. Burden
- B. Access to Information
- C. Communications
- D. Assistance to Claimants and Petitioners
- E. Trust and Conflict
- F. Science, Decisions, and Timing

#### **Introduction**

As part of the Phase I report, this section assumes a working knowledge of NIOSH activities under EEOICPA. Information for this section was based on comments from those who received

services, as well as analysis of data from reports and communication documents. Comments were gathered from the public docket (discussed in other sections of the Phase I report), website feedback, and key informant interviews.

Feedback was collected on the website of NIOSH Division of Compensation Analysis and Support (DCAS), the NIOSH arm which carries out responsibilities under EEOICPA, during the period of August-November 2010. Initially, 3% of website visitors received a pop-up box to provide feedback; the percentage was increased to 14% to increase the opportunity for feedback. Starting in October, the top of every DCAS webpage included a link to the website feedback for all visitors. By November, five comments were received, which are listed in Appendix A. [Although the survey has been removed for the purposes of the ten-year review, the DCAS website still provides a link for visitors to offer feedback for continuous improvement of the site and program.]

To learn about the first-hand experience of claimants, petitioners, workers, survivors, and advocates with the program, nine phone interviews were conducted. The aim was to obtain feedback from people who had not submitted comments to the docket and who had experienced either the dose reconstruction process and/or the SEC petition process. The key informant interviews were based on suggestions from Lewis Wade, Special Assistant to the NIOSH Director; Laurie Breyer, SEC Petition Counselor; Denise Brock, NIOSH Petitioner/Claimant Ombudsman; and follow-ups from the interviewees. The people interviewed were the following:

- Andrew Evaskovich, petitioner and advocate
- Laurence Fuortes, petitioner and advocate
- Karen Johnson (joined by Mary Johnson, survivor), petitioner and advocate
- Jan Lovelace, claimant and survivor
- Hugh Stephens, advocate
- Loretta Valerio, advocate
- Anthony Windisch, claimant
- Kathy Wolf, claimant and survivor
- Anonymous, advocate (did not wish for name to be released)

Notes from the interviews were sent to the interviewees for review to ensure accuracy. Appendix B provides all the interview notes after redactions for compliance with the Privacy Act.

Comments to the docket are available at <http://www.cdc.gov/niosh/docket/archive/docket194.html>

## **I. Incorporating Information Provided by Claimants, Petitioners, and Their Representatives**

Claimants, petitioners, and their representatives may provide information to NIOSH to support their dose reconstruction or SEC petition evaluation. Information may be provided through different channels, including but not limited to the following:

- Documents such as SEC petitions and those of the claims process,

- Meetings such as NIOSH-sponsored worker outreach meetings or the public comment periods of the Advisory Board on Radiation and Worker Health,
- Computer assisted telephone interviews (CATIs) with claimants, and
- Other communications with NIOSH, such as emails, postal mail, and phone conversations.

One aspect of customer service is the degree to which NIOSH listens to or pays attention to comments from claimants, petitioners, and their representatives. This may be reflected in the extent to which claimants and petitioners feel that their information has been incorporated into dose reconstruction reports, site profiles, SEC petition evaluations, and other reports. Following is a review of the way that NIOSH follows up on information received from workers and survivors during CATIs and NIOSH worker outreach meetings.

### **A. Comments from Interviews and the Public Docket**

Below are topics raised in the docket and during interviews regarding NIOSH incorporation of information from workers and survivors.

- Incorporation of information provided by workers

“If an individual works at a facility that has a spill every day, but the spills aren’t big enough to be investigated or reported to DOE, those small, constant exposures could be looked at.” [Valerio]

“...we ask that the review of the program will...Review all public comments to determine if worker or worker advocates provided NIOSH with oral history or documents that were not reflected in NIOSH technical documents...we ask for fair treatment of workers and acceptance of the information they have shared or will share in the future. In most instances, the only real way to evaluate earlier periods of time is through worker histories. Historical records often were not kept or have been destroyed.” [Alliance of Nuclear Worker Advocacy Groups (ANWAG) comments to the docket, March 2010]

“Two separate NIOSH representatives gave conflicting accounts as to whether worker oral histories, offered during the CATI interviews, are given any consideration when reconstructing dose....ANWAG questions whether NIOSH accepts and subsequently investigates work histories provided by workers/claimants during CATI interviews or whether such accounts are ignored when reconstructing dose?” [ANWAG comments to the docket, April 2010]

- Affidavits

“Five years ago, NIOSH started requiring signed affidavits to verify claimants and their stories. NIOSH gets information without affidavits from health and safety officers...don’t know if they’re also put in private rooms and intimidated like workers are...NIOSH doesn’t require affidavits when they talk to health physicists or program administrators or other sources of history.” [Fuortes]

“Worker affidavits do not appear to be acknowledged, ever, whether for dose reconstructions or petitions. I’ve had many people say they’ve sent multiple affidavits in, but when they talk to the Department of Labor (DOL) or NIOSH, they’re basically ignored. I’ve been told by a NIOSH health physicist that worker affidavits are usually not used, probably because NIOSH claims to use overestimates, so they don’t need it I guess, but that’s never explained.” [Johnson]

“One of the affidavits pointed out that that his badge changed color when it was dipped in a solution; they never said anything about it and just gave him a new badge the next day. That wasn’t acknowledged in the denial letter.” [Johnson]

- DOE information and worker information

“NIOSH relies on the records at the site, even though they’re supposed to take into account the claimants’ statements.” [Evaskovich]

“Whatever the workers say in the computer assisted telephone interview is ignored by the claims examiner unless it’s corroborated in the record...the blanket tendency of NIOSH to ignore testimony of a claimant in the event it is not corroborated by site records should be adjusted.” [Stephens]

“In general, NIOSH appears to endorse a low weighting to eyewitness worker outreach and interview testimony and affidavits. Interview information is used selectively without adequate justification in technical reports.” [McKeel comments to the docket, June 2010]

- Incorporation of information provided by others

“I’ve never heard of any coworkers being contacted. I would like to see them do that, especially for the elderly who don’t remember. It would be good to contact coworkers or others who work in the same general areas.” [Valerio]

“We had somebody – an operator who worked for [energy employee]– write a letter on our behalf on the kind of work that [energy employee] did...We’re not sure the kind of hands on work he did was taken into account.” [Wolf]

“We submitted letters from coworkers...None of [energy employee’s] coworkers’ statements have been taken into consideration...For DOL or NIOSH to not accept statements from supervisors is wrong. They didn’t even accept statements from the [medical providers].” [Lovelace]

“If the claimant has a letter from a physician saying that it’s a work-related cancer, then NIOSH should at least address the letter from the physician.” [Valerio]

The ANWAG March 2010 submission to the docket included comments from McKeel regarding NIOSH and the NIOSH contractor, Oak Ridge Associated Universities (ORAU):

“NIOSH and ORAU should make better use of claimant information from the CATI interviews and outreach meetings in creating and revising their technical documents.”

- Program integrity and claimant favorability

“I understand there needs to be some sort of corroboration...NIOSH needs to prevent fraud, so it can’t base decisions on the uncorroborated testimony of a worker where that worker is in a position to make things up to allow him/her to qualify. But the record keeping is insufficient, and in a claimant favorable program, exceptions need to be made.” [Stephens]

- Criteria for evaluating worker statements

“...is it possible that one dose reconstruction team considers these histories while other teams consider them suspect? What criteria have been established by NIOSH to determine and/or assess the credibility of workers’ statements during CATI interviews? Have the dose reconstruction teams developed any site specific metric to evaluate workers’ statements to initiate subsequent data capture efforts to verify workers’ statements?” [ANWAG comments to the docket, April 2010]

“What steps will be taken by NIOSH to review the process by which ORAU evaluates worker statements/affidavits in the SEC evaluation process to ensure that ORAU is investigating any and all potential exposure issues raised by workers?” [American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) Building and Trades Department comments to the docket]

- Deadlines for NIOSH response to worker-provided information

“A NIOSH policy that states when site related e-mails, faxes, and letters will be answered from workers, site experts, claimants, and SEC petitioners would be very helpful to limit the number of separate communications.” (McKeel comments to the docket, June 2010)

- Program assumptions

“NIOSH staff has overtly stated the following bias BEFORE obtaining worker histories... ‘We start with the assumption that this was a safe workplace and there were no errors or missing information. We trust our information. You have to provide & prove any conflicting information.’...should be the opposite...All it indicates is evidence of lack of good record keeping...Decisions should be weighted in the context of worker histories, i.e., what workers tell NIOSH, if there is no data.” [Fuortes]

### *Author Observations and Conclusions*

1. Two respondents noted that workers and survivors may have information that is not in DOE records which could be useful. One respondent believed that NIOSH does not incorporate information from workers even when there are signed affidavits. Two respondents questioned

the criteria or process for evaluating information submitted by workers for incorporation by NIOSH.

2. Three respondents believed that NIOSH seems to place more weight on information from DOE than on information from workers. One respondent questioned whether signed affidavits are required from all data sources or only workers.
3. Two respondents suggested that NIOSH take into consideration information from supervisors and medical professionals. Other information from claimants, including letters from coworkers, were also suggested as information which NIOSH should address and/or accept.
4. These comments indicate that there should be more explanation of NIOSH policies on how it evaluates, corroborates, and incorporates information from different sources. This could foster more accurate expectations of how the information will be used and reduce misunderstandings about use of information from DOE, workers and survivors, and others.
5. When there is a lack of data, one respondent believed that it seems as if though the burden is on claimants/petitioners to provide data and proof of exposure. Another respondent suggested that while NIOSH needs to prevent fraud, claimant favorability needs to be considered.
6. One respondent recommended setting policies regarding when NIOSH would respond to information provided by workers.

## **B. Procedures for Worker Outreach Meetings**

To obtain information for dose reconstructions and SEC petition evaluations, NIOSH holds worker outreach meetings. Procedures for the worker outreach program were originally developed in 2005 (Appendix C). In 2009, a new document outlining procedures was approved (Appendix D). The following briefly summarizes both procedures.

The 2009 procedures were reviewed by SC&A, a contractor tasked by the Designated Federal Official to conduct work for the Outreach Work Group of the Advisory Board on Radiation and Worker Health. A brief summary of the findings from the SC&A report (Appendix E) is below.

The 2005 and 2009 procedures and the 2010 SC&A review are Appendices C, D, and E, respectively.

### Procedures

ORAUT-PROC-0097, the procedures approved in 2005, outlined the following steps, including deadlines as appropriate for each procedure:

1. Arranging Worker Outreach Meetings
2. Preparing and Distributing Meeting Materials
3. Conducting the Worker Outreach Meeting
4. Preparing Meeting Minutes

5. Extracting Comments and Determining Which Comments Require a Response
6. Selecting Comment Recipients
7. Generating and Reviewing Comment Responses
8. Reporting Scheduled Actions and Followup

The records generated may include notifications about the meetings, the Worker Input to Site Profile Revisions (WISPR) database, as well as “draft meeting minutes sent to labor organizations and meeting attendees for comment; final meeting minutes; formal comments on draft meeting minutes provided by labor organizations and meeting attendees; and other input (hardcopy and electronic) received from individual workers, unions, and other parties.”

OCAS-PR-012, the procedures approved in 2010, outlined the following steps with no deadlines specified:

1. Identifying the Need for Outreach Effort
2. Identifying the Need for Outreach Support Contractor (OSC) Team Support for Outreach Efforts
3. Arranging Outreach Efforts
  - Initiating support
  - OSC activities
  - Preparing Meeting Materials
  - DOL notification as appropriate

The Outreach Tracking System (OTS) database tracks information such as “correspondence... issue tracking, etc.” The procedure lists three types of records that may be generated: “meeting minutes, sign-in sheets, and formal letters to claimants and stakeholders.”

Appendices included the “General Meeting Structure and Discussion Points” and “Outreach Meeting Process Activities.” The process activities during meetings include noting or identifying issues/needs; after meetings, process activities include reviewing minutes and identifying, inputting, and tracking issues. No details were provided on these activities.

### SC&A Findings

Major findings of SC&A regarding the 2010 procedures were that it did not resolve the original issues and “eliminated many of the positive elements” of the 2005 procedures. SC&A found that the 2009 procedures:

- did not “provide direction for tracking, trending, evaluating, or responding to worker input;”
- did not “specify criteria for identifying action items or for evaluating the adequacy and timeliness of response/resolution;”
- did not have the “majority of expected documentation” in the OTS database;
- did not “define processes or requirements for several venues of worker outreach” and seemed to give “site expert interview records more weight than worker input obtained through outreach meetings;” and

- did not ensure “that worker feedback is accurately and completely documented.”

SC&A also recommended that NIOSH ensure that recordings, minutes, notes, and worker information captured during meetings are submitted for classification review as appropriate; notify participants that the purpose of the meetings is to solicit information that is not classified for national security and provide alternate, private venues if requested by workers; provide a call-in number for those who cannot physically attend meetings; and communicate conflict of interest and bias disclosures at the beginning of meetings.

#### *Author Observations and Conclusions*

1. The 2009 procedures focus on activities before and during outreach meetings and provide less guidance than the 2005 procedures regarding capturing of worker comments and follow-up.
2. Without specific procedures, there is no observed NIOSH policy requiring that worker comments be recorded and action taken on the comments.
3. Developing criteria for following up on worker information, policies on following up, and deadlines could be useful steps toward ensuring that worker concerns are addressed and that worker information is taken into consideration.
4. It may be useful for NIOSH to highlight the changes that have been made since the SC&A evaluations and take further actions as needed to improve worker outreach procedures and actions.

### **C. Incident Information from the CATI**

To examine the extent to which NIOSH follows up on information provided during CATIs, the author of this report reviewed a sample of CATI reports and compared them to the final dose reconstruction reports. The review looked specifically at the CATI Section 6 Radiation Incidents, which asked “Was the Covered Employee ever involved in an accident involving radiation exposure or contamination?” and the dose reconstruction report section entitled, “Dose from Radiological Incidents.” 100 CATI reports were chosen at random from the population of interviews which had entries in Section 6 and had completed dose reconstructions which had a probability of causation (POC) of less than 50%.

Findings are discussed below.

- Thirteen of the dose reconstruction reports did not mention the information provided in Section 6 of the CATI reports. Unlike the other dose reconstruction reports, these 13 dose reconstruction reports do not summarize the incident information provided by the claimant during the CATIs.

Typical language from the thirteen dose reconstruction reports was the following:

“No radiological incidents were reported during the interview...”

“No incidents were discussed in the interview or were found in the dosimetry records. Additionally, no information was raised in the interview to suggest that the doses estimated in this dose reconstruction are not claimant favorable.”

“The record of the telephone interview was evaluated carefully by the dose reconstructor. No additional information affecting the dose reconstruction was identified.”

In addition, there were two dose reconstruction reports which noted some of the information provided during the phone interview, but not all.

- Of the 85 cases in which claimant-provided information was fully acknowledged in the dose reconstruction report, in none of the records did NIOSH indicate that a change was made to the dose estimate based on claimant-provided information.
- In none of the 100 cases reviewed did NIOSH mention other kinds of follow-up, such as talking to co-workers.

It was not evident in the dose reconstruction reports' discussions on dose from incidents that any action was taken. In one dose reconstruction report, the only NIOSH response to the CATI incident information was the following statement:

“A search of the site records and those provided by the Department of Energy [for employee] did not produce records of radiological incidents, or personal exposures due to radiological incidents [at site].”

There were no explanations of how NIOSH determines when worker or survivor provided information is insufficient and that substantiation is needed.

- There was little explanation of how the claimant-provided incident information was addressed by NIOSH.

Two examples of NIOSH responses are below:

“Although no monitoring records were available, the claimant-favorable assumptions applied in this dose reconstruction would take into account any potential radiation doses received during this incident.”

“The maximizing assumptions applied in this dose reconstruction would account for any exposure [to employee] during his employment [at site].”

There were six cases in which such statements regarding claimant favorability were the entirety of the dose reconstruction reports' response to incident information provided during CATIs.

In another 12 cases, the NIOSH response consisted of only stating that no information was found in the DOE records and that overestimates were made.

- There were four cases in which NIOSH stated that it is not possible to know whether there was exposure, yet NIOSH believes that the dose estimate accounted for any potential dose.

There was little explanation of how the estimated dose addressed the claimant-provided incident information, given the lack of information.

“Without additional information or an approximate date, it would be difficult to address this potential incident. Additionally, no information was found in the records provided by the Department of Energy that would indicate involvement in an explosion. The claimant-favorable overestimates of external and internal dose applied in this dose reconstruction would account for any potential radiological exposures that [employee] may have received while employed at the [sites].”

“The available records do not contain information about this event so it cannot be determined if it involved exposure to radiation or radioactive materials. The doses applied in this dose reconstruction are overestimates and should account for incidental radiation exposure that may have occurred.”

“No incident information was provide[d] by the DOE for [employee] so it is not known if he was involved in any incidents where one of these machines found significant contamination.”

“Without details such as location, date and likely activities being performed, no adjustment to [employee’s] dose can be made based on this comment. As previously described, only radiation dose from occupationally related medical X-ray procedures has been evaluated in this dose reconstruction; therefore, this incident information has not been evaluated.”

- In most of the cases reviewed, NIOSH stated that the employee had a dosimetry record or monitoring. However, there was little indication that NIOSH had confirmed that the employee was monitored before, during, and after the reported incidents.

An example of such language is below:

“Based on the time frame [employee] worked at the site [years] and the fact that he was monitored for external exposure periodically, assumptions noted in this report account for recorded exposure and potential unmonitored exposure, both internally and externally, and are considered claimant favorable.”

There is no confirmation that the periodic monitoring included the time periods mentioned in the incident information.

#### *Author Observations and Conclusions*

1. The number of cases (15) in which claimant-provided incident information was not fully acknowledged in the dose reconstruction report suggests both a need to better capture information, and quality control to ensure that interviewee comments are noted in dose reconstruction reports.
2. Follow-up on the incident information seemed to consist of only searching for DOE information. It would be informative to discuss any other follow-up that was conducted, such as interviewing coworkers and using information from those interviews.
3. Not making changes to the dose because no DOE records were found seems to indicate that DOE records are more accurate than worker comments. NIOSH may wish to consider providing information on the validity and reliability of DOE recordkeeping and how decisions are made regarding which source to use when there is conflicting information.
4. The NIOSH response to most information was to state that dose estimates were overestimates and were claimant-favorable. This does not seem to directly respond to claimant comments. Customer service would be improved by providing more detailed, case-specific responses.
5. In none of the 100 cases reviewed did NIOSH indicate that a change was made to the dose estimate based on claimant-provided incident information. There could be more clarity if the reports highlighted any changes that were made to dose reconstruction reports based on information provided by workers or survivors.

## **II. Understandability of NIOSH Information**

Information that NIOSH provides to claimants, petitioners, and their representatives include the processes of the program (i.e., dose reconstruction and SEC petition evaluation processes), the findings of NIOSH (dose reconstruction reports, SEC petition evaluation reports, technical information bulletins, site profile documents, etc.), the status of a claim or petition, and more.

Such information is shared by NIOSH in different ways, including but not limited to the following:

- the NIOSH website,
- personal communications (email, postal mail, phone, in-person meetings),
- written documents,
- public meetings to disseminate program information, including revisions of site profiles,
- educational dose reconstruction workshops for invited advocates,
- meetings requested by the public, such as those to discuss the SEC process, and
- meetings held by DOL to which NIOSH is invited.

Following is a review of the understandability of the information provided by NIOSH.

### **A. Comments from Interviews and the Public Docket**

Below are topics raised in the docket and during interviews regarding the understandability of NIOSH-provided information.

- Understandability of the processes of dose reconstruction and SEC petition

“The complexity of the key process, namely Dose Reconstruction, is well beyond the average claimant, and no meaningful attempts have been made by NIOSH to clarify in detail how the dose reconstructions are done on a case by case basis and how the percentages were derived... While the scientific detail NIOSH provides is impressive, it is simply unreasonable to expect claimants to understand this process, or to be able to respond to NIOSH in cases where claims have been denied based solely on this information.” [Bennett comments to the docket]

“NIOSH presents its decisions in language a majority of people do not understand... NIOSH fails to keep SEC petitioners informed about the process.” [AFL-CIO Building and Trades Department comments to the docket]

“The basic stuff is on the web, you can look it up. But at the Board meetings, most of the petitioners don’t know what the next step is --they don’t even know what a Board meeting is, what the protocol is.” [Johnson]

- Understandability of scientific information

“Are reports sent to claimants being prepared in such a way that they can be understood by a high school graduate, as is specified in both the 2002 and 2009 ORAU contracts?” [AFL-CIO Building and Trades Department comments to the docket]

“I’ve helped with claimants, explaining the dose reconstruction reports. I don’t think most of the claimants understand them. The structure of the reports, the long introduction –I can understand why it’s there, but it takes a number of pages to get to the meat of the report.” [Evaskovich]

“The dose reconstruction reports are lengthy and language can be very overwhelming to read. They’re technical documents, so I know that this may be unrealistic.” [Valerio]

“We received a letter saying NIOSH was going to be over the 180 days for completing the evaluation report. The letters were wordy, not simplistic, not clear. Seemed like they were written in a biased viewpoint. Somebody needs to write these from the viewpoint of a petitioner.” [Johnson]

“As an environmental attorney, I run into this type of thing all the time –complicated science I’m not familiar with, and I can generally do that, but I haven’t been able to do that in the context of the dose reconstruction.” [Stephens]

“...their explanations of what they’ve done-- is very complicated for most claimants...I’m capable of understanding anything that makes sense. I’ve spoken with many claimants, and the DRs do not make sense to most.” [Lovelace]

“It was very difficult for [energy employee]...he had a rough time reading and writing...If I wasn’t there, he wouldn’t have been able to...understand the pages and pages of dose reconstruction reports and the response deadlines...I’m an engineer, I worked in the industry, so it wasn’t that difficult to understand the information. But to call and ask questions, you had to go through a phone tree, and he had trouble doing that on his own.” [Wolf]

“On a scale of 1 to 10, 10 being the most difficult to understand, I’d have to place the information as a 9 or 9.5, extremely complex.” [Anonymous interviewee]

- Professional assistance sought

“Weldon Spring has gotten extremely technical...The site expert we had helping us –if we didn’t have that, we really wouldn’t understand.” [Johnson]

“We feel like eventually, we’ll be able to find a health physicist to help us make compelling arguments to attack the dose reconstruction.” [Stephens]

- Helpfulness of NIOSH assistance

“Something that NIOSH did that I think is very favorable: Claimants get a packet of materials. It includes a handout with the 14 steps, with a check mark showing the step you’re at.” [Anonymous interviewee]

“For the most part, I believe that people understand the dose reconstruction process... Again, as far as them explaining to us the process and being available to assist petitioners, they’ve been wonderful.” [Valerio]

“Some ANWAG advocates recently attended the NIOSH two-day workshop in Cincinnati which explained the dose reconstruction and SEC programs. The workshop was very helpful and informative.” [ANWAG comments to the docket, April 2010]

“I’ve met the NIOSH people at the Board meetings --they will help you when you talk to them. But not everyone can go to the Board meetings. I just call and talk to the NIOSH people I know –not everyone knows can do that. Normally, during the CATIs, it’s just someone calling to ask them questions.” [Anonymous interviewee]

“The NIOSH annual DR workshops do allow time for Q&A and direct, nearly one on one, interactions with DCAS staff...However, access to these sessions is by invitation and is weighted towards union representatives at large DOE sites. DOE sites get better service from NIOSH than AWE sites” [McKeel comments to the docket, June 2010]

- Impact on trust

“There’s a lack of communication with the petitioners, no real guidance. So I have a lack of trust in NIOSH and their ability.” [Johnson]

- Suggestions for NIOSH

“A petitioner should have someone assigned to them to hold their hand through the process. I know a lot of agencies don’t like to hold someone’s hand, but this is a very important process. We’re talking about workers –even attorneys would have a hard time. A worker deserves better treatment....Something needs to be provided to us, maybe a list of independent health physicists who could consult for free with us.” [Johnson]

“I think the program benefits from the participation of advocates...DOL should make available a list of licensed, certified advocates –it’s better if there’s no relationship with the program...Now that the fee limits are part of the program’s legislation, that’s enough to prevent claimants from being taken advantage of.” [Stephens]

“Put it in layman terms. Spell it out to me so I can help the claimants. Generate an online tutorial for representatives, an explanation of dose reconstruction, or at least give them a number to call. Make the dose reconstruction more open to the needs of the claimants. Some people can understand and could appreciate the trainings. Go a step further. There could be some form of instructional tool, maybe a CD...” [Anonymous interviewee]

“There wasn’t a disable-friendly process...It would help to have a contact who could sort of walk you through these things if you do have disabilities or somehow take into account people who have difficulty reading and writing if you have a disability.” [Wolf]

### *Author Observations and Conclusions*

1. Most of the respondents consider the processes and program information to be complicated and difficult to understand. This may be due to the complexity of the information as well as the way the information is communicated.
2. Two respondents, including an environmental attorney advocate, said that they sought professional experts to help with the scientific and technical information.
3. Four respondents believed that assistance from NIOSH has been helpful, although it is not always available to everyone.
4. Respondents suggested that NIOSH provide tutorials, workshops available to all, and access to independent health physicists or advocates.
5. NIOSH should explore ways in which the process and information can be more disability friendly to better address the needs of the claimant and petitioner population.

## B. Readability Evaluation

The author of this report analyzed the readability of a sample of NIOSH dose reconstruction reports, webpages, and educational materials using Microsoft Word 2007 grammar check function readability evaluation tool, which calculated the Flesch Kincaid Grade Level. The Flesch Kincaid Grade Level is based on the number of words per sentence and the number of syllables per word. Only the text of the reports was evaluated; tables, references, cover pages, and footnotes were omitted.

### Dose Reconstruction Reports

An evaluation of the grade level of dose reconstruction reports was conducted. As noted by the AFL-CIO Building and Trades Department comments to the docket, the following is in the ORAU contract language:

“3.2 The contractor will collect and analyze all available information relevant to dose estimation/reconstruction for each individual claim and produce and transmit to NIOSH a draft report providing dose estimates, methods, and the factual basis upon which the doses were estimated, including a narrative explanation of this information understandable by claimants with a high school education.”

<http://www.cdc.gov/niosh/ocas/pdfs/orau/drcntr2.pdf>

Below is an analysis of the readability of dose reconstruction reports numbers 5000, 10000, 15000, 20000, 25000, and 30000. The six reports were written at grade levels four to six years beyond the high school education level.

<b>Document</b>	<b>Grade Level</b>
<b>Dose reconstruction report 5000</b>	17.1
<b>Dose reconstruction report 10000</b>	17.6
<b>Dose reconstruction report 15000</b>	16.8
<b>Dose reconstruction report 20000</b>	18.2
<b>Dose reconstruction report 25000</b>	16.3
<b>Dose reconstruction report 30000</b>	17.7

### Webpages

Twenty-nine webpages with substantive content were analyzed. Not included were the 22 webpages that consisted mostly of links to other pages or documents; 42 archived historical pages, and 110 pages of links about specific work sites.

Of 29 webpages evaluated, only four were at or below the 12.0 grade reading level.

<b>Page</b>	<b>Grade Level</b>
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About DCAS <a href="http://www.cdc.gov/niosh/ocas/ocasabt.html">http://www.cdc.gov/niosh/ocas/ocasabt.html</a>	17.3
Advisory Board <a href="http://www.cdc.gov/niosh/ocas/ocasadv.html">http://www.cdc.gov/niosh/ocas/ocasadv.html</a>	15.9
Conflict or Bias Policy and Disclosure Statements <a href="http://www.cdc.gov/niosh/ocas/ocascobs.html">http://www.cdc.gov/niosh/ocas/ocascobs.html</a>	16.3
DCAS Home <a href="http://www.cdc.gov/niosh/ocas/">http://www.cdc.gov/niosh/ocas/</a>	15.8
Dose Reconstruction <a href="http://www.cdc.gov/niosh/ocas/ocasdose.html">http://www.cdc.gov/niosh/ocas/ocasdose.html</a>	15.6
General Activities on Atomic Weapons Employer (AWE) Cases <a href="http://www.cdc.gov/niosh/ocas/ocasawe.html">http://www.cdc.gov/niosh/ocas/ocasawe.html</a>	15.6
General Activities on Department of Energy (DOE) Cases <a href="http://www.cdc.gov/niosh/ocas/ocasdoe.html">http://www.cdc.gov/niosh/ocas/ocasdoe.html</a>	14.8
How to Submit an SEC Petition <a href="http://www.cdc.gov/niosh/ocas/how2add.html">http://www.cdc.gov/niosh/ocas/how2add.html</a>	13.7
Phone Interview Information <a href="http://www.cdc.gov/niosh/ocas/phone.html">http://www.cdc.gov/niosh/ocas/phone.html</a>	13.6
Probability of Causation –NIOSH IREP <a href="http://www.cdc.gov/niosh/ocas/ocasirep.html">http://www.cdc.gov/niosh/ocas/ocasirep.html</a>	15.8
Program Evaluation Reports (PERs) and Program Evaluation Plans (PEPs) <a href="http://www.cdc.gov/niosh/ocas/ocaspers.html">http://www.cdc.gov/niosh/ocas/ocaspers.html</a>	16.6
Quality Assurance/Quality Control Activities <a href="http://www.cdc.gov/niosh/ocas/ocasqaqc.html">http://www.cdc.gov/niosh/ocas/ocasqaqc.html</a>	14.6
SEC Home <a href="http://www.cdc.gov/niosh/ocas/ocassec.html">http://www.cdc.gov/niosh/ocas/ocassec.html</a>	14.3
Submissions not Qualifying for Evaluation <a href="http://www.cdc.gov/niosh/ocas/noqual.html">http://www.cdc.gov/niosh/ocas/noqual.html</a>	15.4
Technical Documents Used in Dose Reconstruction <a href="http://www.cdc.gov/niosh/ocas/ocastbds.html">http://www.cdc.gov/niosh/ocas/ocastbds.html</a>	15.9
FAQs The Act <a href="http://www.cdc.gov/niosh/ocas/faqsact.html">http://www.cdc.gov/niosh/ocas/faqsact.html</a>	12.6
FAQs Case Concerns <a href="http://www.cdc.gov/niosh/ocas/faqsccp.html">http://www.cdc.gov/niosh/ocas/faqsccp.html</a>	11.0
FAQs Claimant Correspondence <a href="http://www.cdc.gov/niosh/ocas/faqscc.html">http://www.cdc.gov/niosh/ocas/faqscc.html</a>	11.6
FAQs Conflict or Bias (COB) Policy <a href="http://www.cdc.gov/niosh/ocas/faqsccb.html">http://www.cdc.gov/niosh/ocas/faqsccb.html</a>	13.1
FAQs Dose Reconstruction <a href="http://www.cdc.gov/niosh/ocas/faqsdr.html">http://www.cdc.gov/niosh/ocas/faqsdr.html</a>	13.7
FAQs Freedom of Information Act (FOIA) <a href="http://www.cdc.gov/niosh/ocas/faqsfoia.html">http://www.cdc.gov/niosh/ocas/faqsfoia.html</a>	10.1
FAQs National Defense Authorization Act <a href="http://www.cdc.gov/niosh/ocas/faqsdaa.html">http://www.cdc.gov/niosh/ocas/faqsdaa.html</a>	13.7
FAQs NIOSH-Interactive RadioEpidemiological Program <a href="http://www.cdc.gov/niosh/ocas/faqsirep.html">http://www.cdc.gov/niosh/ocas/faqsirep.html</a>	12.7
FAQs Probability of Causation <a href="http://www.cdc.gov/niosh/ocas/faqspsc.html">http://www.cdc.gov/niosh/ocas/faqspsc.html</a>	13.4
FAQs Residual Contamination Report <a href="http://www.cdc.gov/niosh/ocas/faqsrtc.html">http://www.cdc.gov/niosh/ocas/faqsrtc.html</a>	15.2

<b>FAQs Responsibilities under Subtitle B of EEOICPA (The Act) (Agency, Advisory Board, and Contractor)</b> <a href="http://www.cdc.gov/niosh/ocas/faqsar.html">http://www.cdc.gov/niosh/ocas/faqsar.html</a>	14.4
<b>FAQs Technical Documents</b> <a href="http://www.cdc.gov/niosh/ocas/faqstd.html">http://www.cdc.gov/niosh/ocas/faqstd.html</a>	12.2
<b>FAQ SECs</b> <a href="http://www.cdc.gov/niosh/ocas/faqssec.html">http://www.cdc.gov/niosh/ocas/faqssec.html</a>	14.0
<b>FAQs Telephone Interviews</b> <a href="http://www.cdc.gov/niosh/ocas/faqsint.html">http://www.cdc.gov/niosh/ocas/faqsint.html</a>	11.6

Printed Educational Materials

Of the 12 printed educational materials, seven were at the 12.0 grade reading level or below.

<b>Document</b>	<b>Grade Level</b>
<b>Fact Sheet: A Closer Look Behind Your Claim: Dose Reconstruction</b> <a href="http://www.cdc.gov/niosh/ocas/pdfs/misc/2005-144.pdf">http://www.cdc.gov/niosh/ocas/pdfs/misc/2005-144.pdf</a>	12.3
<b>Fact Sheet: A Closer Look Behind Your Claim: Probability of Causation</b> <a href="http://www.cdc.gov/niosh/ocas/pdfs/misc/2005-141.pdf">http://www.cdc.gov/niosh/ocas/pdfs/misc/2005-141.pdf</a>	12.2
<b>Fact Sheet: A Closer Look Behind Your Claim: Residual Contamination</b> <a href="http://www.cdc.gov/niosh/ocas/pdfs/misc/2005-142.pdf">http://www.cdc.gov/niosh/ocas/pdfs/misc/2005-142.pdf</a>	14.2
<b>Fact Sheet: A Closer Look Behind Your Claim: Special Exposure Cohort</b> <a href="http://www.cdc.gov/niosh/ocas/pdfs/misc/2005-143.pdf">http://www.cdc.gov/niosh/ocas/pdfs/misc/2005-143.pdf</a>	10.5
<b>Fact Sheet: A Closer Look Behind Your Claim: Technical Basis Documents</b> <a href="http://www.cdc.gov/niosh/ocas/pdfs/misc/2005-140.pdf">http://www.cdc.gov/niosh/ocas/pdfs/misc/2005-140.pdf</a>	11.1
<b>Brochure: Let's Talk About Your Claim</b> <a href="http://www.cdc.gov/niosh/ocas/pdfs/misc/2005-145.pdf">http://www.cdc.gov/niosh/ocas/pdfs/misc/2005-145.pdf</a>	11.4
<b>Brochure: Office of Compensation Analysis and Support</b> <a href="http://www.cdc.gov/niosh/ocas/pdfs/misc/2002-137.pdf">http://www.cdc.gov/niosh/ocas/pdfs/misc/2002-137.pdf</a>	11.4
<b>What a Claimant Should Know About Radiation Dose Reconstruction</b> <a href="http://www.cdc.gov/niosh/ocas/pdfs/misc/2002-138.pdf">http://www.cdc.gov/niosh/ocas/pdfs/misc/2002-138.pdf</a>	13.1
<b>Overview of the Dose Reconstruction Process under the Act</b> <a href="http://www.cdc.gov/niosh/ocas/pdfs/misc/overview.pdf">http://www.cdc.gov/niosh/ocas/pdfs/misc/overview.pdf</a>	9.5
<b>Detailed Steps in the Dose Reconstruction Process</b> <a href="http://www.cdc.gov/niosh/ocas/pdfs/misc/detailedsteps.pdf">http://www.cdc.gov/niosh/ocas/pdfs/misc/detailedsteps.pdf</a>	11.1
<b>Glossary of Terms</b> <a href="http://www.cdc.gov/niosh/ocas/pdfs/misc/glossary.pdf">http://www.cdc.gov/niosh/ocas/pdfs/misc/glossary.pdf</a>	12.3
<b>Frequently Asked Questions</b> <a href="http://www.cdc.gov/niosh/ocas/pdfs/misc/drfaqs.pdf">http://www.cdc.gov/niosh/ocas/pdfs/misc/drfaqs.pdf</a>	11.3

*Author Observations and Conclusions*

1. The six sampled dose reconstruction reports were written at grade levels four to six years beyond the high school education level. Of 29 webpages evaluated, only four were at or below the 12.0 grade reading level. Of the 12 printed educational materials, seven were at the 12.0 grade reading level or below.

2. To be better understood by a greater number of people, dose reconstruction reports, webpages, educational materials, as well as other documents (SEC petition evaluation reports, etc.) should be written at or below the 12<sup>th</sup> grade reading level. It may be helpful to provide short, easy to read summaries.

### **III. Other Issues Identified in Interviews and the Public Docket**

Other issues identified in public comments and during the interviews were the burden on claimants and petitioners to provide information, access to information used by NIOSH to make decisions, written and oral communications by NIOSH, the assistance provided by NIOSH to claimants and petitioners, and trust or conflict of interest.

[Also mentioned were the issues addressed in other sections of the report regarding the science, decisions, and timing; since they are covered by other sections of this ten-year review, they will be only briefly mentioned below.]

#### **A. Burden**

Topics raised in the docket and during interviews are discussed below.

- Preparation for dose reconstructions

“Sometimes, claimants don’t understand what information they’re being asked for... Stuff gets missed and you end up redoing the dose reconstruction.” [Evaskovich]

“People should be encouraged to understand what’s going on when they’re describing what they know, and it’s just not fair for a NIOSH representative to be asking questions of the claimant without encouraging the participation of an advocate, without any incentive for a claimant to be somehow prepared for the interview... The burden on claimants is significant, but understandable.” [Stephens]

- Barriers faced by workers and survivors

“The timing of the CATI is usually when people are getting treatment, radiation therapy - it’s a lot more difficult for them to remember.” [Evaskovich]

“At Pantex, some are still working at the site. They don’t want the employer to know who said what about historical exposures and risks. They’re afraid for their well being and for their children. It’s a relatively small community, so they’re also concerned about their children’s employment.” [Fuortes]

- Workers’ access to information

“So many workers weren’t aware of what they were exposed to. But they know that they were in those areas.” [Valerio]

“...The site has been destroyed; there is no information. Unless we kept stuff, how would you know? It’s a backward way of doing things. Individuals don’t usually keep dose records and things like that.” [Wolf]

“Workers were held under secrecy. Things that are almost classified information in some cases. They’re very high tech questions. Some former workers can’t even remember things themselves.” [Anonymous interviewee]

“Workers had worked under ‘need to know.’ They don’t know how many thousands of pounds of uranium or other substances were used. Their knowledge was limited.” [Fuortes]

- Survivors’ access to information

“In some cases claimants were asked to provide specific dates where their Husband/Father worked at the plant. In other cases they were asked to provide the department where their Husband/Father worked, or they were asked to provide the clock number of their Husband/Father. How could anyone possibly expect that anyone would be able to provide this type of information when the events in question occurred over 60 years ago at a plant that in effect no longer exists.” [Bennett comments to the docket]

“NIOSH demands too much evidence from claimants, especially survivors... NIOSH processes are never-ending.” [AFL-CIO Building and Trades Department comments to the docket]

“There are so many questions asked of former workers, especially surviving spouses, siblings, etc...unanswerable because there is no way they could know, they have no way of responding effectively...If the person doesn’t have a subject matter expert on the site...the questions really can’t be answered. That’s something that needs to be looked at.” [Anonymous interviewee]

“The CATIs for survivors are difficult, especially survivors who aren’t familiar with the facility or the work. Survivors just don’t have access to that information, especially if it’s classified.” [Valerio]

“In the interview, you go through the potential isotopes you were exposed to... if you were an operator or a spouse who never worked in the industry, how would you have a clue?” [Wolf]

- Reducing information requests

“It had included a list of people to contact... When I asked about it, they said, ‘We only contact them if we need to.’...There’s a lot of up front paper work that wasn’t ever used. If they aren’t going to use them, why bother?...a lot of the things took a lot of time, back & forth in the telephone interview...Only ask for the information that you need.” [Wolf]

“Could make process more humane and more efficient...Shouldn’t ask claimant questions just to check off a box in the process; should ask about things only if they are relevant to the decision making. The process is stalled because of this...Salaried scientists at NIOSH –not contractors-- could put some thought into what to do...Algorithms could be developed covering common scenarios to streamline the process and save time, money, and confusion.” [Fuortes]

“For SEC members in part B who have a medical diagnosis and verified employment, the DOL resource center should not go over their work history and exposure, and NIOSH should not have to ask about duration of work/job titles/etc. Only the 250 days employment in a covered facility and covered cancer are at issue.” [Fuortes]

“...Why does NIOSH do more interviews with survivors who have just lost a loved one after their initial claim was approved but who died before the claim process was finalized?...They can always provide comments; however, NIOSH and DOL should not hold up the claims process nor subject the claimant to additional questioning.” [Fuortes]

- Reducing the number of dose reconstructions

“People with six or seven skin cancers who worked for 20 years are likely to be compensated, but if people with only one skin cancer never get compensated, then why are dose reconstructions being done for them?” [Fuortes]

“...Why does NIOSH push for people to pursue dose reconstructions for things that claimants haven’t brought up? If you already know that the data shows that the POCs will be less than 50%, then don’t subject the person to the process...” [Fuortes]

“It’s a little confusing that every time an individual is diagnosed with a new condition, they have to go through a new dose reconstruction. It doesn’t seem cost effective.” [Valerio]

- “Burden of proof”

“The burden of proof is always on the person submitting the claim. It’s always, ‘Do you have more information?’” [Wolf]

“I was told that I could attach the SC&A report to my petition, along with worker affidavits, but after I submitted it, I was notified that it wasn’t acceptable –I needed to quote excerpts from the report.” [Johnson]

“It’s a time consuming process to challenge a dose reconstruction. We’re probably not going to be successful most of the time.” [Stephens]

### *Author Observations and Conclusions*

1. Although CATIs and submission of work history information are voluntary, there is concern that the program places on claimants and petitioners the responsibility of proving exposure.
2. Based on comments from respondents that NIOSH requested “specific dates” and “excerpts,” better explanations could be provided regarding information requests, the mandatory information needed from claimants and petitioners, and the role of NIOSH in obtaining information for dose reconstructions and petition evaluations.
3. Two respondents suggested that NIOSH better explain CATIs and prepare claimants for the interviews and the information that will be requested of them.
4. NIOSH should take into consideration circumstances faced by workers and survivors, such as the passage of time, burdens of illness, lack of technical expertise, fear of retribution by current energy employers, and systematic lack of information sharing given national security concerns.
5. To reduce burden, it was suggested that NIOSH request information only if the information will be used. Two respondents believed that some dose reconstructions and interviews seem unnecessary. NIOSH should examine its procedures and eliminate any steps that are redundant or are barriers to timely, effective dose reconstructions and petition evaluations.

## **B. Access to Information**

Topics raised in the docket and during interviews are discussed below.

- Specificity and clarity of citations and reports

“The citation method is completely inadequate...the citation should be ‘this document, this page.’ Should give you enough information that if you’re willing to do the work, you can find the document.” [Stephens]

“Information that should be included in the report: the data that they applied and didn’t apply to the dose reconstruction. Some reports explain, e.g., ‘The dose reconstruction didn’t apply ambient because this other data was used instead. We used missed dose for these specific years, etc.’ All the reports should have this information. The dose reconstruction reports don’t always say if they applied miss or ambient dose.” [Evaskovich]

“NIOSH reports that represent second attempts (i.e., are DR “reworks”) do not generally spell out exactly what parameters or assumptions were changed...” [McKeel comments submitted to the docket by ANWAG, March 2010]

“...the differences in parameters and assumptions used in both DRs are not stated clearly in the second DR report. Changing this policy would be immensely helpful to claimants. A table comparing DR1 and DR2 parameters and assumptions would greatly alleviate this problem...” [McKeel comments to the docket, June 2010]

“There is inadequate feedback to SEC petitioners on what site information was captured, apart from number of boxes and very general descriptions such as number of documents...The issues matrices I have seen have never included any entries under ‘Board Action’ to indicate current status of Findings...NIOSH and SC&A do not keep the SEC and TBD site profile issues matrices PA cleared versions up to date and distributed appropriately. There is continued confusion tracking the latest and last updated versions at work group meetings involving NIOSH discussants that impede progress. Valuable work time on crowded agenda items is wasted because of this factor...” [McKeel comments to the docket, June 2010]

- Availability of information

“The burden on the claimants is extremely hard when we can’t have access to files.” [Lovelace]

“In one case, they use a 1958 memo available on the DOE website, but the website has only 3 out of the 5 pages, and there are a lot of attachments to the memo that aren’t available on the internet. This piece of evidence that has been cited is not available.” [Stephens]

“It costs money to get the measurements and ICRP models --about \$200 every time...NIOSH could buy and make available these ICRP models, but they’re probably proprietary information...” [Stephens]

“...when I put in my authorized advocate form, I usually request the file, and I get the file very quickly. I think that’s a very good thing. We don’t have to pay for it –that’s great. We almost never have to charge clients anything like in a typical personal injury.” [Stephens]

“In accessing documents on websites (guidelines, TIBs), I’ve found that the website has been helpful. I check the website daily to see if any new information pertains to me...But not everyone is computer savvy or has access to internet as far as good downloads...A lot of workers are retired, senior citizens, and may not be into computers.” [Evaskovich]

- Access to information used by NIOSH to make decisions

“If individual wants a copy of whatever was used to do their dose reconstruction, there shouldn’t be any privacy issues since it’s part of their claim file. It has to go to DOE to be declassified and takes an act of Congress to get the information.” [Valerio]

“NIOSH has health physicists and boxes of data and no transparency with community stakeholders about what is known or unknown from primary sources. Petitioners do not and did not have access to these data...Anything that’s not affected by national security or confidentiality should be on a common website. NIOSH shouldn’t be using information that’s not available to petitioners (except security).” [Fuortes]

“I got a letter saying that even though mine didn’t qualify, they found other reasons to make it qualify. The letter didn’t say what those reasons were.” [Johnson]

“The surrogate data issue came up. [NIOSH staff] says he has real data to replace the surrogate data. We don’t know what that data is.” [Johnson]

- Freedom of Information Act (FOIA) requests

“Sometimes, FOIA requests aren’t responded to in a timely manner or at all. I had a request denied because it was determined that I was using it for personal gain. Nothing could be further from the truth.” [Anonymous interviewee]

“It is nearly impossible to access information. I have requested records under FOIA numerous times, and I’ve yet to get the papers I am asking for and get the same records as before. In the papers I did get, I’ve received five other people’s files...DOE tells me they had no records. Well, it’s law that they keep records.” [Lovelace]

“We wanted to file a FOIA request –that was a huge roadblock...They said it could take up to two years...It’s not clear which agency you’re supposed to send it to...We refined our search --I still don’t like it. I did get a packet from NIOSH. They said we could have it within a couple of weeks. I got it a couple of months later –three days prior to the Board meeting. I don’t know if I got everything that I requested –how would I know?...They claimed that the NIOSH presentation interviewed nine people –I got three and haven’t seen others...I later got a CD which was about 500 documents –and it wasn’t necessarily documents that NIOSH had used...I haven’t followed up because I was so aggravated the first time. I’m obviously not going to get anywhere.” [Johnson]

“My experiences with the CDC FOIA office have been very unfavorable. In my opinion, they have practice censorship, caused delays, not found all responsive documents, have not always cited FOIA allowed exemptions, and have made inappropriate redactions...” [McKeel comments to the docket, June 2010]

- Transparency

“Decisions should be independent and science based, not political...Discussions should be made transparent to the public...Scientific and financial arguments are going on behind the scenes...” [Fuortes]

“NIOSH is not being forthcoming with their evidence, so I don’t trust it. Again, customer service goes a long way with trust. If they would call and explain why they haven’t given me the information, that could go a long way.” [Johnson]

### *Author Observations and Conclusions*

1. Two respondents indicated that they believed that people should have access to information used for dose reconstructions or petition evaluations. Another respondent believed that claimant burden would be reduced if there is more access to information. There was also a mention of the importance of transparency and the decrease in trust caused by the lack of information.
2. Two respondents expressed satisfaction with some of their access to information, but both also provided examples of the limitations to the access to information.
3. Based on these comments, access to the information used by NIOSH to make decisions could be increased by addressing barriers such as cost, inconvenience, and lack of timeliness. NIOSH should provide the information in a manner that would facilitate use of the data/information by others.
4. Three respondents gave specific examples of information which NIOSH could provide which would help them better understand NIOSH reports. For example, an improved citation method could help claimants and petitioners follow up on dose reconstruction, SEC petition evaluation, and other reports.
5. Four respondents stated difficulties with the process of obtaining information under FOIA. An item for consideration is to better explain the FOIA process and to work with other offices to consider ways to increase timeliness and responsiveness.
6. Providing full, free, immediate, and convenient access to information may increase trust in the program and NIOSH. In making information more available, NIOSH would need to address issues related to the time it takes NIOSH to complete tasks, privacy protections, and the understandability of information.

### **C. Communications**

- Communications with staff

“As an advocate, I assisted people with claims and sit in on CATI interviews. In that arena, I have nothing but praise: the people from NIOSH are very cordial, some have gone out of their way, actually stopped the interview because some things were missing in the file.” [Anonymous interviewee]

“It’s been my experience, whenever I’m dealing with the people at DCAS, they’re always friendly and helpful; I’ve always had the ability to get my questions answered. I never talk to the health physicists, so I don’t know if they’ve been helpful to claimants, but the people I meet at the Board meetings have always been very helpful. I personally can’t say anything negative about customer service from that aspect.” [Evaskovich]

“...[NIOSH staff] encouraged them to take a look at the petition again, and we did get it reversed” [Johnson]

“I’ve gone to the workshops, Board meetings, met with the people from NIOSH. They’ve been very cooperative and helpful. Every time I’ve talked to staff, personnel at NIOSH, they have all been very, very helpful. Very thorough in explaining things and responding.” [Valerio]

“...my experience with NIOSH has been polite, businesslike, and dreadful. Beginning with the receipt of my NIOSH dose reconstruction on December 19, 2009, my continuing conversations with NIOSH have been evasive, non committal, and I thought a male representative was rude in his comments.” [Windisch]

“You just talk to the interviewer, and most of them aren’t technical people. I had one who you would think was a robot. He’d say ‘yes,’ ‘no,’ ‘I do not know’ just like a robot: short and abrupt.” [Lovelace]

“We did the initial telephone interview back then, obviously with someone who didn’t have a clue about the kind of work we did.” [Wolf]

“The phone call with the health physicists and ORAU was itself adversarial. I was condescendingly reminded what a critical incident is.” [Johnson]

- Responsiveness of staff

“...I was always given a short, canned answer that sounded like procedure: ‘I haven’t heard anything.’ Or if I asked for a specific question, I would get a procedural answer: ‘This is what normally happens.’ Not my specific answer. And even the procedural answer wasn’t always correct.” [Johnson]

“There was a lot of wasted time where we got repeated status reports that were of no value...You can never get a straight answer.” [Wolf]

“Customer service has been lacking since the beginning when I started filing SEC petition.” [Johnson]

“We hear several repeated complaints from claimants...NIOSH staff does not listen to the claimants.” [AFL-CIO Building and Trades Department commented to the docket]

- Mistakes in oral and written communications

“I was told that I could attach the SC&A report to my petition, along with worker affidavits, but after I submitted it, I was notified that it wasn’t acceptable...” [Johnson]

“There are a lot of mistakes. I was showing them: ‘are’ instead of ‘area,’ ‘no’ instead of ‘not’ –that makes a big difference.” [Lovelace]

“We got the dose reconstruction report back; it had lots of errors, so we had to get it corrected.” [Wolf]

- Communications with DOL

“We deal with the claims examiners, who work for DOL...Our communication with NIOSH tends to be filtered by the DOL claims examiner.” [Stephens]

“There are problems with the information reported by DOL to NIOSH: wrong type of cancer, etc. I would like for claimants to be able to give information directly to NIOSH (and copy DOL) so it can be faster instead of having to channel everything through DOL. If there’s more than one cancer, maybe NIOSH could contact claimant to follow up, instead of DOL.” [Valerio]

“NIOSH gets a black eye because of wrong information from DOL...there’s a certain degree of unfairness...NIOSH is doing the best with what they’ve got...Sometimes, things get lost. When someone refers to a certain document or something that should be in the file, it’s not always there.” [Anonymous interviewee]

#### *Author Observations and Conclusions*

1. There seems to be inconsistency in the personal communications by staff in terms of friendliness, helpfulness, and responsiveness. It may be useful to provide more staff training in risk communication and conflict resolution.
2. The quality of written communications can be improved to reduce errors, which may increase creditability and trust.
3. To address concerns from three respondents regarding DOL, NIOSH could try to work with DOL to consider ways to reduce mistakes.

#### **D. Assistance to Claimants and Petitioners**

- Program procedures

“I don’t understand why ORAU or NIOSH wouldn’t call a petitioner and ask for clarification...They could call the petitioner and help, saying, ‘We don’t think this is going to work, but here’s what you could do.’” [Johnson]

“Instead of assisting people with SECs, DCAS had denied petitions, then being made to reverse the denials during administrative review.” [Fuortes]

“The rationale of protecting national security interests and not being able to accept the history of workers is part of the pattern of obstruction of the SEC process and has intimidated workers...Examples of intimidation: ‘Since you’re going to be talking about potential national security issues, we need to take you to a private room.’ It’s tactless, a power ploy, intimidating. The process is clearly designed as ‘We have authority; you guys don’t.’” [Fuortes]

- Assistance during CATIs

“The interviews follow the form, which is convenient, but not good interview technique – they don’t try to involve the senses, emotions, to stir the memory. They tend to be pretty dry, which isn’t a rich environment for extracting information, trying to get the workers to remember the places where they worked... The workers may consider something a small thing, but it may be beneficial to get credit for exposures. I’m not sure how to fix that to make it work for both sides. I know it takes a lot of time to conduct dose reconstructions. Maybe something we advocates need to work on to assist people.” [Evaskovich]

- Attendance at meetings

“Petitioners and the community are not advised in a timely fashion about Board meetings... There’s no excuse for that to not be dramatically improved... Should give more notice when conveying to the public and the media.” [Fuortes]

“More than a month out would be helpful, especially for advocates. I travel on my own time and expense. If NIOSH could get the contracts with the hotels sooner, that would be helpful. That would be a cost benefit for NIOSH as well, saving flight costs. But, I understand there are guidelines concerning procurement and dealing with hotels.” [Evaskovich]

“I’m told by more than one person at NIOSH that it’s beneficial if petitioners can be at meetings in person, whether it’s a workgroup or Board. Petitioners are doing this on our own time. It would be helpful if they could pay for something, even if it’s just for travel to one Board meeting that you’re on the agenda for or a workgroup meeting.” [Johnson]

- Role of others

“At least one... [client] was contacted by NIOSH after I put in my authorized representative notice. NIOSH shouldn’t be contacting... without attempting to include me in the conversation. It’s good for the integrity of the program for the advocate to appear as if the advocate is connected with the program and things aren’t just happening out of the blue.” [Stephens]

“In an ideal world, there wouldn’t be a perception of ‘us versus them.’ Personally I have repeatedly been made to feel like a persona non grata... People such as myself, Former Medical Worker Medical Screening Program Principal Investigators (FWP PIs), and other persons with professional expertise regarding workers’ histories, exposures, health experiences and claims and SEC petition experiences would like to work ‘with’ rather than ‘counter to’ colleagues at NIOSH & DOL... Unless there is a collegial process, then it feels like you’re just tossing in your two bits when and where they aren’t wanted.” [Fuortes]

- Recommendations for NIOSH

“I think there should be some type of oversight board which checks into our complaints.”  
[Lovelace]

“We should be working with DOL as coalitions of agencies and individuals figuring out what’s the right thing to do...Could have a community review board which gets input from academics and former workers on science and other issues...In particular, when there are decisions to be made. If someone is being obstructionist or a cog in the administrative wheel, there should be someone who can facilitate the process to get on with it and change the status quo.” [Fuortes]

### *Author Observations and Conclusions*

1. Respondents provided examples of ways in which NIOSH could be more helpful to claimants and petitioners. One respondent expressed concern that NIOSH intimidates workers. New strategies could be developed to reach out to assist in identifying exposures.
2. Respondents recommended that NIOSH to make a greater effort to work collaboratively with advocates and others in the community.
3. Claimants and petitioners may be more able to attend meetings if NIOSH announced meeting dates and locations sooner and provided financial assistance.
4. It was suggested that a position or entity be developed to respond to complaints and obtain feedback from and communicate with the community.

### **E. Trust and Conflict**

- Trust in the program and the government

“...had me shred records. I’m sure I’ve shredded some of the records that the men and women need right now. When you work in a DOE facility, you do what you are told to do...not realizing the consequences 30 years later.” [Lovelace]

“It seemed obvious that ORAU was told to find a reason to deny it...

“...lack of trust with NIOSH...is valid and long standing...

“...From the claimant side, it looks like they’re buying our site experts...” [Johnson]

“We are totally disgusted how our government has enacted this program. We will never trust them again.” [Anonymous comment to the docket]

“Compensation is not a reward –it is Symbolic of a country who is grateful to a patriotic American who would sacrifice his or her life for their country...But I sometimes wonder how people can continue to believe in government when it is so shamelessly corrupt.”  
[Padilla comments to the docket]

- Potential conflicts of interest

“...Even though they’re not working on individual claims, when they make programmatic decisions, that affects everyone...I know they called in top notch professionals, but there’s conflict...It’s not a level playing field...It’s difficult for us to believe that there isn’t some sort of bias...” [Anonymous interviewee]

“It was confusing why NIOSH staff can do work on a site even though they had been there in the past, but if a claimant has a site expert, they’re not allowed to work on the site if they’ve ever spoken a word on the claimants’ favor.” [Johnson]

“Contractors presumably get paid based on the number of dose reconstructions done, so there could be pressure within the system to conduct dose reconstructions even if they are futile.” [Fuortes]

#### *Author Observations and Conclusions*

1. Comments during interviews and in the docket indicate that dissatisfaction in the program may have led to mistrust of the program and the government, including NIOSH and DOE. This lack of trust should be considered in communications and developing program policies.
2. NIOSH should examine and change the policies and actions which create conflicts of interest.

#### **F. Science, Decisions, and Timing**

During the telephone interviews conducted for this section on customer service, comments were also made about the quality of science, the appropriateness of decisions on SECs and individual dose reconstructions, and timeliness – topics addressed in other sections of this ten-year review. Below are excerpts on those topics. Since the topics are covered by other sections of this report of the ten-year review, only a few quotes are listed below. As mentioned previously, complete notes from the interviews are in the appendix of this report.

- Quality of science

Incomplete or missing data:

“Some of the data sets have been very small: one sample for bioassay...six samples altogether.” [Evaskovich]

“I felt I was sent on a wild goose chase...NIOSH says that if nothing can be found on it, then it wasn’t used. The whole point of filing an SEC is because the data wasn’t there. It contradicts the whole purpose.” [Johnson]

“You see ‘assumed’ many times in dose reconstruction letters. When we file a claim, we can’t assume that someone has a medical condition. We can’t assume anything.”  
[Anonymous interviewee]

“In the CATI Incidents section, some of the incidents weren’t sufficient in magnitude to be reported, but they’re nevertheless incidents.” [Valerio]

“Why did they use a temporary dosage for my dose reconstruction rather than using my actual records?” [Windisch]

#### Unreliability of records:

“...there’s an effort by the contractor to comply with regulations --and that need to comply provides the contractor with an incentive to downplay the incidents. So the likelihood that an accident would’ve occurred that’s not record in any detailed way and that an exposure occurred that’s not part of the record is extremely significant...The incentive to underestimate a hazard is significant. How you use the report needs to be considered in light of the context, time period, incentives, that the report was written.”  
[Stephens]

“The SEC petition used many documents from the Federal lawsuit case. It spelled out that the record keeping wasn’t the best. The data NIOSH is using to do dose reconstruction is the same data that was not accurate and was frivolous. I’m can’t challenge the methodology of the science, IREP, dose reconstruction, etc., but I can challenge the reliability of that data. The court document says this was bad information.”  
[Anonymous interviewee]

#### Coworker or surrogate data:

“[energy employee]...walked back and made sure his team was doing the work correctly; he had incidents at [site]... We’re not sure the kind of hands on work he did was taken into account.” [Wolf]

“Even though we’ve presented his rad badges...He was given less probability of exposure than someone who was driving outside the gate... They said the coworker could have been a mechanic on the other end of the plant. It should’ve been the people that [energy employee] worked with.” [Lovelace]

- Appropriateness and consistency of decisions on individual dose reconstructions and SEC petitions

“Claimant favorability is talked about a lot. When a technical document changes, it may not be favorable for the claimant.” [Anonymous interviewee]

“One of my criticisms is that you can’t ever criticize their model. We were working with an epidemiologist...to revise the IREP model, which treats brain cancer the same as the

nervous system... There needs to be more transparency on the model and how it works. If there's evidence the model is inadequate, they should take steps to adjust it." [Wolf]

#### Probability of Causation:

"I know they use efficiency measures because it speeds things up. You're encouraged to turn in more things because it helps the claim, but their next POC number is lower... It gives NIOSH a black eye because it's hard for people to understand... I've been to the IREP trainings where people are helping claimants... There needs to be a better explanation... The efficiency measures are almost taking away due process."  
[Anonymous interviewee]

"The method for probabilities makes no sense..." [Lovelace]

- **Timeliness**

"Some dose reconstructions are processed in a few weeks, so it makes you wonder why some take years. Seems like they're either taking too long or not enough." [Valerio]

"SEC decisions should be made in a more timely manner. I understand there's a lot of reading, research involved. But usually, petitioners have it pretty well documented that people were not monitored... As an advocate, I feel that for the older claims that are still in process, if new information surfaces on these facilities, an SEC makes it so much more claimant favorable for the worker or the survivor." [Valerio]

"NIOSH doesn't abide by the same rules that it imposes on SEC petitioners. NIOSH and DOL write letters giving times constraints for responses to petitioners and claimants, but they take all the time in the world to generate such letters. NIOSH gives little time for response from petitioners --some are widows going through recent loss or people dying of cancer." [Fuortes]

#### *Author Observations and Conclusions*

1. There is concern about the issues identified in other sections of the ten-year review: quality of science, decisions, and timeliness of the program.
2. Satisfaction with the quality of services delivered by the dose reconstruction program may increase if changes were made to the scientific and administrative procedures.

#### **Conclusions**

Comments of interviewees and docket submissions identified issues which NIOSH may wish to consider for improving customer service of the dose reconstruction program. Analysis of data indicates that there are opportunities for strengthening NIOSH communication of its use of information from workers and for increasing the understandability of NIOSH information.

These issues, as well as others raised by respondents, should be considered during Phase II of the ten-year review.

## **APPENDICES**

Appendix A: Website Feedback

Appendix B: Phone Interview Notes

Appendix C: Conduct of the Worker Outreach Program, ORAUT-PROC-0097, 12/29/2005

Appendix D: Worker Outreach Program, OCAS-PR-012, 3/4/2009

Appendix E: Review of OCAS-PR-012, SCA-TR-PR2010-0002, 4/2010

**Appendix A**  
**Website Feedback**

## Website Feedback

Would you like to provide comments on the DCAS website and/or DCAS services?

Yes

No

Please share with us your comments and/or suggestions on the following:

The ease in understanding the website and materials

The ease of finding information and accomplishing your task on the website today

The quality of DCAS services

The timing of DCAS services

I attempted to open a PDF on the DCAS website and instead got a blank pop-up that was nearly impossible to close. I think it was intended to be a survey of the site that's clearly gone awry.

If my father started working for Rocketdyne in April 1964 thru 04 1965 how can this department who is handling the clames for area lv vaim that my father did not work more then 250 hours he worked at least 800 hours how can the grt away with such a lie? and how can I stop them?

why is your address <http://www.cdc.gov/niosh/ocas/> when you are called dcas? What is ocas? what is the differance between ocas and dcas? is thsi a new group that is handling my claim?

excellent

I like your website and the email updates I recieve on my blackberry - Thank you

The site is there, but the response to assistance is not. How do you get a response to your claim?

## **Appendix B**

### **Phone Interview Notes**

**Advocate (Anonymous)**  
**Brock**  
**Thursday, September 16, 2010, 10:30 AM EST**

As an advocate, I assisted people with claims and sit in on CATIs. In that arena, I have nothing but praise: the people from NIOSH are very cordial, some have gone out of their way, actually stopped the interview because some things were missing in the file.

There are so many questions asked of former workers, especially surviving spouses, siblings, etc. So many questions are unanswerable because there is no way they could know, they have no way of responding effectively.

Workers were held under secrecy. Things that are almost classified information in some cases.

They're very high tech questions.

Some former workers can't even remember things themselves.

NIOSH gets a black eye because of wrong information from DOL...there's a certain degree of unfairness...NIOSH is doing the best with what they've got...I help with personal experience as an extra pair of ears...If the person doesn't have a subject matter expert on the site, or Denise, or me, or someone who worked at the site, the questions really can't be answered.

That's something that needs to be looked at.

Sometimes, things get lost. When someone refers to a certain document or something that should be in the file, it's not always there.

Sometimes, FOIA requests aren't responded to in a timely manner or at all.

I had a request denied because it was determined that I was using it for personal gain. Nothing could be further from the truth.

Claimant favorability is talked about a lot. When a technical document changes, it may not be favorable for the claimant.

I know they use efficiency measures because it speeds things up. You're encouraged to turn in more things because it helps the claim, but their next POC number is lower. It's not the claimant's fault.

Someone had like [REDACTED], the POC was only [REDACTED]%. He got [REDACTED], and his POC went down to [REDACTED]% because then NIOSH actually does the dose reconstruction. That's confusing to people.

It gives NIOSH a black eye because it's hard for people to understand.

Someone should see if there's another way to explain to people. When they're getting these lower numbers, it's really difficult to explain. I've been to the IREP trainings where people are helping claimants. There needs to be a better explanation.

The efficiency measures are almost taking away due process.

I've met the NIOSH people at the Board meetings --they will help you when you talk to them. But not everyone can go to the Board meetings. I just call and talk to the NIOSH people I know --not everyone knows can do that. Normally, during the CATIs, it's just someone calling to ask them questions.

Put it in layman terms. Spell it out to me so I can help the claimants. Generate an online tutorial for representatives, an explanation of dose reconstruction, or at least give them a number to call.

Make the dose reconstruction more open to the needs of the claimants.

Some people can understand and could appreciate the trainings. Go a step further. There could be some form of instructional tool, maybe a CD...there's a NIOSH CD on the effects of toxic substances on the human body.

Example: a flow chart. I draw a triangle: at the top: diagnosed claim medical condition; then job classification: years, site, buildings, campaigns; then

databases: Site Exposure Matrix (SEM), hazmat, pubmed, etc

Flow diagram: Is this going to DOL for E or NIOSH for B, etc.

NIOSH Cincinnati says they exempt themselves, but they have so many like Stu that had been radiation contamination management personnel. That's very conflicted or biased. Even though they're not working on individual claims, when they make programmatic decisions, that affects everyone, including Fernald employees. I know they called in top notch professionals, but there's conflict. For the SECs, how can they go back and say "Our rad con manual was bad. It was flawed" They're not going to do that. We've got the fox guarding the hen. This has been brought up many times at Board meetings. NIOSH in DC needs to look at that --who's in the catbird seat. It's not a level playing field. It needs more neutrality.

Dose reconstruction for prostate cancer:

The target organ changed to the bladder. That's not claimant favorable. It takes so much more dose to get to the bladder than the genitalia. I was told that the needed dose to the genitalia would've been so minimal that the majority of claims would've met the POC threshold. Let's face it, a lot of men over 60 have prostate cancer. It was explained to me in kind of a scientific manner, but between the lines, that's how I read it. If it's rational, I'll eventually buy it, but right now, I don't buy it. It doesn't seem claimant favorable.

You see "assumed" many times in dose reconstruction letters. When we file a claim, we can't assume that someone has a medical condition. We can't assume anything. One could easily "assume" that it's "as likely as not." Yet, in a letter, I saw "assumption" or "assumed" nine times. How can they use coworker model data, assume this, assume that?

Being a [REDACTED], I think NIOSH is being guilty of stereotyping in some degree. You can't just say all workers with the same job title were exposed to the same degree. Certain ones worked in certain projects that may have had more or less exposure. So coworker model data isn't accurate. NIOSH shouldn't be stereotypical in claims. There may have been occasion for you to go on the process site even if you're an office

clerk. We've got clerks coming down with cancers and various illnesses. But NIOSH isn't taking that into consideration.

Brock: Many times, the job title doesn't reflect the job.

The "mail boy" was also carrying products, going in and out of sites. "Record clerk" should've been part of the SEC. Only 20 ft from an incident. Part of the job was going into the process area, but DOL wouldn't recognize that.

It's not always NIOSH. Just one of those things that need to be tweaked.

The records kept on workers were very shoddy, numbers were changed, etc. In the case of *Day vs NLO* [National Lead Ohio], ...that's what spurred Fernald II settlement... That being said, the SEC petition that was filed 12/2005, it qualified Apr or May 2006. We've been since then back & forth like a tennis match. NIOSH has bounced back to SC&A. The subcommittee formed under Board which meets periodically every 3 or 4 months. I don't understand why this petition is taking a back seat to everything else; Rocky Flats was an exception - they milked that for a long time. The Fernald subcommittee comes to Cincinnati when they meet. We've gone in person to the subcommittee. I met with our Congressman in southwest Ohio. He was taken aback that it's taken this many years. He and Senator Brown of Ohio introduced identical language.

The SEC petition needs to be qualified by NIOSH, and they're the ones doing the dose reconstruction, so I see a lot of conflict. We have Fernald people like Jim who was one of the rad con managers who had a lot to say then. Now he's one of the subject matter experts at NIOSH. It's difficult for us to believe that there isn't some sort of bias. He's not going to go against the grain on our SEC petition. Nothing personal on him. I like his way of thinking, he's a very intelligent man.

The NIOSH health hazard evaluation team came to our site. They had four questions, looking at can remediation workers be identified, is the data adequate, can it be linked, can hazard surveillance be conducted now or in the future? Looked at 1989 when it ceased to 2006. Very small cohort, including building trades. Can they use this data in a dose reconstruction? The answer to all four questions is a no. [REDACTED] submitted this to the Board and read it in during the public comment period. It fell on deaf ears. I was contacted by NIOSH to use this because they saw our plight, the direction our SEC was headed. I think this needs to get a little stronger attention.

Will this 10 year review report be made available to public?

I wonder about the costs of dose reconstruction and all the contractors making millions of dollars to deny claims.

Something that NIOSH did that I think is very favorable: Claimants get a packet of materials. It includes a handout with the 14 steps, with a check mark showing the step you're at.

At the point of getting information, they can call a coworker or do something to try to jog their memory.

DOL is also good in helping track people's activities of daily living.

On a scale of 1 to 10, 10 being the most difficult to understand, I'd have to place the information as a 9 or 9.5, extremely complex.

The IREP is extremely complex, I don't know if there's something else they could use... They compare Nagasaki's high, acute exposure in Japan to the chronic, low exposures here, but they're different compounds and the complexities of toxic substances or chemicals could enhance the radiation.

The SEC petition used many documents from the Federal lawsuit case. It spelled out that the record keeping wasn't the best. The data NIOSH is using to do dose reconstruction is the same data that was not accurate and was frivolous. I'm can't challenge the methodology of the science, IREP, dose reconstruction, etc., but I can challenge the reliability of that data. The court document says this was bad information.

**Andrew Evaskovich, Advocate and SEC Petitioner**  
**Wednesday, September 15, 2010, 6:00 PM EST**

The SEC petitioner & [REDACTED] ask me to help with certain issues that they don't understand or need information on where a person worked or exposures, collecting environmental reports on LANL, etc. I usually help on the appeal process and a little on some who're starting out on a claim. I help put them in technical areas so they can get credit for working there.

I've helped with claimants, explaining the dose reconstruction reports. I don't think most of the claimants understand them. The structure of the reports, the long introduction –I can understand why it's there, but it takes a number of pages to get to the meat of the report.

Information that should be included in the report: the data that they applied and didn't apply to the dose reconstruction.

Some reports explain, e.g., "The dose reconstruction didn't apply ambient because this other data was used instead. We used missed dose for these specific years, etc." All the reports should have this information.

The dose reconstruction reports don't always say if they applied miss or ambient dose.

Some of the data sets have been very small: one sample for bioassay; for [REDACTED], six samples altogether. In that case, they said they used internal data, but [REDACTED] doesn't recall having had any other than two urine samples. The way [REDACTED] explained how they did it, it didn't make sense: just a sample from a bottle...The RCT monitored for tritium while the sample was in the bottle.

The dose reconstruction reports just say "We couldn't find any record of it, so we didn't account for it in the dose reconstruction." Just because they didn't find the records, doesn't mean that it didn't happen.

NIOSH relies on the records at the site, even though they're supposed to take into account the claimants' statements

They apply lab workers' data to support services workers, but the support service workers weren't wearing PPE. So the data they're applying to do the dose reconstruction is invalid.

They said that all they had was what I alleged in my petition. But, they did have information on support workers being different. It wasn't just from my petition, but they still didn't take that information into account. NIOSH gathered this information during the Site Profile Outreach meetings with Support Services Workers, as well as meetings for the petition evaluation.

I don't think NIOSH has done its homework to determine source terms. They're just looking at the key areas of LANL, but the other areas produce quite a bit of environmental releases. Even the National Academies of Science said they (LANL)

haven't accounted for all the sources. So if NIOSH is relying on LANL data, they don't have all the sources.

It's been my experience, whenever I'm dealing with the people at DCAS, they're always friendly and helpful; I've always had the ability to get my questions answered. I never talk to the health physicists, so I don't know if they've been helpful to claimants, but the people I meet at the Board meetings have always been very helpful. I personally can't say anything negative about customer service from that aspect.

In accessing documents on websites (guidelines, TIBs), I've found that the website has been helpful. I check the website daily to see if any new information pertains to me. The transcripts from Board meetings have been helpful. But not everyone is computer savvy or has access to internet as far as good downloads. A lot of workers are retired, senior citizens, and may not be into computers. So that isn't really helpful. And it's technical information, so they may not understand it.

The timing of the CATI is usually when people are getting treatment, radiation therapy -- it's a lot more difficult for them to remember. We've tried to arrange time go over the questions beforehand, tried to refresh their memories on the information to be given. I learned from [REDACTED] to show them a map to help them remember and get credit for more exposures. We've added information during appeals that people didn't remember before.

The interviews follow the form, which is convenient, but not good interview technique -- they don't try to involve the senses, emotions, to stir the memory. They tend to be pretty dry, which isn't a rich environment for extracting information, trying to get the workers to remember the places where they worked. Especially for support services workers, since they go all over. The workers may consider something a small thing, but it may be beneficial to get credit for exposures. I'm not sure how to fix that to make it work for both sides. I know it takes a lot of time to conduct dose reconstructions. Maybe something we advocates need to work on to assist people.

The petition evaluation report wasn't finalized until way over the 180 day deadline because of a delay in acquiring data. It was supposed to have been by November, but wasn't until end of Jan.

I didn't get it until February. I had only 2 weeks before the Board meeting when it was presented. I could've prepared a better presentation for the Board meeting.

I think I did one of the more in depth petitions...I received a number of compliments. I planned for it to be a big project, did my homework, was prepared... I understand that resources have to be allocated: Board members have other things to work on, etc...others may have had difficulty... Personally, I've been pretty satisfied with the process. Mine was fairly easy to qualify because NIOSH had already said it needed to look at more years. They asked for a couple of clarifications, so I had to do an addendum, which wasn't a problem.

I understand there's a records issue, but if you don't have the records, then grant the SEC.

It shouldn't have taken long for the SC&A review report to be released since there was no privacy act information. However, the publishing of transcripts has gotten better in the last couple of years.

I've talked to Ted Katz about announcing locations and agendas so it's easier to book travel. More than a month out would be helpful, especially for advocates. I travel on my own time and expense. If NIOSH could get the contracts with the hotels sooner, that would be helpful. That would be a cost benefit for NIOSH as well, saving flight costs. But, I understand there are guidelines concerning procurement and dealing with hotels.

Sometimes, claimants don't understand what information they're being asked for. I think explaining this is the reason that we need it for. Stuff gets missed and you end up redoing the dose reconstruction.

**Laurence Fuortes MD, petitioner and advocate, Professor of Occupational and Environmental Health and Internal Medicine, University of Iowa  
Brock**

**Monday, Sept 13, 2010, 10am EST.**

Could make process more humane and more efficient. SEC process can be streamlined.

Bureaucratically laden, some NIOSH and DOL efforts not based on the decision making process nor efficiency of claims processing, adding time & concern to the claimant

Example: Cigarette smoking history has no bearing on the dose reconstruction, yet it is asked. This adds concern & fear to the respondent. Why are claimants asked about this if it's not used in the dose reconstruction?

Claimants get questioning from the DOL resource center, then more questions from NIOSH.

Shouldn't ask claimant questions just to check off a box in the process; should ask about things only if they are relevant to the decision making.

The process is stalled because of this.

People who are covered by SECs and have confirmed diagnosis shouldn't be having their dose reconstructions done, making them wait.

For SEC members in part B who have a medical diagnosis and verified employment, the DOL resource center does not need to go over their work history and exposure, and NIOSH does not have to ask about duration of work/job titles/etc. Only the 250 days employment in a covered facility and covered cancer are at issue.

Why does NIOSH do more interviews with survivors who have just lost a loved one after their initial claim was approved but who died before the claim process was finalized?

Brock: NIOSH wants to make sure that everyone gets their due process.

Wouldn't want someone to say that they had something to add, but nobody called them.

Fuortes: They can always provide comments; however, NIOSH and DOL should not hold up the claims process nor subject the claimant to additional questioning.

If a claimant already got a POC>50%, then NIOSH shouldn't go back to get more interviews, especially if that makes the POC<50%.

Brock: NIOSH may need to do that if there is updated information from DOL

Fuortes: Then it should be clear when and why any additional dose reconstructions are performed AFTER a POC>50%

The delay of seven years at Pantex is unacceptable.

Why is NIOSH still doing worker interviews of workers from Pantex after having agreed this is the sister plant of IAAP? It's the same as Burlington, so shouldn't be going through all this. Why is NIOSH still delaying getting this before the Board?

Decisions should be independent and science based, not political.

Example: IAAP & Mallinckrodt: The OMB passback memo made it obvious that there were discussions w/DOE, DOJ, OMB and that there were political considerations.

Discussions should be made transparent to the public.

Political infighting with SC&A contracts

Scientific and financial arguments are going on behind the scenes.

Squabbles should not be to the detriment of the petitioners.

NIOSH has said that Pantex delays are because of security issues; this may serve to decrease transparency and may be obstructionist.

The rationale of protecting national security interests and not being able to accept the history of workers is part of the pattern of obstruction of the SEC process and has intimidated workers.

Restraints on evidence

Five years ago, NIOSH started requiring signed affidavits to verify claimants and their stories. NIOSH gets information without affidavits from health and safety officers...don't know if they're also put in private rooms and intimidated like workers are...

NIOSH doesn't require affidavits when they talk to health physicists or program administrators or other sources of history.

Examples of intimidation

"Since you're going to be talking about potential national security issues, we need to take you to a private room."

It's tactless, a power ploy, intimidating. The process is clearly designed as "We have authority; you guys don't."

DOD and DOE say that the things that can't be discussed are masses, geometries, locations, building names or numbers in association with materiel or process etc. For this SEC process, workers are talking about exposures. That's not high security. And it's about work that was done 40 years ago.

At Pantex, some are still working at the site. They don't want the employer to know who said what about historical exposures and risks. They're afraid for their well being and for their children. It's a relatively small community, so they're also concerned about their children's employment.

NIOSH staff have overtly stated the following bias BEFORE obtaining worker histories or reviewing Tiger Team reports for Pantex: "We start with the assumption that this was a safe workplace and there were no errors or missing information. We trust our information. You have to provide & prove any conflicting information."

It should be the opposite: if there is no information on the waste in streams or monitoring of the streams, the EPA wouldn't use that as evidence that there was no waste and assume that there was no waste. All it indicates is evidence of lack of good record keeping and usually reflects poor hygiene.

Decisions should be weighted in the context of worker histories, i.e., what workers tell NIOSH, if there is no data.

NIOSH has health physicists and boxes of data and no transparency with community stakeholders about what is known or unknown from primary sources.

Petitioners do not and did not have access to these data.

Workers had worked under "need to know."

They don't know how many thousands of pounds of uranium or other substances were used. Their knowledge was limited

Anything that's not affected by national security or confidentiality should be on a common website. NIOSH shouldn't be using information that's not available to petitioners (except security).

Globalsecurity.org etc have a lot of this data available.

Conflict of interest

Contractors presumably get paid based on the number of dose reconstructions done, so there could be pressure within the system to conduct dose reconstructions even if they are futile.

Example: People with six or seven skin cancers who worked for 20 years are likely to be compensated, but if people with only one skin cancer never get compensated, then why are dose reconstructions being done for them?

Algorithms could be developed covering common scenarios to streamline the process and save time, money, and confusion.

Why does NIOSH push for people to pursue dose reconstructions for things that claimants haven't brought up?

If you already know that the data shows that the POCs will be less than 50%, then don't subject the person to the process.

Salaried scientists at NIOSH --not contractors-- could put some thought into what to do about it.

Many SEC members are going/have gone through dose reconstructions that seem irrelevant and don't add anything except add to the coffers of the contractors.

Shouldn't be delaying Part B claims.

NIOSH doesn't abide by the same rules that it imposes on SEC petitioners.

NIOSH and DOL write letters giving times constraints for responses to petitioners and claimants, but they take all the time in the world to generate such letters.

NIOSH gives little time for response from petitioners --some are widows going through recent loss or people dying of cancer.

Instead of assisting people with SECs, DCAS had denied petitions, then being made to reverse the denials during administrative review.

Petitioners and the community are not advised in a timely fashion about Board meetings.

May be just one week or two notice regarding agendas

There's no excuse for that to not be dramatically improved

It's been taking a long time to set up the Board agenda. Should give more notice when conveying to the public and the media.  
NIOSH could have a position to help the agency interact with the community and have the responsibility for keeping in touch with petitioners and the community as well as truly assisting with the SEC process.

Positives:

Denise Brock requesting administrative reviews and special project review for petitions has been an invaluable service.

She's an army of one. Needs more collaboration in between agencies.  
Identify issues, then over time, Denise pushes to get things changed.

In an ideal world, there wouldn't be a perception of "us versus them." Personally I have repeatedly been made to feel like a persona non grata (less so by NIOSH recently but more so by DOL recently). We should be working with DOL as coalitions of agencies and individuals figuring out what's the right thing to do.

The Board doesn't have capacity to deal with that.

DOL has become a bit more collegial, attending townhall meetings.

People such as myself, Former Medical Worker Medical Screening Program Principal Investigators (FWP PIs), and other persons with professional expertise regarding workers' histories, exposures, health experiences and claims and SEC petition experiences would like to work "with" rather than "counter to" colleagues at NIOSH & DOL.

There are many people who have expertise with this industry who could help  
I personally offer to work with NIOSH in any situation possible on DOE worker health issues.

Unless there is a collegial process, then it feels like you're just tossing in your two bits when and where they aren't wanted.

Could have a community review board which gets input from academics and former workers on science and other issues.

Have a review and facilitation process that is more than just Denise.

Her success appears to be partly due to having a recognized administrative role and personal credibility and relationships.

Could formalize the process: Have DOL, Board, communities forums for discussion.

In particular, when there are decisions to be made.

If someone is being obstructionist or a cog in the administrative wheel, there should be someone who can facilitate the process to get on with it and change the status quo. Is it possible for one person to affect (delay or speed up) the process of an SEC petition such as Pantex? Could that question be looked at as this has been a problematic SEC petition process?

Have a means to collect information and have community input.

I also ask, "What are the next steps from NIOSH? If and how will issues raised from such a review be considered by persons in positions of authority to make changes to the status quo?"

**Karen Johnson Advocate and SEC Petitioner  
(joined by Mary Johnson, survivor)  
Brock  
Friday, September 17, 2010, 10:30 AM EST**

Customer service has been lacking since the beginning when I started filing SEC petition. I was told that I could attach the SC&A report to my petition, along with worker affidavits, but after I submitted it, I was notified that it wasn't acceptable –I needed to quote excerpts from the report.

The phone call with the health physicists and ORAU was itself adversarial.

I was condescendingly reminded what a critical incident is. There were a couple of incidents that weren't reported by the company. They didn't quite say that we couldn't use them, but they kept trying to define what a critical incident is.

Then I received the denial letter, which didn't even acknowledge SC&A report. It just focused on one sentence in the affidavit.

The sentence said that the workers wore badges, but we were questioning whether the information from the badges was ever recorded or used. One of the affidavits pointed out that that his badge changed color when it was dipped in a solution; they never said anything about it and just gave him a new badge the next day.

That wasn't acknowledged in the denial letter.

I don't understand why ORAU or NIOSH wouldn't call a petitioner and ask for clarification. That was confusing. They could call the petitioner and help, saying, "We don't think this is going to work, but here's what you could do."

LaVon believed that they should've worked with us more, so he encouraged them to take a look at the petition again, and we did get it reversed.

There was another petition filed at the same time that they did end up approving and qualifying. I got a letter saying that even though mine didn't qualify, they found other reasons to make it qualify.

The letter didn't say what those reasons were. Just said they would merge it with another.

Very little information given, we were left in the dark about what was going to happen.

It seemed obvious that ORAU was told to find a reason to deny it. Didn't seem like a customer service issue. Otherwise, there's no reason why they couldn't have called us and given guidance to find a solution.

We received a letter saying NIOSH was going to be over the 180 days for completing the evaluation report.

The letters were wordy, not simplistic, not clear. Seemed like they were written in a biased viewpoint. Somebody needs to write these from the viewpoint of a petitioner.

The 180 days was based off of the date the petitions were merged, even though that petition had qualified at least 60 days before it was merged with mine. I'm not sure why the 180 days didn't start then.

These kinds of things aren't explained to petitioners. When we do ask, we don't get a real answer, no real clarification.

When we ask for the status on the petition, while Laurie called us back quickly, I was always given a short, canned answer that sounded like procedure: "I haven't heard anything." Or if I asked for a specific question, I would get a procedural answer: "This is what normally happens." Not my specific answer.

And even the procedural answer wasn't always correct.

If it hadn't been for John Howard allowing Denise to help us, we wouldn't have had contact with LaVon, and I wouldn't have any answers. Mark wouldn't have helped us. LaVon wasn't the lead on our petition, but he helped us. If it wasn't for LaVon along the way, there were certain things we wouldn't have known.

The surrogate data issue came up. Mark says he has real data to replace the surrogate data. We don't know what that data is.

LaVon wasn't privy to that, but he helped us get updates.

There's a lack of communication with the petitioners, no real guidance.

So I have a lack of trust in NIOSH and their ability.

There's nobody to explain the complete process. The basic stuff is on the web, you can look it up. But at the Board meetings, most of the petitioners don't know what the next step is --they don't even know what a Board meeting is, what the protocol is. I know from years of observation and watching Denise.

A petitioner should have someone assigned to them to hold their hand through the process. I know a lot of agencies don't like to hold someone's hand, but this is a very important process. We're talking about workers --even attorneys would have a hard time. A worker deserves better treatment.

Weldon Spring has gotten extremely technical. Something needs to be provided to us, maybe a list of independent health physicists who could consult for free with us. Because of that lack of trust with NIOSH --which is valid and long standing. The [REDACTED] we had helping us --if we didn't have that, we really wouldn't understand.

We had found some documents from a gentleman who had used to work in [REDACTED]. He volunteered to go to the [REDACTED] Board meeting for us--he said this report wasn't ever meant to be used for dose reconstructions, but NIOSH is using it for that. He talked to [REDACTED] the night before, then he called us and told us that [REDACTED] was interested in hiring him. Then he was told that if he works for them, it would be a conflict of interest, so he wouldn't be able to work with us on Weldon Spring any more.

From the claimant side, it looks like they're buying our [REDACTED]: our [REDACTED] is involved, so we can't use them. It looked like they bought our

[REDACTED]. We were assured that his information would be used when they reviewed NIOSH's evaluation.

It went to the work group. If I didn't have Denise –and John Howard didn't allow her—I wouldn't have known that it worked this way. A couple of months went by. We hadn't heard anything. We contacted him, and he was waiting on paperwork. We were told that [REDACTED] would take only 3 months to complete our review, but it had been 2 months and he still hadn't been hired. He had been waiting on paperwork. They had not used his information in our review yet.

There was nobody letting us know these things. Still got the same canned answer from Laurie: “still hadn't heard anything yet.”

I contacted John Mauro, and he was very helpful. If you want to know what customer is, go to him. He goes by the guidelines, but he explained the process to me. If I hadn't had his phone number, none of the petitioners would have it. Petitioners who call him can get good service.

It looked like our [REDACTED] was being hung up, and that just didn't look good. At Fernald, they complained about conflict of interest with NIOSH. It was confusing why NIOSH staff can do work on a site even though they had been there in the past, but if a claimant has a site expert, they're not allowed to work on the site if they've ever spoken a word on the claimants' favor.

I wanted to see the information that NIOSH was looking at.

I was getting extremely aggravated. I felt I was sent on a wild goose chase: “If you can find anything on thorium or find proof that it was there, that might be helpful.” That was a very basic statement –it's not just any thorium, it was a very specific type of thorium, and it wasn't just about it being there. NIOSH says that if nothing can be found on it, then it wasn't used. The whole point of filing an SEC is because the data wasn't there. It contradicts the whole purpose.

We wanted to file a FOIA request –that was a huge roadblock. I had filed it before and had been asked to refine it because they said that it would be way too many documents. During the petition, I re-filed the request. I was again asked to narrow the search. They said it could take up to two years.

We found it rather curious why they weren't willing to release information to us.

FOIA does not make sense –I'm still not sure about the process. It's not clear which agency you're supposed to send it to or if you're supposed to send it to every agency.

We refined our search --I still don't like it. I did get a packet from NIOSH. They said we could have it within a couple of weeks. I got it a couple of months later –three days prior to the Board meeting.

I don't know if I got everything that I requested –how would I know?

Some of the information wasn't even regarding Weldon Springs, some of it never mentioned Weldon. Some was Mark's information. Three worker interviews from people I've never heard of. None of the workers know who they were. They claimed that the NIOSH presentation interviewed nine people –I got three and haven't seen others. The biggest bulk of the FOIA request was the copy of a book written by a local doctor, which I already have. The bulk was not their documents. I later got a CD which was about 500 documents –and it wasn't necessarily documents that NIOSH had used. That was all we got, and we never heard anything else. I haven't followed up because I was so aggravated the first time. I'm obviously not going to get anywhere.

NIOSH is not being forthcoming with their evidence, so I don't trust it. Again, customer service goes a long way with trust. If they would call and explain why they haven't given me the information, that could go a long way.

I'm told by more than one person at NIOSH that it's beneficial if petitioners can be at meetings in person, whether it's a workgroup or Board. Petitioners are doing this on our own time. It would be helpful if they could pay for something, even if it's just for travel to one Board meeting that you're on the agenda for or a workgroup meeting.

Worker affidavits do not appear to be acknowledged, ever, whether for dose reconstructions or petitions. I've had many people say they've sent multiple affidavits in, but when they talk to the Department of Labor (DOL) or NIOSH, they're basically ignored. I've been told by a NIOSH health physicist that worker affidavits are usually not used, probably because NIOSH claims to use overestimates, so they don't need it I guess, but that's never explained.

Brock: 22 presumptive cancers include brain cancer, but during dose reconstructions, brain cancers rarely get compensated. On the flip side, skin cancer isn't on the list of radiogenic, but often gets compensated. Claimants and petitioners aren't getting a explanation for it.

Johnson: We're told about latency periods for brain cancers, but I've never heard that anywhere else. In all our years of research, it's always been 30 years, so the 5 year latency that NIOSH uses makes no sense.

**Jan Lovelace, Claimant and survivor**  
**Tuesday, September 21, 2010, 10 AM EST**

Being in the EEOICPA/NIOSH system for nine years, I have encountered all types of problems.

The method for probabilities makes no sense. It seems a set rule that if more cancers are added, the probability will go down. Last year, I wanted to notify NIOSH that we had [REDACTED] and the person answering the phone just told me, "You know that when you file for [REDACTED] that your percentage will go down." I couldn't believe she said that. I told her I certainly hoped not...as the [REDACTED] for [REDACTED] had gone down from the original [REDACTED] to less than [REDACTED].

Most claimants have a problem with the co-worker data being used.

In the beginning, [REDACTED] file was lost for over a year and a half. We sent his file repeatedly to Jacksonville, and it never got processed. When it went to NIOSH, we didn't hear back for over two years.

I think the NIOSH customer service --and their explanations of what they've done-- is very complicated for most claimants. Having worked in a lab, research, and finance, and having had my own pottery business for over 30 years, I call it "legal mumble." Many statements are stated one way in the NIOSH overview and another way further into documents. Very confusing and difficult to accept.

I talked to one HP in all these years -- but then I learned he was not HP, but he did have more knowledge of the sites and jobs and than any other person I talked with. Most of the time, you don't get to talk to the person who did your dose reconstruction. You just talk to the interviewer, and most of them aren't technical people. I had one who you would think was a robot. He'd say "yes," "no," "I do not know" just like a robot: short and abrupt. Could not answer any questions I asked on behalf of [REDACTED] claim.

One concern is misclassification and the lack of acceptance of documents from supervisors and co-workers. [REDACTED] was a [REDACTED] and a [REDACTED]. He carried the [REDACTED] etc. He was a [REDACTED]. Even though we've presented his rad badges, he's classified as a [REDACTED] position. This does not make sense. He was given less probability of exposure than someone who was driving outside the gate --this information was given to me by a high level NIOSH employee back in March 2010. There's no common sense for an employee inside a nuclear site in a [REDACTED] job to be classified as [REDACTED]. Many claimants I know have learned the co-worker data could be any job classification...not theirs. Totally wrong and certainly not claimant friendly as the program is advertised. I doubt any claimant would say that.

In the [REDACTED], we've found [REDACTED] that [REDACTED] worked with that have [REDACTED]. Most are [REDACTED]; two are [REDACTED]; one has

[REDACTED] and he was compensated. [REDACTED] record was lost, and on down the line, he was denied on each of [REDACTED]. His case is still in review after the acceptance of [REDACTED].

The coworker data that NIOSH uses is totally unexplainable to the average claimant. They said the coworker could have been a mechanic on the other end of the plant. It should've been the people that [REDACTED] worked with. Most of them have had [REDACTED]. [REDACTED] had to have a [REDACTED] or he would have had the [REDACTED] like the [REDACTED] have. When you have that many [REDACTED], there's definitely something wrong. The Building 2500 – Fire Hall Bldg- is on the D&D list of contaminated buildings, but employees are still in that building and the other 400 plus buildings to be demolished and destroyed at ORNL (X-10) and Y-12 in Oak Ridge.

We submitted letters from coworkers, [REDACTED] -- and we presented [REDACTED]. NIOSH told me his badges were from [REDACTED], so they couldn't use them. I tried to explain --and they should already know-- that the badges are renewable. They claimed he had [REDACTED] exposure. This refusal to accept data from the workers and supervisors is certainly not claimant friendly and leaves the claimant struggling to accept WHY? Not accepting letters from doctors that actually treated the claimant is also wrong.

[REDACTED] was called in twice in [REDACTED] because [REDACTED] was [REDACTED]. [REDACTED] his day off, he called in ASAP and had stay [REDACTED]. Then he was told it was just a [REDACTED]. When we asked why [REDACTED] were missing (when all others were there), the explanation was given that he did not work a [REDACTED] job in [REDACTED]. THIS IS NOT TRUE. We presented letters, documents, photos, and EE-4s, plus a letter from the [REDACTED] -- all stating [REDACTED] worked a [REDACTED] position. This data has been refused by NIOSH and DOL. And we have asked over and over why is data not accepted from the worker or co-workers or even [REDACTED] in the [REDACTED].

He has cards with numbers written beside them. According to an international HP I got in Atlanta, those cards are illegal because they shouldn't have anything written on them. We also have records from early DOE files showing that zeros (0) mean "not adequately monitored," which is the international standard of recording dosimeter values. Again, this has not been changed by NIOSH or DOL.

An HP who has worked in the plants also has records showing that a zero means they weren't adequately monitored. He is an internationally certified HP. His testimony was not accepted to make changes to our file.

For NIOSH to continue to not accept facts like that is totally wrong for everyone.

The burden for claimants and petitioners is extremely hard. None of [REDACTED] coworkers' statements have been taken into consideration.

They should still give him some percentage showing that he was a [REDACTED], not a [REDACTED] position. You don't get [REDACTED] unless you've been exposed to something. [REDACTED] working the same type of jobs in one department with [REDACTED]...something is definitely wrong.

Claim is on the [REDACTED]. We were finally able to get a DOL doctor to look at it, and he acknowledged that it's [REDACTED]. We were told we would hear back in 30 days because it was the [REDACTED] in the same area, so it would give us [REDACTED] even though NIOSH has lowered the [REDACTED] so much.

It is nearly impossible to access information. I have requested records under FOIA numerous times, and I've yet to get the papers I am asking for and get the same records as before. In the papers I did get, I've received five other people's files. Have asked where are records for [REDACTED]?

DOE tells me they had no records. Well, it's law that they keep records. So DOE has been negligent to obey the law.

[REDACTED] has scant records from [REDACTED] until [REDACTED], although we have a copy of [REDACTED] and his record of employment back to [REDACTED]. But because we didn't know what building he worked in --he just knew what his job was— they don't have anything. This was back before all the safety rules went in at Y12. Y12 has an SEC, but it stopped at 1957. X10 doesn't have an SEC and most have been denied.

Another [REDACTED] was there [REDACTED] years, and he had records for only [REDACTED] years. That's because he asked for his records every year after he realized the dangers in his job. There's a large chunk of information for our claim that is missing. I think it has been destroyed. I worked at ORNL and Y-12 and [REDACTED] in the Metals and Ceramics Division had me shred records. I'm sure I've shredded some of the records that the men and women need right now. When you work in a DOE facility, you do what you are told to do...not realizing the consequences 30 years later.

I think there should be some type of oversight board which checks into our complaints. They had asked me to go to DC last week (Sept 13-15) to talk to the Congress, but I was sick so I couldn't go.

I think the biggest things are: lack of information to the claimant, lack of access to our files, acceptance of data submitted, and the inadequate explanations to the claimants.

I'm capable of understanding anything that makes sense. I've spoken with many claimants, and the DRs do not make sense to most.

I've sat in the hospital with [REDACTED] for months. When denied, he said, "They just slapped me in the face for doing my job." A [REDACTED] is definitely not a [REDACTED] position. I've sent many documents to show that. NIOSH has not

accepted submitted data. His last denial was last October, and then he had only a partial acceptance of his illnesses.

The SEM database is inadequate. I have sheet after sheet on buildings and information. Most of the SEMS database has “none listed,” “no known chemicals,” etc.

Our last claims examiner has made so many mistakes. I want to get the records that I need that should have been sent in April, along with [REDACTED] Part E.

His suffering was so hard, as it was with so many of claimants. I’ve met so many people who have cancers and they’re fighting the same fight we’re fighting. Then I met two people who filled out two pieces of paper, and one got it on [REDACTED] and one got it on [REDACTED]. I met people who because they were on the K25 payroll, even though they worked in an office away from the site, got paid because K25 got an SEC classification. So there’s a total injustice on the decisions. An overview board needs to be made on the cases compensated...as an overview board to look at denials.

The burden on the claimants is extremely hard when we can’t have access to files.

For DOL or NIOSH to not accept statements from supervisors is wrong. They didn’t even accept statements from the [REDACTED]. The [REDACTED] got a letter from the claims examiner, and she said “They questioned my authority and my credentials.” My [REDACTED] didn’t get involved in any of this because she said in a previous case where she said agents harassed her; they came to her office, questioning her credentials. So she didn’t want to put herself or her office through that.

There are a lot of mistakes. I was showing them: “are” instead of “area,” “no” instead of “not” –that makes a big difference. Nothing was changed.

I don’t know if the survey will help or not...but a change needs to be made in the NIOSH procedures.

COMMENTS FROM JAN LOVELACE –survivor [REDACTED]  
REGARDING 10 YEAR REVIEW

In the [REDACTED] years of [REDACTED] claim, many problems have been discovered. Our [REDACTED] is among the first.. filed [REDACTED].

1. Lost Records Nearly 3 years before any progress made on file... as it was lost and resubmitted over 4 times. Among first to file. Later lost 2 other times.

[REDACTED] worked [REDACTED] years at [REDACTED]. NO RECORDS

Worked as a [REDACTED] in ORNL [REDACTED]. for [REDACTED] years, rising from [REDACTED] -- with a scant [REDACTED] years of records - [REDACTED].

2. Long Delays after remands or other [REDACTED] submitted. [REDACTED] file is still at NIOSH after DOL accepted [REDACTED] (which was denied by the Claims Examiner in [REDACTED]).

3. Misclassification of Job ---We have submitted numerous letters, along with EE-4s from [REDACTED]... regarding the high exposure to [REDACTED] EVERY day in their jobs.

To have a [REDACTED] declared [REDACTED]is beyond all reasoning and everyone connected with case has agreed.

The [REDACTED]carry [REDACTED] to all vaults, all radiation areas, toxic waste burial grounds, etc. Daily checks were made on all areas.

Being a [REDACTED]the exposure to any spill, accident, or explosion falls on the [REDACTED], etc. as they respond. There is no data to cover these situations and give the proper POC for these men.

[REDACTED]

[REDACTED] were submitted... and NIOSH told us only for [REDACTED].  
COMMENTS FROM Survivor Jan Lovelace [REDACTED] Page 2

Case workers do not realize all badges (for all employees) have an expiration date and are renewed if still in the same position. These should have been accepted.

No amount of data, photos, badges, or statements from [REDACTED] and co-workers has been accepted to make a change in records. This is a gross injustice.

The NIOSH/ORAU HPs do not have any idea of the job duties or the buildings in the sites. A site personnel needs to be involved in dose reconstructions

4. NOT ACCEPTING DATA SUBMITTED OR CO-WORKER DATA --- this has been ongoing problem and no change in [REDACTED] years since we learned of the [REDACTED] which was given in [REDACTED]. Lack of knowledge by CEs.

Co-worker data used was not from the [REDACTED]. which is a building on the Demolish/Destroy list since [REDACTED] ... and workers are still in the building.

Have been told on several occasions by NIOSH staff that co-worker data could mean a mechanic in other end of site or an office employee. Certainly NOT a valid means of determining that [REDACTED] face.

5. DOSE RECONSTRUCTIONS --- just not done with realistic figures. With HP's not having valid site information, valid job classifications and duties, it is not within their scope to give a valid POC.

The TIME for DRs is very long. Remands that are required by law to be done in a timely matter have often taken 2 years...

6. GETTING INFORMATION & FILES. Nearly impossible. So many files are gone.

[REDACTED] only has scant [REDACTED] years of records with a few scattered other files for [REDACTED] years of work at DOE Facility.

7. LACK OF ACCESS TO INFORMATION: Files can not be accessed. When records can not be obtained the DRs can not be valid....

8. Inadequate information in the SEMS... which is used as a guideline for denials and the SEMS IS INCORRECT by lack of information. No ORNL [REDACTED] was cause of denial for my case. I have now gotten 3 ORNL [REDACTED] classifications accepted.

I was told no buildings in the 6000 area of ORNL. Wrong... as there was 19 buildings on the map.... of buildings to be destroyed in 2007 and 2008.

The Tritium Lab and Vault are in that area and [REDACTED] had a contamination there. [REDACTED] was also contaminated. Of course, no record.

9. CUSTOMER SERVICE -- INTERVIEWERS..... The interviewers only know what they are reading. Only once did I get a man who had knowledge of plant sites and what a [REDACTED] did.

The operator who answered one day told me without any idea of our claim (as does the legal "mumble" of the dose reconstructions) that if I was filing for a [REDACTED] it would make the POC go down.... as it had the other [REDACTED] times. Of course, this does happen... and which not explainable to claimants. The exposure they had was the exposure whether it was for [REDACTED].. or more. The calculations of [REDACTED] should NOT go down.

Lack of knowledge by the HPs... the interviewers and administration has no common sense to the workers on sites.

10. TRUST AND CONFIDENCE IN NIOSH:.... VERY LOW with most claimants and advocates.

The long delays in dose reconstructions -- which are not considered to be fair or correct by most claimants across the nation --- is a big problem.

Claimants nationwide have been denied for various reasons. [REDACTED] in ORNL [REDACTED]. with [REDACTED] (most [REDACTED] now).... is a lot for a [REDACTED]. The ones denied can not understand why some have been compensated and others have not. [REDACTED] .... the men go into nuclear vaults, the nuclear waste burial grounds, all spills, accidents, etc. and not always with protective clothing.

What is your assessment of the quality of service provided to claimants and petitioners, and their representatives. For example, does NIOSH provide information about its technical processes and products in terms easily understood by claimants and petitioners?

No I don't think the NIOSH technical processes are explained easily. I have found over the years that the interviewers have no knowledge of the work, nuclear sites, or anything involving the case. Only what they have written in front of them. They had no knowledge of the job classifications.... and when I would ask a question, their answer was "I don't know". I remember one man in particular.... [REDACTED].... he spoke like a robot. Yes, no, no I don't know.. Not my area.... don't know. I finally gave up on him. I asked some of the original NIOSH people back in 2003 and 2004... and their knowledge as only what they had in front of them.... no idea of answers I needed.

What do you think are a few of the most important aspects of customer service by NIOSH in the program?

I think NIOSH needs people with knowledge to talk with claimants. I never was permitted to talk to an HP.

A few of the other issues raised in the docket were the incorporation of information or comments provided by workers, the burden on claimants and petitioners, and access to information. Do you have suggestions for these or other issues?

I know for a fact that data and information IS NOT included when sent. If it was, [REDACTED] would not have been classified as [REDACTED] as a [REDACTED]. As [REDACTED], they have the VERY MOST possibility of exposure. I was just reading a NIOSH document sent to us..... Absolutely so far off base... and the data was incorrect.

Over 9 years I have sent a tremendous amount of documentation to try to get errors corrected... even in the hearing transcripts... NEVER... NOT once has a correction been made... or even an acknowledgement of the information sent.

When co-worker statements on EE-4s and a [REDACTED] letter is not accepted as a working fact... Something is wrong with the system. This has happened to [REDACTED].

He often stated..."they slap me in the face for doing my job".... He died due to his dedication. He refused to take a [REDACTED] and worked until [REDACTED] forced him into [REDACTED]. He was hurt over and over... just for doing his job. One thing for sure.... our government has not taken responsibility for their lies to the workers..... I was one of them and I have a chronic [REDACTED] disease which hit me at age [REDACTED] while working at the Oak Ridge Lab... and have [REDACTED].... BUT of course, it did not occur because I worked in the cancer lab and the Metals and Ceramics lab.....

The claimants feel like we are spinning of wheels and it is useless to send data... although we have continued to do. [REDACTED] believed with all his heart that he had been exposed - not only daily in the Nuclear Waste burial grounds, but definitely to radiological material in [REDACTED]. As the saying goes, which has been verified by other workers at our hearings.... If you don't have to.. don't report problems. This is plant wide unspoken rule.... I worked in Biology, Metals and Ceramics and Finance Depts. and that is true with all divisions.

[REDACTED] spoke at our last hearing and verified. "Don't tell, don't report..."and it did not happen"....

[REDACTED] reported he was in an [REDACTED] during his early employment (he could not remember the date)... where he found himself standing in a liquid from the [REDACTED].... We have submitted the lists of the buildings and the chemicals/radiological materials he was exposed to over [REDACTED] years.

His early years of [REDACTED] work at [REDACTED] have been given only slight reference (No records).... but we submitted his original letter from [REDACTED] stating his years of [REDACTED] and how he qualified for any job when there was [REDACTED].

MY BIGGEST PROBLEMS WITH NIOSH:..... Long delays, lost records, unavailable access to file, and the worst..... submitted data from doctors, co-workers, and his [REDACTED] have not been accepted.

Big Question: WHY?

**Hugh Stephens, Advocate**  
**Thursday, September 16, 2010, 3 PM EST**

I have really tried to understand the dose reconstruction, studied the various guidelines, and I've been able to follow along with the dose reconstructions, especially for the external dose. But the internal dose requires reference to sources that aren't publicly readily available. It costs money to get the measurements and ICRP models --about \$200 every time...need one for the lung, then another one for something else...I hired a retired professor in statistics...As an environmental attorney, I run into this type of thing all the time --complicated science I'm not familiar with, and I can generally do that, but I haven't been able to do that in the context of the dose reconstruction.

Denise had a forum about dose reconstructions and various issues. The health physicist in charge of dose reconstructions readily admitted that we're not going to be able to follow along.

It's a difficult thing, and we're working to find a health physicist that can help us with this. In a normal litigation, people spend hundreds of thousands of dollars. For the \$150,000 of this program, there are limits on that.

That's just kind of part of the program --may not be simple to manage. NIOSH could buy and make available these ICRP models, but they're probably proprietary information...

There should be a method to kind of following along with the dose reconstruction.

Even more important, and more manageable: The citation method is completely inadequate. This is not the kind of citation method that would get you through 5<sup>th</sup> grade. NIOSH reports say "research indicated..." We need you to show us your work. A lot of this is available on the internet; DOE has websites that provide the documents. So the citation should be "this document, this page." Should give you enough information that if you're willing to do the work, you can find the document. The way the dose reconstructions are written, you can't figure out what they used, and if you do figure it out, it's difficult to pin them down.

I suspect that one of the biggest challenges for NIOSH is getting these dose reconstructions done, so requiring a reasonable/proper method of citation may be a heavy lift, but it doesn't rise to a level of usefulness.

In one case, they use a 1958 memo available on the DOE website, but the website has only 3 out of the 5 pages, and there are a lot of attachments to the memo that aren't available on the internet. This piece of evidence that has been cited is not available.

The attorney client relationship should be honored even when there is only an advocate. An advocate should be encouraged to participate in the computer assisted telephone interview. I'm not sure if an advocate is even permitted to participate. The disparate level of sophistication with the program between the claimant and the NIOSH representative conducting the interview just leads to abuse. It's not proper. People should be encouraged to understand what's going on when they're describing what they know, and it's just not fair for a NIOSH representative to be asking questions of the claimant without encouraging the participation of an advocate, without any incentive for a claimant to be somehow prepared for the interview.

At least one of [REDACTED] was contacted by NIOSH after I put in my authorized representative notice. NIOSH shouldn't be contacting [REDACTED] without attempting to include me in the conversation.

It's good for the integrity of the program for the advocate to appear as if the advocate is connected with the program and things aren't just happening out of the blue. I think the program benefits from the participation of advocates. The program should acknowledge that the claimant is represented and include the advocate.

It's not that the claimant needs an advocate —though it does— it's that the program benefits from the participation of the benefit. Competent advocates spend as much time explaining to the claimant that the program is being fair. At least I do. People don't understand —they think it's a conspiracy, it's dishonest. Some advocates can help people understand. So I think it's good for the program to make advocates available to people.

The people that are denied need an advocate. You need an advocate to help you manage the situation when you're denied. There's a lot of talk about fishing expeditions --that advocates can search for ways to get people compensated that don't. I don't think that should be the attitude of the program. DOL should make available a list of licensed, certified advocates —it's better if there's no relationship with the program. The program has a tendency to avoid any suggestion that there's a need for an advocate --I think that's probably not necessary. The cost benefit is worthwhile. Now that the fee limits are part of the program's legislation, that's enough to prevent claimants from being taken advantage of.

In terms of customer service: when I put in my authorized advocate form, I usually request the file, and I get the file very quickly. I think that's a very good thing. We don't have to pay for it —that's great. We almost never have to charge clients anything like in a typical personal injury.

Huge issue: incorporation of worker information. Whatever the worker say in the computer assisted telephone interview is ignored by the claims examiner unless it's corroborated in the record. I work with the West Valley facility here in western New York. That facility processes contaminated materials; it's a radioactive waste processing facility. That facility is governed by regulations, and there's an effort by the contractor to comply with regulations --and that need to comply provides the contractor with an incentive to downplay the incidents. So the likelihood that an accident would've occurred that's not record in any detailed way and that an exposure occurred that's not part of the record is extremely significant.

I understand there needs to be some sort of corroboration. That is the problem: NIOSH needs to prevent fraud, so it can't base decisions on the uncorroborated testimony of a worker where that worker is in a position to make things up to allow him/her to qualify. But the record keeping is insufficient, and in a claimant favorable program, exceptions need to be made.

For [REDACTED]: The levels of radiation were determined in documents written in 1958 documents. The 1958 document were written in order to support a decision that no further remediation be performed at the site: they're saying the site is safe so that the government can sell the site. In 1976, there was a document that said that if the site is used in its current state, it's safe. By 1983, everyone agreed the site needs to be cleaned up and is hazardous. By 1998, they actually cleaned it up. So using --or misusing-- the 1958 or 1976 data to prevent a claimant from being compensated is problematic because everyone knows the 1958 report was designed to support a decision that is probably a bad decision.

The incentive to underestimate a hazard is significant. How you use the report needs to be considered in light of the context, time period, incentives, that the report was written.

That is the situation that NIOSH struggles with, the blanket tendency of NIOSH to ignore testimony of a claimant in the event it is not corroborated by site records should be adjusted.

I have not been on a computer assisted telephone interview, but I intend to be on the next one that my claimant is on. We deal with the claims examiners, who work for DOL. We receive written reports from NIOSH --the dose reconstruction, then when you challenge the dose reconstruction, DOL goes back to NIOSH and ask them to respond to the objections, although they also have health physicists of their own. Our communication with NIOSH tends to be filtered by the DOL claims examiner.

The burden on claimants is significant, but understandable. I don't propose that the burden be shifted under the current program.

We feel like eventually, we'll be able to find a health physicist to help us make compelling arguments to attack the dose reconstruction.

It's a time consuming process to challenge a dose reconstruction. We're probably not going to be successful most of the time. DOL really feels as if though NIOSH has been designated as the entity that will perform dose reconstructions, so there is a great reluctance in DOL to challenge the dose reconstruction.

I think there's a misunderstanding relative to the statute and regulations. I think it allows DOL to consider misapplications of the methodology by NIOSH. But from a practical point of view, DOL doesn't closely examine a challenge to NIOSH's application of the methodology. I think that's less a misunderstanding than it is a practical difficulty because there's not a simple method for DOL to refuse to adopt a NIOSH dose reconstruction. The regulation that permits DOL to reject the dose reconstruction lacks some sort of a procedural dictate. DOL has health physicists that help DOL explain dose reconstructions, but there's not enough of a structure that allows DOL to reject a NIOSH dose reconstruction --I think that's just a practical reality.

**Loretta Valerio, Advocate**  
**Director, New Mexico Office of Nuclear Workers Advocacy**  
**Wednesday, September 15, 2010, 3:30 PM EST**

The full CATI isn't used in the dose reconstruction.

If an individual works at a facility that has a spill every day, but the spills aren't large enough to be investigated or reported to DOE, those small, constant exposures should be looked at.

NIOSH has a wealth of information, but could use more of what's provided in the CATI.

There is no consistency with the internal monitoring.

In the CATI Incidents section, some of the incidents weren't sufficient in magnitude to be reported, but they're nevertheless incidents. I don't think they've all been captured in the dose reconstruction reports.

Film badge, TLD, etc. capture exposures; however, not all workers were monitored internally. Los Alamos seemed to have been sporadic.

It's questionable because some facilities have very limited monitoring records.

How can dose reconstructions be done if there is not enough documentation from DOE or people weren't consistently monitored?

For [REDACTED] I worked with, his dose reconstruction is very reliant on internal dose, but there is no internal dose record.

Surrogate/coworker data may not be claimant favorable.

The processes are different at different places.

LANL was different from other facilities at NM which didn't do much work with radioactive material.

It makes you wonder how they address the difference.

The CATIs for survivors are difficult, especially survivors who aren't familiar with the facility or the work. Survivors just don't have access to that information, especially if it's classified.

So many workers weren't aware of what they were exposed to. But they know that they were in those areas.

Support services who are very mobile –it wouldn't be uncommon for them to be in 2 or 3 different operational areas within a given day...I'm not sure how that affects the dose reconstruction...

At the end of the CATI, when they're asked for names of coworkers: I've never heard of any coworkers being contacted. I would like to see them do that, especially for the elderly who don't remember. It would be good to contact coworkers or others who work in the same general areas. Maybe NIOSH does that, and I just don't know about it.

I've gone to the workshops, Board meetings, met with the people from NIOSH. They've been very cooperative and helpful. Every time I've talked to staff, personnel at NIOSH,

they have all been very, very helpful. Very thorough in explaining things and responding.

Some dose reconstructions are processed in a few weeks, so it makes you wonder why some take years. Seems like they're either taking too long or not enough.

There are problems with the information reported by DOL to NIOSH: wrong type of cancer, etc

I would like for claimants to be able to give information directly to NIOSH (and copy DOL) so it can be faster instead of having to channel everything through DOL.

If there's more than one cancer, maybe NIOSH could contact claimant to follow up, instead of DOL.

I don't know the cost of doing a dose reconstruction. It's a little confusing that every time an individual is diagnosed with a new condition, they have to go through a new dose reconstruction. It doesn't seem cost effective.

It's confusing to claimants when they claim multiple cancers and the probability of causation drops, some times dramatically. Needs to be changed. What are the chances that you'll get 3 or 4 or 6 or 8 different cancers...It doesn't seem logical that the more cancers you get, the lower your POC...

Very hard to explain to someone if there's a change in methodology or a TIB, they send back for a second dose reconstruction, then the POC falls...I don't understand how significant those change would be that the POC would drop by such a high percentage.

If individual wants a copy of whatever was used to do their dose reconstruction, there shouldn't be any privacy issues since it's part of their claim file.

It has to go to DOE to be declassified and takes an act of Congress to get the information.

The dose reconstruction reports are lengthy and language can be very overwhelming to read. They're technical documents, so I know that this may be unrealistic.

For the most part, I believe that people understand the dose reconstruction process.

SEC decisions should be made in a more timely manner.

I understand there's a lot of reading, research involved. But usually, petitioners have it pretty well documented that people were not monitored. The SEC process seems to take a long time, depending on how in depth the petition is...

I'm inclined to believe that we'll have so many SECs in the evaluation process that they'll have to make them presumptive—which I don't think they'll do...

If someone didn't work within the timeframe of the cohort, the cut off dates of the cohorts is confusing to claimants.

Listening to the health physicists, industrial hygienists from NIOSH at the dose reconstruction workshops, renal cancer seems to be a radiogenic cancer, but if they don't fall within the SEC timeframe, then those renal cancers are denied. If the claimant has a letter from a physician saying that it's a work-related cancer, then NIOSH should at least address the letter from the physician.

Laurie was absolutely wonderful in explaining the SEC process, and Denise Brock has been a big help.

I don't think that NIOSH has any input on the cancers covered by the SEC, but there are a couple of cancers I would like to see added. Maybe if there's new information, those SECs can be processed in a more timely manner.

I understand they're looking at it from a scientific point of view.

As an advocate, I feel that for the older claims that are still in process, if new information surfaces on these facilities, an SEC makes it so much more claimant favorable for the worker or the survivor.

In the Four Corners area, there's concern about how the dose reconstruction for the uranium workers are being performed. I would like to see the uranium workers having their own cohort.

Again, as far as them explaining to us the process and being available to assist petitioners, they've been wonderful.

**Anthony Windisch, Claimant**  
**Wednesday, September 22, 2010, 2:00 PM EST**

1<sup>st</sup> 9 yrs experience has been great. The last 9 months has been hell.

Thanks to the encouragement and leadership of Denise Brock, I got involved early. I was fortunate enough to participate in many Board meeting.

I had a personal interview with Dr. Makhijani, who seemed to be very concerned and was very helpful. In an interview, he informed me that my medical and radiation exposure records were very thorough. He recommended that I obtain a copy of my records, which I did. During a subsequent telephone conversation, he said he thought my radiation exposure records were rather high.

During the last year, I filed a claim with the Energy Employees Compensation Resource Center in Paducah, KY. The friendly, effective, and thoughtful processing of my claim and physical was the best service possible.

On the other hand, my experience with NIOSH has been polite, businesslike, and dreadful. Beginning with the receipt of my NIOSH dose reconstruction on December 19, 2009, my continuing conversations with NIOSH have been evasive, non committal, and I thought a male representative was rude in his comments.

There seemed to be no effort to understand my problem. My problem is this: On the signed form to acknowledge receipt of my December 19, 2009 dose reconstruction, I attached a hand written statement:

“To whom it may concern:

The 2009 NIOSH dose reconstruction [for claim number] is completely false because it contradicts a prior ORAU team dose reconstruction [for NIOSH claim number] conducted by Dr. Betsy Ellis dated June 23, 2005.”

When my case was sent to DOL, I spoke with several individuals. Annette Pelton called me and said she could not locate any record of the June 23, 2005 dose reconstruction by Dr. Betsy Ellis. I then faxed to Annette Pelton a six-page copy from my file. On September 3, 2010, I was notified, “Please note that you must contact NIOSH directly with your concerns.”

On September 8, 2010, I sent by registered mail to Stuart Hinnefeld, Acting Director, NIOSH, with carbon copies to Senator Bond and Denise Brock. My cover letter said: “Please include this in the review of my dose reconstruction.” I have not received any confirmation from Mr. Hinnefeld that he has received my correspondence.

I've been fighting since December 19, 2009, to have somebody answer my question of why the 2009 dose reconstruction contradicts the 2005 dose reconstruction. That complaint has been on the record since December 19, 2009.

For the last nine months, I have been frustrated that nobody has dared to review my complaint. Why did they use a temporary dosage for my dose reconstruction rather than using my actual records?

**Kathy Wolf, Claimant and survivor**  
**Thursday, September 23, 2010, 10:30 AM EST**

[REDACTED] passed away a year and a half ago. We had submitted his claim back in 2002. We did the initial telephone interview back then, obviously with someone who didn't have a clue about the kind of work we did. We got the telephone interview report back; it had lots of errors, so we had to get it corrected. There was a lot of time wasted.

It had included a list of people to contact. To date, none of the people we put down as contacts have ever been contacted. When I redid the claim after he passed away, it had me give a list of people again. Nobody has ever been contacted. When I asked about it, they said, "We only contact them if we need to." Then why ask? I'm curious to know how often they contact anybody that people have put down.

We had somebody –an operator who worked for [REDACTED]– write a letter on our behalf on the kind of work that [REDACTED] did. One of our concerns is that he was a [REDACTED]. I know that for Part E, a lot of the things that you were exposed to dropped out of the list if you say, "[REDACTED]." [REDACTED] put on a [REDACTED] and walked back and made sure his team was doing the work correctly; he had incidents at [REDACTED] where he had to be [REDACTED]. We're not sure the kind of hands on work he did was taken into account.

In the interview, you go through the potential isotopes you were exposed to. We could do that fairly well as engineers, but if you were an operator or a spouse who never worked in the industry, how would you have a clue?

There's a lot of up front paper work that wasn't ever used. If they aren't going to use them, why bother? They ask for names, phone numbers, bosses, etc...a lot of the things took a lot of time, back & forth in the telephone interview...they probably never used. Only ask for the information that you need.

There was a lot of wasted time where we got repeated status reports that were of no value.

When [REDACTED] passed away, I had to reapply [REDACTED] for Part B. (That's an overall EEOICPA problem)

We probably had [REDACTED] dose reconstructions which had to be redone. We just now got the letter from DOL saying that they're denying his claim.

Every time they did the dose reconstruction, the chances went down. They said, "We're getting better at it," but it seems fishy.

You can never get a straight answer.

One of my criticisms is that you can't ever criticize their model. We were working with an epidemiologist [REDACTED] who was working with NIOSH to revise the IREP model, which treats brain cancer the same as the rest of the nervous system. But they haven't changed the

model. They just keep saying that by their regulations, they have to use that model. And we can't criticize the model. That's always off the table. Unfortunately, the epidemiologist who was working with NIOSH also passed away. Nothing has happened.

There needs to be more transparency on the model and how it works. If there's evidence the model is inadequate, they should take steps to adjust it.

It was very difficult for [REDACTED] because of the [REDACTED], he had a rough time reading and writing. There wasn't a disable-friendly process. If I wasn't there, he wouldn't have been able to work through phone trees or understand the pages and pages of dose reconstruction reports and the response deadlines. That's probably sort of unique to people with [REDACTED]. It would help to have a contact who could sort of walk you through these things if you do have disabilities or somehow take into account people who have reading and writing disabilities. Right now, that's not taken into account. I'm an engineer, I worked in the industry, so it wasn't that difficult to understand the information. But to call and ask questions, you had to go through a phone tree, and he had trouble doing that on his own. There wasn't just one phone number to call where he would be connected with a person. I would always have to be there to help him on the phone and help him write response letters.

The burden of proof is always on the person submitting the claim. It's always, "Do you have more information?" The last [REDACTED] years he worked in the industry, he was at [REDACTED]. The site has been destroyed; there is no information. Unless we kept stuff, how would you know? It's a backward way of doing things: individuals don't usually keep dose records and things like that.

## **Appendix C**

**Conduct of the Worker Outreach Program, ORAUT-PROC-0097, 12/29/2005**



**ORAU TEAM  
Dose Reconstruction  
Project for NIOSH**

Oak Ridge Associated Universities | Dade Moeller & Associates | MJW Corporation

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<p>Document Title:  <b>Conduct of the Worker Outreach Program</b></p>	<p>Document Number: ORAUT-PROC-0097 Revision: 00 Effective Date: 12/29/2005 Type of Document: Procedure Supersedes: None</p>
<p>Subject Expert: William E. Murray</p> <p>Document Owner</p> <p>Approval: <u>Signature on File</u> Approval Date: <u>12/22/2005</u> Judson L. Kenoyer, Task 3 Manager</p> <p>Concurrence: <u>Signature on File</u> Concurrence Date: <u>12/28/2005</u> Kate Kimpan, Project Director</p> <p>Approval: <u>Signature on File</u> Approval Date: <u>12/29/2005</u> Stuart L. Hinnefeld, Project Officer</p>	

New       Total Rewrite       Revision       Page Change

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**PUBLICATION RECORD**

<b>EFFECTIVE DATE</b>	<b>REVISION NUMBER</b>	<b>DESCRIPTION</b>
12/29/2005	00	First approved issue. This procedure describes the conduct of the Worker Outreach Program and resolves issues identified in Observation O04004-01 identified during Task 9 Surveillance ORAUT-SRVL-0003 and by Project personnel through self-assessments or individual initiative. Incorporates formal internal and NIOSH comments. Training is required. Initiated by William E. Murray.

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## 1.0 **PURPOSE**

The purpose of this procedure is to establish the process by which the Worker Outreach Program is conducted for the Oak Ridge Associated Universities (ORAU) Team Dose Reconstruction Project for the National Institute for Occupational Safety and Health (NIOSH), hereafter referred to as the Project. This program is the NIOSH response to the recommendation made by the Advisory Board on Radiation and Worker Health at its October 29, 2003 meeting. This program provides current and former Department of Energy (DOE) and Atomic Weapons Employer (AWE) employees with the opportunity to obtain information about site profiles and to provide information for consideration and possible use in dose reconstructions and Project documents.

The processes are specified for arranging and conducting worker outreach meetings, preparing and distributing meeting materials, preparing minutes of worker outreach meetings, tracking comments and/or materials submitted by workers/union representatives at and after meetings (using the Worker Input to Site Profile Revisions (WISPR) database); and ensuring that responses to the comments are developed and implemented where applicable.

## 2.0 **SCOPE**

The Worker Outreach Team captures comments from former and current DOE and AWE employees that might result in modifications to site profiles and dose reconstructions. This procedure applies to the Worker Outreach Team and Project personnel who are responsible for making appropriate changes to Project documentation (e.g., site profiles).

Additional comments that are not expected to result in revisions, but might provide some valuable insight regarding a site, are also captured for information purposes. This procedure provides information to Project personnel who receive comments but are not required to respond to, or act on, such comments.

Other input received that is beyond the scope of this procedure is considered and handled on an individual basis.

## 3.0 **REFERENCES**

ORAUT-PLAN-0010, Worker Outreach Program Plan

ORAUT-PROC-0031, DOE Technical Basis Document Development, Review, and Approval Process

ORAUT-PROC-0058, Correspondence Control

ORAUT-PROC-0074, Commitment Control

## 4.0 **RESPONSIBILITIES**

4.1 Task 3 Manager – Provides oversight and overall direction for the Worker Outreach Program as required by NIOSH and the Advisory Board on Radiation and Worker Health. Communicates any worker outreach comments that may affect dose

reconstructions to Task 5 during Task 5's staff meetings, and documents this communication in an e-mail to the Task 5 Manager following the meeting. Directs revisions of Task 3 site profile documents as defined in ORAUT-PROC-0031, DOE Technical Basis Document Development, Review and Approval Process. Provides Commitment Control with commitments tracking site profile revisions (refers to ORAUT-PROC-0074, Commitment Control). Ensures these commitments are completed in a timely manner. Ensures that required comment responses are received from Site Profile Team Leaders (SPTLs) and comments are incorporated into Task 3 documents (i.e., documents are revised) as appropriate.

- 4.2 Worker Outreach Team Leader (WOTL) – Implements the Worker Outreach Program as defined in ORAUT-PLAN-0010, Worker Outreach Program Plan and this procedure. Determines schedule and sites for worker outreach meetings. Prepares presentations, attends meetings, and directs the Worker Outreach Team per this procedure. Determines if a comment requires a response and if it may affect a site profile or other Project document. Communicates any worker outreach comments that may affect dose reconstructions or site profiles to the Task 3 Manager. Ensures that all comments are addressed.
- 4.3 Worker Outreach Team – Consists of the Worker Outreach Team Leader, Senior Outreach Specialist, Writer/Editor, Union Liaison, and WISPR Database Administrator.
- 4.4 Site Profile Team Leader (SPTL) – Attends worker outreach meetings as needed. Ensures applicable comments are resolved and incorporated into assigned site profile documents as necessary for dose reconstruction. Completes revisions to site profile documents in accordance with commitment due dates.
- 4.5 WISPR Database Administrator – Maintains the WISPR database in coordination with Project requirements. Works with Task 1 to develop reports and update the WISPR database as necessary. Supports Worker Outreach Team efforts as requested.
- 4.6 Writer/Editor – Provides administrative support for the Worker Outreach Team to coordinate travel arrangements, to facilitate the preparation and distribution of presentations, correspondence and meeting minutes, and assists in meeting setup as needed.
- 4.7 Task Manager(s) – Reviews the comments received through the WISPR database to determine appropriate responses, if required. Revises or assigns task personnel to revise Project documents, as appropriate, and ensures that any related commitments are completed on schedule.
- 4.8 Senior Outreach Specialist – Serves as the Worker Outreach Team point of contact for outreach to local labor organizations. Arranges, coordinates, attends and facilitates meetings with labor organizations. Works directly with the Writer/Editor to prepare introduction and confirmation letters. Follows up with local labor organizations on issues that arise during or following worker outreach meetings.
- 4.9 Union Liaison – Provides guidance to the Worker Outreach Team and ensures compliance with union protocol. Serves as an interface between the Worker Outreach Team and the Center to Protect Workers' Rights (CPWR). Provides input/advice for

responding to union comments or other worker input received during or after worker outreach meetings. Attends and facilitates meetings with labor organizations.

## **5.0 GENERAL**

- 5.1 NIOSH requires the Worker Outreach Program to ensure that workers and their unions have the opportunity to participate in the development and review of site profiles.
- 5.2 It may be necessary to provide introductory materials to some labor organizations. These materials may include information on the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), the site profile process, and/or the opportunities for involvement by local labor organizations. This could require extensive telephone contact, in-person meetings, e-mail follow-up, and/or formal letters.
- 5.3 Depending on the status of the site profile, there are two types of meetings: introductory and roll-out. The purpose of both is to solicit information from workers.
- 5.4 Frequently, two or more meetings might be required to accommodate all labor organizations interested in a site profile. Some labor organizations might elect to meet jointly. If a local Building and Construction Trades Council (BCTC) is involved, the CPWR will coordinate the planning and scheduling of the meeting with the BCTC.
- 5.5 If available, the WOTL, Senior Outreach Specialist, Writer/Editor, SPTL, and a NIOSH representative attend most introductory meetings and each roll-out meeting.
- 5.6 The Worker Outreach Team uses the WISPR database to track EEOICPA stakeholder comments. The WISPR database is also used to track Project responses and actions that result from the comments. Comments and responses from worker outreach meetings are submitted to NIOSH as required.
- 5.7 Worker outreach e-mails are sent from the Worker Outreach e-mail address at [WorkerOutreach@oraucoc.org](mailto:WorkerOutreach@oraucoc.org), and this address is copied on all worker outreach e-mail. All worker outreach comment responses are also sent to this address.

## **6.0 PROCEDURE**

### **6.1 Arranging Worker Outreach Meetings**

#### **Senior Outreach Specialist and/or Union Liaison**

- 6.1.1 Identifies the labor organizations that are or were affiliated with a DOE or AWE site. These labor organizations can be current or historic.
- 6.1.2 Contacts the international and/or national labor organizations, as appropriate.
- 6.1.3 Works with these organizations to identify current local officials for all labor organizations affiliated with the site and verifies contact information (i.e., mailing addresses, phone and fax numbers, and e-mail addresses) for the local labor organization official(s).

- 6.1.4 Contacts the CPWR to determine if a local BCTC is interested in discussing the site profile.
- 6.1.5 Contacts the local labor organizations to establish a path forward and to coordinate preliminary meeting arrangements.
- 6.1.6 Works with the Writer/Editor to prepare the introductory letter, as necessary.
- 6.1.7 Coordinates the logistics with the host labor organization(s).
- 6.1.8 Works with the Writer/Editor to prepare a letter confirming the meeting arrangements.

#### **Writer/Editor**

- 6.1.9 Prepares the introductory and confirmation letters in accordance with ORAUT-PROC-0058, Correspondence Control.
- 6.1.10 Prepares enclosures for the introductory and confirmation letters and expedites the letters and materials to union contacts.
- 6.1.11 Makes travel arrangements for Worker Outreach Team members by:
  - 6.1.11.1 Requesting travel authorizations through management, as needed.
  - 6.1.11.2 Coordinating flights, hotel accommodations, and rental cars, as needed.
  - 6.1.11.3 Preparing travel itineraries and distributing them to Worker Outreach Team members and other parties as directed by the WOTL.

## **6.2 Preparing and Distributing Meeting Materials**

### **Worker Outreach Team Leader**

- 6.2.1 Prepares the draft presentation appropriate to the specific site.

**NOTE: In general, the WOTL uses a Microsoft® PowerPoint® presentation during worker outreach meetings. However, the WOTL may use other types of presentations as appropriate.**

- 6.2.2 E-mails the draft presentation to the SPTL for review.

### **Site Profile Team Leader**

- 6.2.3 Reviews the draft presentation and e-mails comments to the WOTL.

### **Worker Outreach Team Leader**

- 6.2.4 Revises the draft presentation based on the comments from the SPTL.
- 6.2.5 E-mails the draft presentation to the NIOSH representative for review.

- 6.2.6 Prepares the final presentation based on the comments received from the NIOSH representative.
- 6.2.7 E-mails the final presentation to the NIOSH representative assigned to the meeting, SPTL, Writer/Editor, Senior Outreach Specialist, and WISPR Database Administrator. Copies Document Control, to route for approval, publish, and formally transmit the presentation to NIOSH for inclusion on the NIOSH Web site.
- 6.2.8 Forwards the NIOSH e-mail approval of the presentation to Document Control.

#### **Writer/Editor**

- 6.2.9 Prepares handout materials for distribution at the meeting.
- 6.2.10 Sends handout materials via Federal Express to the meeting site or hotel where the Worker Outreach Team is staying.

**NOTE: Handout materials distributed in meetings include the presentation and other materials, e.g., the Introduction section to the site profile, the entire site profile, etc.**

### 6.3 **Conducting the Worker Outreach Meeting**

#### **Writer/Editor**

- 6.3.1 Ensures that attendees sign in at the meeting on the sign-in sheet.
- 6.3.2 Provides handout materials to meeting attendees.
- 6.3.3 Makes an audio recording of, and takes notes during the meeting to use in preparing the meeting minutes.

**NOTE: The purpose of the audio recording is to ensure that all of the important information discussed at the meeting is captured. This recording is not maintained as a record, and is erased following the approval of the final meeting minutes in order to protect the identity of the meeting participants.**

#### **Senior Outreach Specialist or Union Liaison**

- 6.3.4 Facilitates the worker outreach meeting.

#### **Worker Outreach Team Leader**

- 6.3.5 Conducts the presentation.

#### **Union Liaison**

- 6.3.6 Facilitates union input to discussions.

**NOTE: Generally, the Senior Outreach Specialist facilitates the meetings and the WOTL gives the presentation. The NIOSH representative and SPTL contribute to the presentation and discussion as necessary.**

#### **Worker Outreach Team and SPTL**

6.3.7 During an introductory meeting:

- Discusses the types of information and records that are useful to develop the site profile.
- Requests any records or information with which the union representatives or workers might be familiar.
- Does not ask the union to request records from the site, the contractors, or a company.

6.3.8 During a roll-out meeting:

- Summarizes the information in the site profile and asks for comments on its accuracy and completeness.
- Asks for additional information to fill in gaps or identify issues related to the accuracy of the site profile.
- Solicits any information that the attendees think could be important to the dose reconstruction process.

6.3.9 Answers questions and addresses issues that are raised at the meeting.

#### 6.4 **Preparing Meeting Minutes**

##### **WISPR Database Administrator**

6.4.1 Enters the worker outreach meeting (event) into the WISPR database.

##### **Writer/Editor**

6.4.2 Prepares the draft meeting minutes using the audio recording and written notes.

**NOTE: The purpose of the meeting minutes is to accurately portray the proceedings; the minutes can include a verbatim transcript.**

6.4.3 E-mails the draft minutes to the WOTL and the Union Liaison for review.

##### **Worker Outreach Team Leader**

6.4.4 Reviews draft meeting minutes and written correspondence promptly to identify union/worker comments and/or submitted materials having the potential to affect dose reconstructions or site profiles.

- 6.4.5 E-mails comments on the draft minutes to the Writer/Editor.
- 6.4.6 Notifies the Task 3 Manager of any comments that may affect dose reconstructions or site profiles.

#### **Task 3 Manager**

- 6.4.7 Reports comments conveyed by the WOTL in the Task 5 weekly conference call, and documents this communication in an e-mail to the Task 5 Manager following the conference call. This informal mechanism (outside WISPR) ensures quick consideration of critical comments on site profiles and dose reconstructions.

#### **Union Liaison**

- 6.4.8 Reviews the draft minutes for content and union protocol.
- 6.4.9 E-mails comments on the draft minutes to the Writer/Editor.

#### **Writer/Editor**

- 6.4.10 Revises the draft minutes based on comments from the Union Liaison and WOTL.
- 6.4.11 E-mails the draft minutes to the SPTL and the NIOSH representative.

#### **Site Profile Team Leader**

- 6.4.12 Reviews the draft minutes for content.
- 6.4.13 E-mails comments on the draft minutes to the Writer/Editor.

#### **Writer/Editor**

- 6.4.14 Revises the draft minutes based on comments from the SPTL and the NIOSH representative.
- 6.4.15 Forwards the final draft minutes for a 60-day review period to the senior official(s) of the host labor organization(s) and copies Project Records, or if the minutes pertain to a BCTC meeting, to the Union Liaison and copies Project Records.
- 6.4.16 Notifies the WISPR Database Administrator that the final draft minutes have been sent for the 60-day review.

#### **WISPR Database Administrator**

- 6.4.17 Enters the due date for the final draft meeting minute comments into the WISPR database.

#### **Union Liaison**

6.4.18 Sends draft BCTC meeting minutes to the CPWR point of contact to be forwarded to the appropriate BCTC representative for review.

6.4.19 Forwards any BCTC comments to the WOTL and Writer/Editor.

#### **Worker Outreach Team Leader**

6.4.20 Following the 60-day review period, determines if the draft meeting minutes require revision.

6.4.20.1 If no changes or comments are received, determines that no revision is necessary.

6.4.20.2 If the labor organization(s) or other meeting attendees respond with changes or comments, forwards changes to the draft minutes to the Writer/Editor.

#### **Writer/Editor**

6.4.21 After the 60-day review period, incorporates responses from all the parties who reviewed the draft meeting minutes into the final meeting minutes.

**NOTE: After 60 days, the minutes are finalized whether or not responses have been received.**

6.4.22 Sends the approved final meeting minutes to the labor organization(s), NIOSH, and Project Records.

6.4.23 Erases the audio recording of the meeting.

#### **WISPR Database Administrator**

6.4.24 Enters the date that the final meeting minutes were sent to NIOSH into the WISPR database.

### **6.5 Extracting Comments and Determining Which Comments Require a Response**

#### **Worker Outreach Team Leader**

6.5.1 Reviews written correspondence and/or draft and final meeting minutes and extracts comments to be entered into the WISPR database.

6.5.2 Decides if a comment requires a response or not. A comment does not require a response if it serves as information only, but, the WOTL thinks that it should be communicated to other Task Managers.

6.5.2.1 In general, comments that require a response include those that:

- Point specifically to an area of a site profile or other Project document that the commenter feels is incorrect or inadequate.

- Require an action to take place, such as looking for additional information, following up on an issue, or revising a site profile.
- Identify new information that may not have been considered previously.

6.5.2.2 In general, comments that do not require a response include those that:

- Provide background information that could be of interest to a group or task, but the resulting responses are not likely to be of a technical nature or indicate a specific action that took place as a result of the comment, (e.g., "we appreciate that information" or "thank you for that information").

## 6.6 Selecting Comment Recipients

### Worker Outreach Team Leader

6.6.1 Decides which Task Manager(s) will receive each comment.

**NOTE: For each comment, the recipients include the SPTL of the site mentioned in the comment and selected Task Manager(s), as appropriate. All comment recipients must provide a response if a response is required. Task Managers that have not been selected to receive a comment can still view the comment in the WISPR database.**

The following statements are examples of comments and the recipients:

- The site profile should reflect that the areas at the X Plant were not categorized in the late 1940s to early 1950s, and that there were no employee requirements regarding dosimeters.

**NOTE: The WOTL would send this comment to the X Plant SPTL and selected Task Manager(s), as appropriate.**

- Prior to 1991, the bioassay requirements at the Y Plant and the Z Plant were event-driven.

**NOTE: The WOTL would send this comment to the SPTLs for the Y Plant and the Z Plant, as well as selected Task Manager(s), as appropriate.**

## 6.7 Generating and Reviewing Comment Responses

### Worker Outreach Team Leader

6.7.1 Provides all comments to the WISPR Database Administrator for data entry.

**NOTE: All comments are entered into the WISPR Database, whether or not they may affect dose reconstructions or a site profile.**

### **WISPR Database Administrator**

- 6.7.2 As received from the WOTL, enters each comment into the WISPR database to generate an e-mail notification.

**NOTE: The e-mail notification contains the comment and indicates whether a comment response is required or the comment is provided for informational purposes only.**

### **Task Manager(s) and/or Site Profile Team Leader**

**NOTE: Task Managers and SPTLs receive comments by e-mail notification generated from WISPR.**

- 6.7.3 Reviews each comment received.
- 6.7.4 If a comment has been identified by the WOTL as requiring a response, determines which task personnel will prepare a response to the comment.
- 6.7.5 Reviews the response prepared by task personnel. If the response will affect a Project document, includes the document number to be updated and the reason for revision.
- 6.7.6 Replies to the e-mail notification within 30 days and types the response for the comment into the e-mail reply. Ensures that the reply also contains the original e-mail notification containing the comment.

**NOTE: The reply must be sent by the Task Manager, Deputy Task Manager or SPTL. All replies are sent to [WorkerOutreach@oraucoc.org](mailto:WorkerOutreach@oraucoc.org), or by replying directly to the auto-generated e-mail.**

### **Worker Outreach Team Leader**

- 6.7.7 Reviews each response and determines if it is acceptable or not. For a response to be acceptable, it must meet the following criteria:
- The response must address the comment.
  - The response must be technically correct.
  - The response must specify if the site profile needs to be revised and include anticipated changes.
  - If the site profile does not need to be revised, the response must explain the reason for not doing so.
  - The response must include a tentative schedule for completing the site profile revision, if applicable.

**NOTE: Various outcomes can result from review of the responses. The WOTL can accept the response as is, reject the response, or decide**

**whether further action (e.g., revision of a site profile document) is needed as a result of the comment.**

6.7.8 If the response is accepted, forwards the e-mail containing the comment and response to the WISPR Database Administrator for data entry, and copies the Task Manager or SPTL who sent the response. In addition:

- Includes a confirmation of the comment's acceptance in the e-mail, and
- Ensures that, if further action is warranted, the action is included in the e-mail for data entry. Proceeds to Section 6.7.12.

6.7.9 If the response is rejected, replies to the e-mail to inform the person who generated the response that it was rejected. Includes guidance for generating an acceptable response.

6.7.10 Informs the Task 3 Manager when a comment response has not been received within 30 days of its transmittal, for follow up, as appropriate.

**Task Manager(s) and/or Site Profile Team Leader**

6.7.11 Works directly with the WOTL to develop a response that they mutually agree is acceptable.

6.7.12 E-mails a revised response to WorkerOutreach@oraucoc.org.

**NOTE: Sections 6.7.7 to 6.7.11 are repeated until an acceptable response is provided and actions in Section 6.7.8 have been completed.**

**WISPR Database Administrator**

6.7.13 As received from the WOTL, enters the acceptable comment response into the WISPR database.

**Worker Outreach Team Leader**

6.7.14 Notifies the Task 3 Manager of any scheduled actions (e.g., site profile document revisions) necessary to resolve comments.

**6.8 Reporting Scheduled Actions and Followup**

**Task 3 Manager**

6.8.1 Reports site profile revisions or other scheduled actions necessary to resolve comments in the Task 5 weekly conference call. Refers to ORAUT-PROC-0031 for information on setting site profile priorities.

6.8.2 Provides Commitment Control with commitments for tracking site profile revisions, if applicable.

**Task Manager(s) and/or Site Profile Team Leader**

- 6.8.3 Performs or assigns scheduled actions to Project personnel and ensures their completion in accordance with commitment due dates. Refers to ORAUT-PROC-0031 for guidance in revising site profile documents.
- 6.8.4 Notifies the Task 3 Manager and WOTL upon completion of any scheduled actions. Notifies Commitment Control if this results in the completion of a commitment (refers to ORAUT-PROC-0074).

#### **Worker Outreach Team Leader**

- 6.8.5 Notifies the WISPR Database Administrator that the action is complete.
- 6.8.6 Consults with the Union Liaison and Senior Outreach Specialist regarding letters to be sent to the labor organization(s) regarding stakeholder input.
- 6.8.7 Initiates letters to be sent to unions regarding specific changes to site profiles that resulted from stakeholder input.

#### **Writer/Editor**

- 6.8.8 Assists the WOTL in preparing and sending letters.

**NOTE: Electronic copies of union letters regarding site profile changes that resulted from stakeholder input are provided to the Project Director, Task 3 Manager, SPTL, Worker Outreach Team, and NIOSH. If requested, additional copies of these letters are provided to NIOSH with the address information removed.**

#### **WISPR Database Administrator**

- 6.8.9 Updates the WISPR database as directed by the WOTL to indicate that the action is complete.

## **7.0 RECORDS**

The following records are generated, as applicable:

WISPR database

Auto-generated e-mails from the WISPR database

Worker outreach e-mail correspondence

Correspondence (retained by Correspondence Control)

Meeting presentations and handouts

Draft meeting minutes sent to labor organizations and meeting attendees for comment

Final meeting minutes

Formal comments on draft meeting minutes provided by labor organizations and meeting attendees

Other input (hardcopy and electronic) received from individual workers, unions, and other parties

## 8.0 **APPLICABLE DOCUMENTS**

### 8.1 **Drivers**

Contract No. 200-2002-000593, Radiation Dose Estimation, Dose Reconstruction, and Evaluation of SEC Petitions Under EEOICPA

ORAUT-PLAN-0001, Quality Assurance Program Plan

### 8.2 **Forms**

None

## 9.0 **DEFINITIONS AND ACRONYMS**

AWE – Atomic Weapons Employer.

BCTC – Building and Construction Trades Council.

Comment – EEOICPA stakeholder input provided at Worker Outreach Meetings or in written correspondence that may/may not directly or indirectly affect dose reconstruction outcomes. Comments may include information on site profiles or specific dose reconstruction information.

Confirmation Letter – Letter sent to a stakeholder union or group to confirm worker outreach meeting arrangements (i.e., date, time, location, materials needed, etc).

CPWR – Center to Protect Workers' Rights.

DOE – U.S. Department of Energy.

EEOICPA – Energy Employees Occupational Illness Compensation Program Act of 2000.

Event – As referred to in the WISPR database, an entire worker outreach meeting or a single piece of correspondence (i.e., one letter or e-mail).

Introductory Letter – Letter sent to a stakeholder union or group to disseminate information regarding any or all of the following: EEOICPA, the site profile, background information for the Union Outreach Specialist, and/or other information as needed.

Introductory Meeting – Meeting held to discuss the types of information and records that are needed to develop the site profile.

Labor Organization – Labor union, an organized council representing a group of building trades, and/or another organization representing a group of workers having an interest in a current or former DOE or AWE site.

Meeting Minutes – An accurate summary of the proceedings of a worker outreach meeting, including a verbatim transcript, when applicable. Draft minutes are produced from the notes of the Writer/Editor and the audio recording made of each meeting. Minutes are considered to be final after the Writer/Editor has incorporated the edits, comments, and changes from all parties who reviewed the draft minutes after the 60-day review period.

NIOSH – National Institute for Occupational Safety and Health.

ORAU – Oak Ridge Associated Universities.

ORAU Team Technical Information Bulletin (OTIB) – Document that provides information about a particular aspect of the ORAU Team technical processes. An OTIB is generally specific to one area of technical or site information and may satisfy a specific requirement for dose reconstruction.

Roll-Out Meeting – Meeting held to summarize the information in the site profile and to request comments on the completeness and accuracy of the document.

Site Profile – The combination of five technical basis documents (TBDs), each written to describe a specific technical area related to a covered site or sites, along with an introduction, (or one TBD covering all technical areas related to a covered site or sites), and any site specific ORAU Team technical information bulletins (OTIBs).

SPTL – Site Profile Team Leader.

Stakeholders – Current and former DOE and AWE site employees and their survivors, representatives, and advocates.

WISPR – Worker Input to Site Profile Revisions.

WISPR Database – Database that the Worker Outreach Team uses to track stakeholder comments as well as Project responses and actions that result from the comments. WISPR database entries are limited to information which could affect the dose reconstruction effort.

WOTL – Worker Outreach Team Leader.

## **Appendix D**

**Worker Outreach Program, OCAS-PR-012, 3/4/2009**

<b>Office of Compensation Analysis and Support</b>	Document Number: OCAS-PR-012
	Effective Date: 3/04/09
	Revision No. 0
Worker Outreach Program	Page 1 of 26
Approval: Signature on file	2/26/2009
<i>Signature</i> Stu Hinnefeld, Health Science Administrator	<i>Date</i>
<i>Name</i>	
Concurrence: Signature on file	3/02/2009
<i>Signature</i> Larry Elliott, OCAS Director	<i>Date</i>
<i>Name</i>	

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**RECORD OF ISSUE/REVISIONS**

<b>ISSUE AUTHORIZATION DATE</b>	<b>EFFECTIVE DATE</b>	<b>REV. NO.</b>	<b>DESCRIPTION</b>
3/04/09	3/04/09	0	

## **1.0 PURPOSE**

The purpose of this procedure is to provide the process for the conduct and documentation of outreach efforts performed by the Office of Compensation Analysis and Support (OCAS). This program provides current and former Department of Energy (DOE) and Atomic Weapons Employer (AWE) employees with the opportunity to obtain information about the Special Exposure Cohort (SEC) program and site profiles and to provide information for consideration and possible use in dose reconstructions, site profiles, and SEC petition evaluations.

## **2.0 SCOPE**

This procedure applies to OCAS personnel and contractors involved in conducting outreach efforts.

## **3.0 REFERENCES**

Worker outreach support contract # 211-2004-07982.

## **4.0 Responsibilities**

- 4.1. OCAS Project Manager – Provides oversight and ensures adequate resources for outreach efforts. Approves outreach activity functions.
- 4.2. OCAS Contractor Oversight Team Leader – Provides OCAS resource for the function of outreach program technical monitor.
- 4.3. Outreach Program Technical Monitor – Facilitates, as applicable, outreach efforts with the OCAS Project Manager in support of project needs and works with OCAS staff and the Outreach Support Contractor (OSC) for coordination of identified needed outreach efforts and services.
- 4.4. Special Exposure Cohort (SEC) Petition Counselor – Supports SEC outreach efforts and, as needed, in coordination with the outreach technical monitor solicits the support of the OSC for identification of needed outreach services.
- 4.5. OCAS Staff/OSC or OCAS Representative – Identifies need for outreach efforts at specified DOE/AWE site locations.

- 4.6. Communication Development Team Leader – Develops press released for media and coordinates dissemination to relevant news media. Coordinates the OCAS Web update for outreach meeting minutes.
- 4.7. OCAS HP Supporting Outreach Efforts – Supports outreach efforts, when needed, and coordinates technical HP support, develops leading questions of interest for outreach discussion, reviews and concurs on technical HP’s presentation, identifies and coordinates resolution of issues, and works with the Outreach Support Writer/Editor to ensure meeting minutes are correct and identified issues are inputted into the Outreach Tracking System (OTS).
- 4.8. Outreach Support Contractor (OSC), OSC Team – Provides support to OCAS for outreach efforts through personnel and/or organizational notification of past and present workers of project activities for outreach efforts of DOE and Atomic Weapons Employee (AWE) sites. Coordinates and attend outreach meetings, serves as meeting lead and minute recorder, and maintains the outreach data base in OTS, and as applicable (see contract # 211-2004-07982).

The OSC Team supports and coordinates outreach efforts, as directed, for identified outreach needs, identifies outreach needs based on past outreach efforts and technical basis updates, identifies and scheduled SEC outreach efforts for sites involved with the SEC petition process, and supports necessary facility and venue needs for outreach efforts to include facility arrangement and administrative coordination, stake holder research, stake holder contact and notification, chairs meetings, as appropriate.

The OSC Team establishes and maintains ongoing communication with site representatives (i.e., site labor, technical, community leaders) who are in positions to serve as points of contact for outreach efforts. Additionally, the OSC Team works with the OCAS HPs, the SEC Petition Counselor, and the Communication Development Team (CDT) in developing needed communication support for outreach efforts (i.e., informational material, question development, media notifications). Through relations with site representatives and support in working with OCAS staff the OSC Team shores up and facilitates a constructive working relationship between EEOICPA stakeholders and NIOSH.

- 4.9. Writer/Editor, OSC Team Member – Coordinates update of the OTS such as outreach meeting minutes, outside personnel contacts (other than those in NOCTS), input of issues identified by the OCAS supporting outreach HP, and minute taking of meetings. Additionally, directs un-redacted/redacted minutes for review, supports scheduling of outreach efforts, initiates requests for NOCTS and outside stakeholder notification of outreach meetings, updates OTS for stakeholder information (not in NOCTS). Files in OTS any correspondence not generated by OCAS for outreach efforts, material distributed to claimants and stakeholders at outreach meetings, material used in news

media notification, etc. Works with OCAS staff in support of other outreach efforts not otherwise specified.

- 4.10. Site Profile Subject Matter Expert (SPSME) – As required, coordinates with the OCAS HP in the development of presentations in support for outreach efforts and assemblage of questions needed to update site profiles and/or address SEC petition evaluations. The term SPSME is used interchangeably with the HPs involved in support for SEC petitions as it relates to SEC petition evaluations.

## **5.0 GENERAL**

NIOSH outreach meetings are flexibly structured and will usually be facilitated by a NIOSH member or an OSC. NIOSH can and will adjust the meeting format to meet the needs of the agency, the Board, and/or the public. Meetings sponsored by the Department of Labor (DOL) are facilitated by DOL. See Appendix A and B for NIOSH outreach meeting structure and discussion points, and process activities.

Minutes are typically taken of worker outreach meetings. Minutes are not typically taken at SEC outreach meetings because they are informational in nature and NIOSH is not attempting, or expecting, to gather worker input. For those meetings in which minutes are taken, minutes are taken to assure pertinent information is captured for later use. Prior to the start of a meeting in which a recording may be used, the meeting facilitator will make an announcement stating that the meeting will be recorded and the recording is a tool for accurate preparation of the meeting minutes. (The recording is not a deliverable product of the outreach contractor and thus is not available to the public under FOIA.) Prior to the publication of minutes on the NIOSH Web site, they will be redacted of any Privacy Act protected information.

Sign-in sheets are utilized for NIOSH outreach meetings so that attendees can be contacted, if needed, with follow-up information or questions. Sign-in sheets are Privacy Act protected and are not published on the NIOSH Web site. See Appendix C for an example of a sign-in sheet.

Generally there are four types of NIOSH outreach meetings. These consist of Worker Outreach Focus Group meeting, SEC Worker Outreach Focus Group meeting, Worker Outreach Town Hall meeting, and an SEC Outreach meeting. The Worker Outreach Focus Group meeting comprises typically of a small group of current and/or former workers from a specific facility or at a process-level operation within a facility. A target audience of no more than 10 to 12 individuals is assembled who have expressed an interest to assist in gathering feedback on a specific issue and/or set of questions, and/or the site profile document. Usually there is no public announcement for this type of meeting.

Second, is the SEC Worker Outreach Focus Group meeting which has a similar format to the Worker Outreach Focus Group meeting, but could be somewhat larger. This meeting focuses specifically on SEC issues that arise at the completion of the SEC petition qualification process in preparation for the NIOSH SEC Evaluation Report. These meetings are initiated by NIOSH when there is information needed to complete the petition evaluation report that is not available from other sources already obtained by NIOSH. Usually there is no public announcement for this type of meeting.

Third, the Worker Outreach Town Hall Meeting is a general public meeting with the targeted audience being the affected and potential claimant population. These meetings are held to discuss program or policy issues, or to disseminate information to a large audience. For example, when a site profile is revised and a worker outreach meeting has already been held, NIOSH might hold a follow-up Town Hall meeting to announce the site profile changes to the general public. Typically NIOSH may not be seeking any new information from the audience in a Town Hall meeting; however, comments or new information may be obtained. Worker Outreach Town Hall Meetings can include a public media/press release and contact with local unions and claimants.

Fourth, the SEC Outreach meeting is coordinated by the NIOSH SEC Petition Counselor and the SEC ombudsman to NIOSH. The purpose of the SEC Outreach meetings is limited to discussion and informing individuals of the SEC process. The meetings are held at the request of the public and include press releases, and contact with DOL, local unions, claimants and petitioner.

Other forms of meetings with NIOSH participation include dose reconstruction workshops and meeting sponsored by the DOE. The NIOSH sponsored dose reconstruction workshops are held to educate members of the public about the dose reconstruction process. Activist and individuals from union and advocacy groups are invited to attend. There is no public media announcement for this type of meeting.

As requested, NIOSH will often participate in meetings held by the DOL. In such meetings sponsored by the DOL, the role of NIOSH is typically a representative of the agency to answer questions related to the dose reconstruction process.

## **6.0 PROCEDURE**

### **6.1. Identifying the need for outreach efforts**

Because outreach efforts may vary, as noted in section 5.0 above, generally the timing or scheduling is not rigidly structured. The timing for scheduling an outreach effort should be guided by:

- 6.1.1. Substantive changes made to site profile,
- 6.1.2. The need to identify and inform stakeholders of the SEC petition process or status,
- 6.1.3. The need to gather additional information from stakeholders to address areas of interest for support of SEC evaluations and or site profile,
- 6.1.4. Invitation from another agency for NIOSH participation,
- 6.1.5. As otherwise deemed appropriate for an outreach effort.

Note: SEC outreach informational meeting (conducted by the SEC Petition Counselor and SEC ombudsman) are generally coordinated by the SEC Petition Counselor and the SEC ombudsman, but, as needed may be supported by the OSC Writer/Editor/OSC Team. On occasion, when the OCAS HP needs additional information to support the SEC Petition Evaluation, support in arranging necessary meeting venues and contacting the appropriate personnel to attend is coordinated through the OSC Team.

## 6.2. Identifying the need for OSC Team support for outreach efforts

The OSC team provides outreach assistance to NIOSH to improve the outreach effectiveness through collaboration with union and professional groups that represent workers at DOE and Atomic Weapons Employer (AWE) sites. Additionally, the OSC Team provides the necessary infrastructure for arranging and facilitating meetings, taking and developing meeting minutes, and filing of strategic meeting documents. Generally, such OSC Team support may include, but not limited to, the following needs:

- 6.2.1. Gathering additional information in support of an SEC petition evaluation or site profile as requested by an OCAS HP.
- 6.2.2. Gathering additional information and or providing feedback to stakeholders on new or updated site profile as requested by OCAS HP, OCAS Management or as may be identified by the OSC Team.
- 6.2.3. Informing stakeholders of SEC petitions and petition status as requested by OCAS HP, SEC Petition Counselor, OCAS Management, or as may be identified by the OSC Team.
- 6.2.4. Informing the public of the SEC process as requested by the SEC Petition Counselor.

- 6.2.5. Establishing workshops focused to inform union and advocacy groups of the dose reconstruction and SEC process as requested by OCAS Management or as may be identified by the OSC Team.

### 6.3. Arranging Outreach Efforts

This section discusses the basic arrangements needed for the various outreach efforts. OSC Team involvement should begin as soon as possible to ensure the timeliness and effectiveness of the outreach effort through early contact with local leaders and stakeholders.

#### 6.3.1. Worker Outreach Meetings (Focus Group – Non SEC)

##### 6.3.1.1. Initiating support

OCAS HP coordinates with the OSC for support in establishing Focus Group meeting.

##### 6.3.1.2. OSC activities

6.3.1.2.1. Identifies organizations (union, professional, retirement) affiliated with the DOE or AWE site and works with these organizations to identify present and past workers interested in the outreach effort.

6.3.1.2.2. Works with OCAS HP to develop meeting materials and identifies/establishes venue, coordinates supplies, provides or arranges audio visual needs.

6.3.1.2.3. Develops and sends to interested individuals introductory/confirmatory notices of meeting and appropriate informational material as coordinated with the OCAS HP. Places notification lists, informational material and copy of letter into the OTS system.

Note: In a Focus Group meeting of this sort, public notification is typically not required. If public notification is required the OSC Writer/Editor will work with the CDT Leader in the development and distribution of the notification.

##### 6.3.1.3. Preparing Meeting Materials (Focus Group – Non SEC)

- 6.3.1.3.1. The OCAS HP coordinates the development of the presentation with the SPSME (as appropriate) and development of questions identifying areas of interest with the SPSME and the OSC Team. Typically, the SPSME develops the draft presentation and possible selected questions and works with the OCAS HP till finalized.
- 6.3.1.3.2. The OCAS HP forwards a copy to the OSC Writer/Editor for further processing.
- 6.3.1.3.3. The OSC Writer/Editor files the presentation and questions into the OTS system. Additionally, as directed by the OCAS HP, the OSC Writer/Editor forwards questions to the OSC Team, may assist in forwarding to prospective meeting attendees, and makes appropriate copies of questions/ presentation for distribution and use during the meeting.

## 6.3.2. Worker Outreach Meetings (SEC Focus Group)

### 6.3.2.1. Initiating support

OCAS HP coordinates with the OSC for support in establishing an SEC Focus Group meeting.

### 6.3.2.2. OSC activities

- 6.3.2.2.1. Identifies organizations (union, professional, retirement) affiliated with the DOE or AWE site and works with these organizations to identify present and past workers interested in the SEC outreach effort.
- 6.3.2.2.2. Works with OCAS HP to develop meeting materials and identifies/establishes venue, coordinates supplies, provides or arranges audio visual needs.
- 6.3.2.2.3. Develops and sends to interested individuals introductory/ confirmatory notices of meeting and appropriate informational material as coordinated with the OCAS HP. Places notification lists, informational material and copy of letter into the OTS system.

Note: In an SEC Focus Group meeting, public notification is typically not required. If public notification is required the OSC

Writer/Editor will work with the CDT Leader in the development and distribution of the notification.

#### 6.3.2.3. Preparing Meeting Materials (SEC Focus Group)

- 6.3.2.3.1. The OCAS HP coordinates the development of questions identifying areas of interest with the SPSME and the OSC Team for issues needing clarification in completing the SEC petition evaluation.
- 6.3.2.3.2. The OCAS HP forwards a copy to the OSC Writer/Editor for further processing.
- 6.3.2.3.3. The OSC Writer/Editor files the questions into the OTS system. Additionally, as directed by the OCAS HP, the OSC Writer/Editor forwards questions to the OSC Team, may assist in forwarding to prospective meeting attendees, and makes appropriate copies of questions for distribution and use during the meeting.

#### 6.3.3. Worker Outreach Meetings (Town Hall)

##### 6.3.3.1. Initiating support

OCAS HP coordinates with the OSC for support in establishing Town Hall meeting.

##### 6.3.3.2. OSC activities

- 6.3.3.2.1. Identifies organizations (union, professional, retirement) affiliated with the DOE or AWE site and works with these organizations to identify present and past workers interested in the outreach effort.
- 6.3.3.2.2. Works with OCAS HP to develop meeting materials and identifies/establishes venue, coordinates supplies, provides or arranges audio visual needs. Because this outreach effort could entail a much larger group of interested individuals (unlike the smaller Focus Groups), a larger venue facility may need to be acquired to accommodate the meeting.
- 6.3.3.2.3. Develops and sends to interested individuals introductory/confirmatory notices of meeting and appropriate informational

material as coordinated with the OCAS HP. Places notification lists, informational material and copy of letter into the OTS system.

Note: In a Town Hall meeting, public notification may be required. Public news media information is researched by the OSC Team (i.e., newspaper, TV, radio) along with a brief description of the meeting's purpose is provided to the OCAS CDT Leader for review, editing, and directing to area news media. OCAS may elect to support part of these responsibilities.

#### 6.3.3.3. Preparing Meeting Materials (Town Hall)

6.3.3.3.1. The OCAS HP coordinates the development of the presentation (as appropriate) with the SPSME and possible questions identifying areas of interest with the SPSME and the OSC Team. Typically, the SPSME develops the draft presentation and possible selected questions and works with the OCAS HP till finalized by the OCAS HP. This presentation may provide a general overview of the dose reconstruction program, what efforts have been initiated in the past with communicating and obtaining feedback on the site profile, what changes have been made to the site profile and if the changes were made based on document search, feedback from past meetings, or oversight evaluation.

6.3.3.3.2. The OCAS HP forwards a copy to the OSC Writer/Editor for further processing.

6.3.3.3.3. The OSC Writer/Editor files the presentation and questions into the OTS system. Additionally, as directed by the OCAS HP, the OSC Writer/Editor makes appropriate copies of questions/presentation for distribution and use during the meeting.

#### 6.3.4. Worker Outreach Meetings (Special Exposure Cohort (SEC))

##### 6.3.4.1. Initiating support

The SEC Petition Counselor and the NIOSH Ombudsman independently make the necessary arrangements for the SEC informational outreach meetings. Such arrangements include venue arrangements, media notifications, and material development. As appropriate the OSC Team may be asked to help in these efforts as well as establishing area points of

contact (i.e., past/present DOE/AWE workers, unions, and professional organizations).

#### 6.3.4.2. DOL notification

The SEC Petition Counselor or the NIOSH Ombudsman typically notify and invite the DOL for their information and support. This notification is a courtesy notification in the event DOL would like to attend the meeting and address possible questions related to their program.

#### 6.3.4.3. Preparing Meeting Materials (Petition Counselor - SEC)

The meeting materials for SEC outreach meetings are relatively unchanged between meetings. Minor changes may be made to include specific site information or claim statistics. Meeting materials, handouts, sign-in sheets, and possibly new media notifications are filed in OTS. Processing may be performed by the Petition Counselor or delegated with support from the OSC Writer/Editor.

#### 6.3.5. NIOSH Dose Reconstruction Workshops

Dose reconstruction workshops are by invitation and are held by NIOSH to educate members of the public and government about the dose reconstruction and SEC process. Members of the public who may be invited include advocates, individuals from union members or representatives, and DOL personnel. Preparing of training materials are performed in house, developed and modified to the audience, reviewed by the Health Science Administrator and the CDT Leader, and approved by the OCAS Office of Director.

#### 6.3.6. DOL Meetings

The DOL holds meetings at various site locations and will often request NIOSH participation. NIOSH participation is in support of activities performed by NIOSH under the EEOICPA. Generally pre-developed handouts and informational material are provided along with professional feedback on questions related to the NIOSH role in the program.

### 6.4. OTS (OTS)

The OTS provides for tracking of information associated with outreach efforts. This information includes, but is not limited to; location of the outreach effort, type of outreach effort, minutes of outreach meetings, sign-in sheets, informational handouts, correspondence, points of contact, calendar of scheduled meetings, issue tracking, etc.

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Typically, the OTS system is used for all forms of outreach efforts except for dose reconstruction workshop and DOL meetings. Although OTS is not intended for the tracking of information from these two types of meetings, their events may be placed on the calendar of scheduled meetings for distribution for informational purposes to respective recipients. See Appendix D for additional guidance on the OTS.

## **7.0 RECORDS**

The following records are generated as applicable.

7.1. Meeting minutes

7.2. Sign-In Sheets

7.3. Formal letters to claimants and stakeholders

## **8.0 APPLICABLE DOCUMENTS**

None

## **Appendix A**

### General Meeting Structure and Discussion Points

#### **Focus Group Meeting -Outreach and SEC**

- OSC – OSC Team facilitator makes introduction and introduces the NIOSH and OSC staff, and facilitates meeting, as appropriate.

Makes announcement addressing recording of the meeting\*

The OSC Writer/Editor coordinates sign-in sheets, provides handout materials, and records and takes notes during the meeting.

- NIOSH Staff – The OCAS HP along with the SPSME discusses the purpose of the meeting

Discusses areas of interest (i.e., time periods, work practices radiological conditions, working environments, facilities, operational conditions, etc.) for which information is desired in the TBD or petition evaluation.

Address areas of interest through a discussion forum or through the re-addressing of questions.

Open discussion – field questions

#### **Worker Outreach Town Hall Meeting**

- OSC - OSC Team

Makes announcement addressing recording of the meeting\*

The OSC Writer/Editor coordinates sign-in sheets, provides handout materials, and records and takes notes during the meeting.

- NIOSH Staff – The SPSME makes introductions and the presentation with the OCAS HP supporting discussions. The following are typical areas which may be addressed:

Overview of the dose reconstruction program

Summarization of site profile information and asks for comments on its accuracy and completeness

Discuss what site profile changes have been initiated from past meetings and feedback

Discuss what site profile changes have been initiated based on document search

Discuss what types of information and records that is useful to develop the site profile

Discuss and request records or information with which DOE or AWE workers or claimants might be familiar with

Asks for additional information to fill in gaps or identify issues related to the accuracy of the site profile

Solicit any information that the attendees think could be important to the dose reconstruction process

Open discussion – field questions

### **SEC Outreach Meeting**

●SEC Petition Counselor or Ombudsman – introduces the presiding meeting personnel

Discusses - the SEC petitioning process such as agency responsibilities under EEOICPA

Dose reconstruction process and the differences between it and the SEC process

Overview of the SEC eligibility and seven (7) phases

SEC statistics (as appropriate)

Open discussion – field questions

### **NIOSH Dose Reconstruction Workshops**

Generally, brief opening remarks are provided by NIOSH senior management which may address the high lights of the EEOICPA program, the purpose of the training, topics covered in the training, and an introduction to the presenters.

The individual presentations are tailored to the audience and their needs.

Handouts are typically provided.

### **DOL (DOL) Meetings**

DOL sponsors and facilitates meetings.

The information provide by DOL is that which governs their program operations and processes as it relates to EEOICPA.

NIOSH involvement is at the request of DOL and support of NIOSH efforts as it relates to EEOICPA.

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\*The OSC Team facilitator will generally facilitate the meeting and the OCAS HP and the SPSME will conduct the presentation and discussion. At the beginning of a meeting, when the meeting is to be electronically taped, the OSC Team facilitator will make an announcement similar to the following:

**“This meeting is being recorded. The purpose of the recording is to help prepare accurate meeting minutes. Thus, the recording is a tool and will be destroyed once the minutes of this meeting have been finalized. Does anyone object to the use of the recording?”**

Note: If there are no objections, the meeting will be recorded.

If there are objections, the OSC Team facilitator will resolve the issue.

#### Possible Scenarios

If an individual (s) objects to the recording, the individual (s) may leave and may give written comments through the NOCTS web application or letter, or may be given the opportunity to voice their comments after the meeting provided there is sufficient time or by pone at a later date.

If there is an objection by majority, the meeting will not be recorded and written notes will be used to best capture the essence of the meeting discussions.

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If someone requests a copy of the recording, the OSC Team facilitator and/or OCAS staff representative will explain that copies are not available for public distribution.

## Appendix B

### Outreach Meeting Process Activities

#### Meeting Need Identified

Town Hall, SEC & Worker Outreach Focus Group

SEC Information Meeting

#### OCAS

##### **Pre-Meeting Activities**

Notify and coordinate meeting with OSC  
 Develop presentation, as appropriate  
 Develop questions, as applicable  
 Develop and transmit news release, as appropriate

##### **Meeting Activities**

Provide presentation  
 Facilitate discussion  
 Note issues, as appropriate

##### **Post Meeting Activities**

Coordinate with OSC identified issues  
 Track and monitor issues  
 Review meeting minutes

#### OSC

##### **Pre-Meeting Activities**

Identify and notify stakeholders  
 Identify news media (TV, radio, newspapers) and transmit news releases, as appropriate  
 Establish meeting venue and audio/video needs  
 Update calendar for event notification  
 Transmit news releases, as appropriate

##### **Meeting Activities**

Facilitate meeting  
 Take minutes  
 Track attendance (sign-in sheet)  
 Hand out informational material

##### **Post Meeting Activities**

As appropriate, work with OCAS on issues  
 Develop meeting minutes  
 Input issues into OTS tracking system  
 Update OTS notification, information, & minutes

#### SEC Counselor/Obmn (SEC Info & DOL)

##### **Pre-Meeting Activities**

Coordinate activities for meeting  
 Prepare meeting materials  
 Coordinate OSC support  
 Identify news media (TV, radio, newspapers) and Develop & transmit news releases, as appropriate  
 Update calendar event notification

##### **Meeting Activities**

Provide handout material, as appropriate  
 Facilitate presentation/discussion  
 Identify issues/needs, as appropriate

##### **Post Meeting Activities**

Update OTS notification, information, communications  
 Input and track issues/needs



## Appendix D

### OTS Overview

To locate the OTS go to “Staff Tools” in NOCTS. The Home Page will look similar to the following **Figure 1**:

**Figure 1**

The screenshot shows the Outreach Tracking System Home Page. The browser title is "Outreach - Home - Windows Internet Explorer". The address bar shows "http://wnio-cnt-ocas/outreach/". The page has a blue header with "Outreach Tracking System" and "User: Johnson, John". Navigation tabs include "Home", "General Contacts", and "Meetings". A message states "You have been authorized to use this application." Below this is a "Select Site to View Information" section with a dropdown menu and a "Show Site ID" checkbox. The "Scheduled Meetings" section includes a table and a "Send Out Meeting Info Email to:" dropdown set to "ALL".

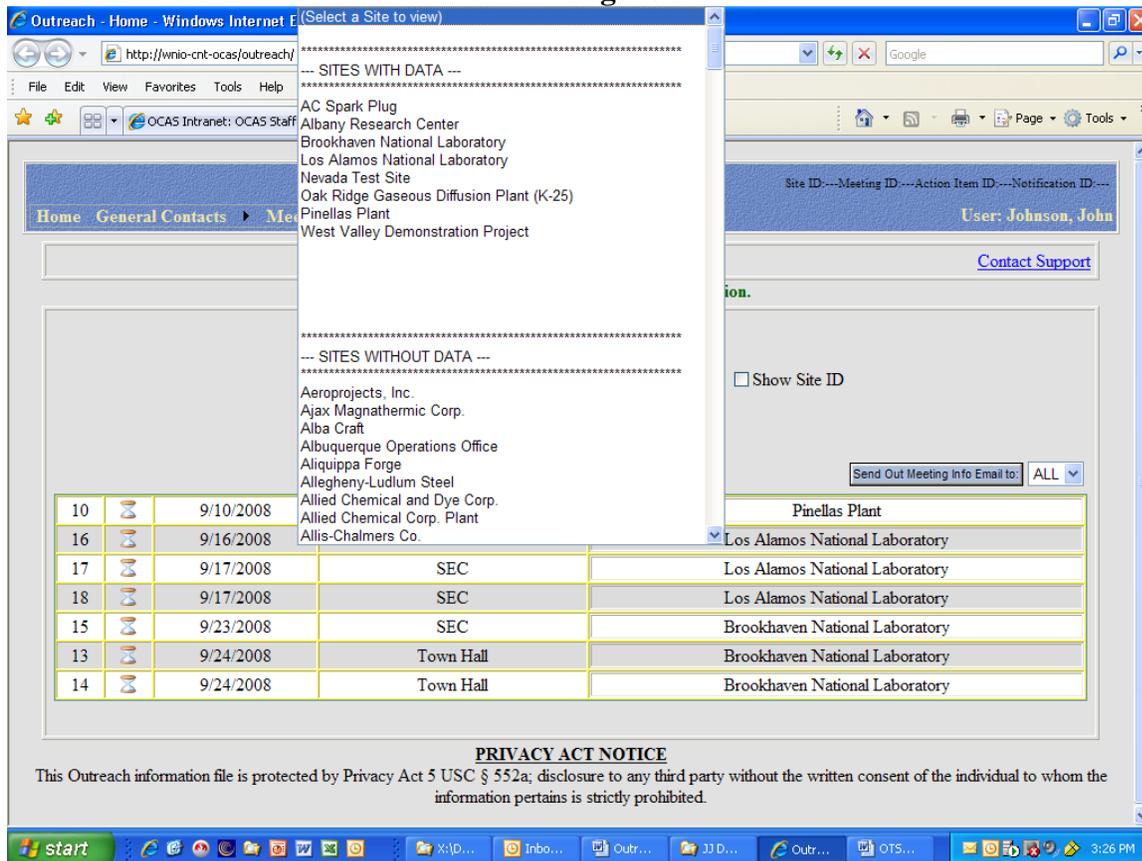
ID	Date	Type	Location
10	9/10/2008	Worker Outreach	Pinellas Plant
16	9/16/2008	SEC	Los Alamos National Laboratory
17	9/17/2008	SEC	Los Alamos National Laboratory
18	9/17/2008	SEC	Los Alamos National Laboratory
15	9/23/2008	SEC	Brookhaven National Laboratory
13	9/24/2008	Town Hall	Brookhaven National Laboratory
14	9/24/2008	Town Hall	Brookhaven National Laboratory

**PRIVACY ACT NOTICE**  
This Outreach information file is protected by Privacy Act 5 USC § 552a; disclosure to any third party without the written consent of the individual to whom the information pertains is strictly prohibited.

The Home Page shows “Selected Site to View Information” and “Scheduled Meetings.”

If the arrow for “Selected Site to View Information” is clicked a screen similar to **Figure 2** is viewed:

**Figure 2**



This popup box is divided into two sections noted as “SITES WITH DATA” and “SITES WITHOUT DATA.” Sites without data have no data and if chosen would indicate so.

Sites with data are populated with data and when selected would look similar to **Figure 3**:

**Figure 3**

The screenshot shows a web browser window titled "Outreach - View Site" with the URL <http://wnio-cnt-ocas/outreach/ViewSite.aspx?siteid=215>. The page content is as follows:

**Site Contacts:**

ID	View General Contact	Site Contact Name	Remove
5		Mitsy Beach	

Below the table is a button labeled "Show/Hide Available Contacts".

**Site Meetings:**

ID	View Meeting	Meeting Type	Meeting Date	Meeting Start Time	Meeting Location	Covered Site/s	OCAS POC	Contractor POC	Meeting Audience	Meeting Note	Options
10		Worker Outreach	9/10/2008	10:00 a.m.	Largo Public Library, 120 Central Park Drive, Largo, Florida 33771	Pinellas Plant	Ishak-Breyer, Laurie	Elliott, Mary	The Pinellas petitioner and a small, select group of former workers	This meeting is a non-traditional worker outreach meeting. It is set-up with only about 10-15 workers to explain the dose reconstruction process.	

**Site Action Items:**

- Past Due - - Due Today - - Due Within The Next Week -

No Site Action Items Found

**Site Files:**

No Site Files Found

On this page “General Contact” information (clicking on the people icon), meeting information (clicking on the hour glass), and Site Actions and Site Files (clicking on the respective group) can be accessed.

Click on “Back to Home” in the upper left corner of the screen (not seen on the screen above) and this will bring back the Home Page as shown in **Figure 4**:

**Figure 4**

Outreach - Home - Windows Internet Explorer

http://wnio-cnt-ocas/outreach/

File Edit View Favorites Tools Help

OCAS Intranet: OCAS Staff Outreach - Home

Outreach Tracking System Site ID:---Meeting ID:---Action Item ID:---Notification ID:---

Home General Contacts Meetings User: Johnson, John

Home [Contact Support](#)

You have been authorized to use this application.

Select Site to View Information

(Select a Site to view)  Show Site ID

Scheduled Meetings [Send Out Meeting Info Email to: ALL](#)

10		9/10/2008	Worker Outreach	Pinellas Plant
16		9/16/2008	SEC	Los Alamos National Laboratory
17		9/17/2008	SEC	Los Alamos National Laboratory
18		9/17/2008	SEC	Los Alamos National Laboratory
15		9/23/2008	SEC	Brookhaven National Laboratory
13		9/24/2008	Town Hall	Brookhaven National Laboratory
14		9/24/2008	Town Hall	Brookhaven National Laboratory

**PRIVACY ACT NOTICE**

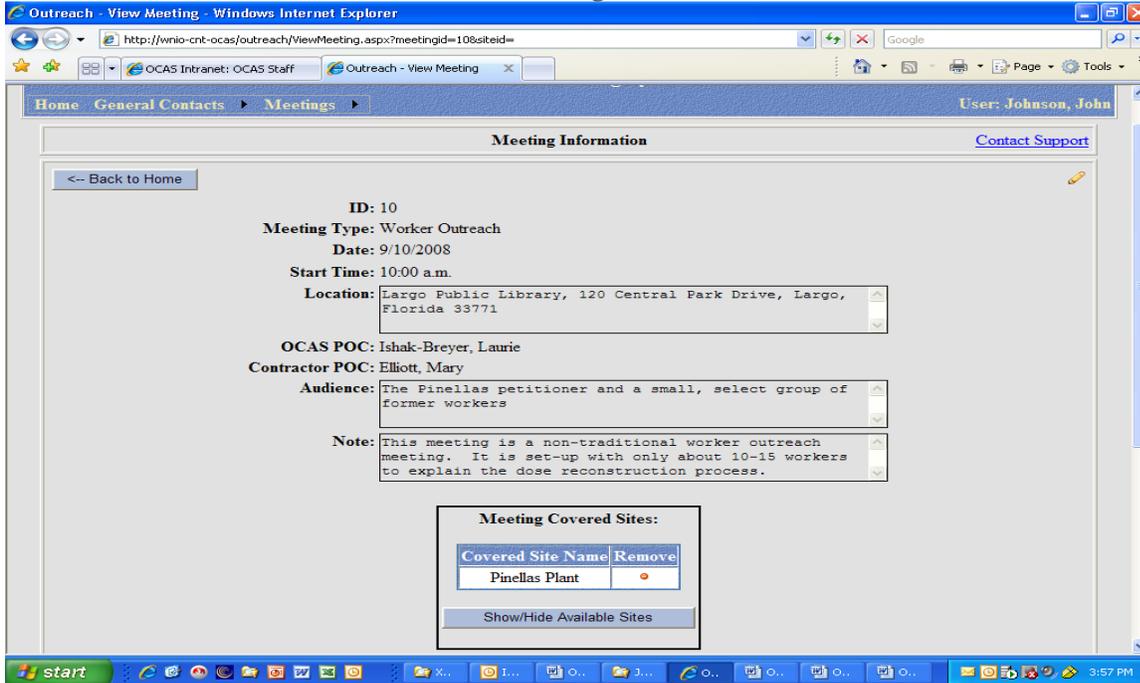
This Outreach information file is protected by Privacy Act 5 USC § 552a; disclosure to any third party without the written consent of the individual to whom the information pertains is strictly prohibited.

start X:\DR S... Inbox - ... Outreach... JJ Docs Outreach... 3:19 PM

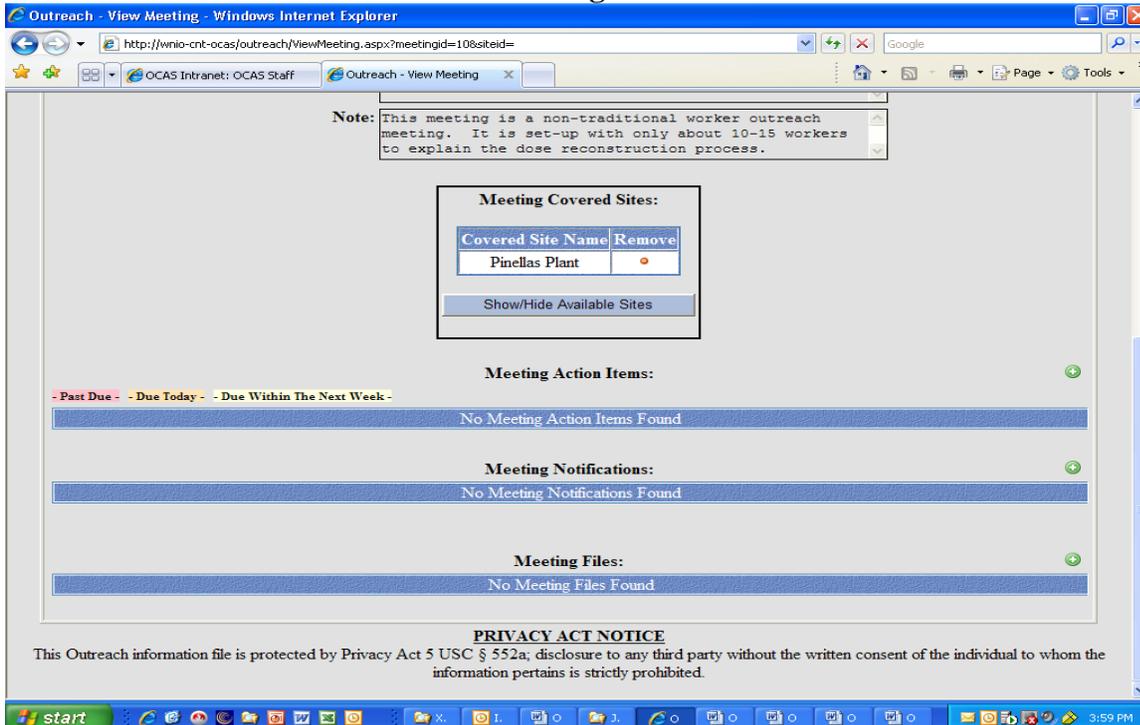
To see details of any of the meetings shown on this page click the Hour Glass.

A page similar to the **Figure 5a** and **5b** (one page with slide bar) will be displayed:

**Figure 5a**



**Figure 5b**



This screen (shown in two pictures above, **Figures 5a** and **5b**) provides details of the scheduled meeting, covered sites involved (will display if more than one site), and displays Meeting Action Items, Meeting Notifications, and Meeting Files.

The OCAS HP or SEC Counselor (meeting owners) for the meeting, or the Writer/Editor will have the ability to update the section noted as “Meeting Action Items.” Action items are identified by the OCAS HP or the SEC Counselor and inputted into this screen or coordinated with the Writer/Editor for uploading. The Meeting Action Item screen will look similar to **Figure 6**:

**Figure 6**

The screenshot shows the 'New Meeting Action Item' form within the Outreach Tracking System. The form is displayed in a Windows Internet Explorer browser window. The page title is 'Outreach Tracking System' and the user is identified as 'Johnson, John'. The form includes the following fields and controls:

- ID:** A text input field.
- Action Item:** A dropdown menu currently set to 'New Action Item Type'.
- \* Action Item Detail:** A large text area for entering details, marked as a required field with an asterisk.
- Action Item Owner:** A dropdown menu currently set to 'zzz9, zzz9'.
- Action Item Entered Date:** A date field set to '9/9/2008'.
- \* Action Item Commitment Date:** A date field, marked as a required field with an asterisk.
- Action Item Current Status:** A dropdown menu.
- Action Item Resolution Detail:** A text area for resolution details.
- Action Item Resolution Date:** A date field.

At the bottom of the form, there is a 'Submit' button and two red error messages:

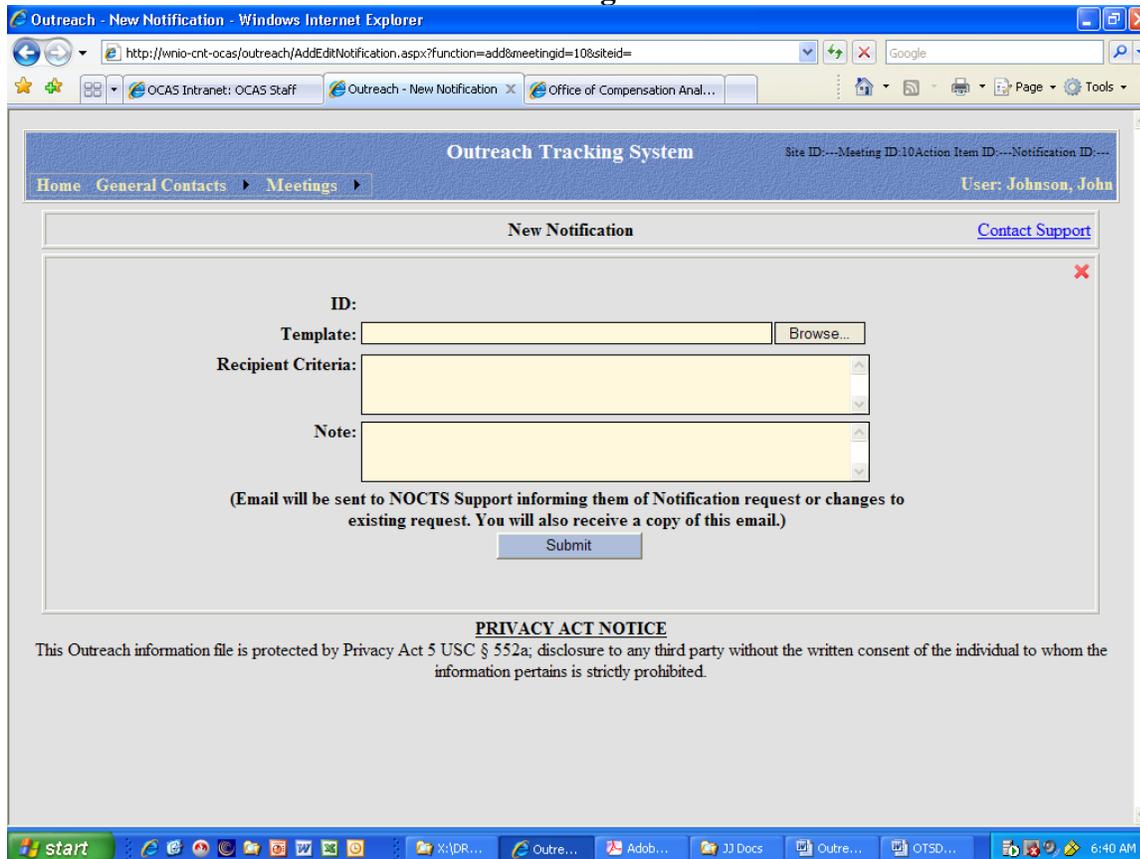
- Please enter Action Item Detail.
- Please enter valid Commitment Date.

The page also features a 'PRIVACY ACT NOTICE' link at the bottom.

Required fields to enable the action item are noted with an asterisk to include action item owner field. These are required fields. Once these fields are populated and the “Submit” clicked on, the item will be an action item associated with this meeting. As feedback is received on the status of the action item, the “Action Item Current Status” field is updated by the meeting owner. Upon closure of the action item, the “Action Item Resolution Detail” is completed by the meeting owner.

The “Meeting Notification” screen, acquired from the “Meeting Information” screen **Figure 5a/b**, is for generation of letters to the respective stakeholders of that meeting. This screen is intended for the selection of specific notification templates and requesting printing from TST. The New Notification screen will look similar to **Figure 7**:

**Figure 7**



The screenshot shows a web browser window titled "Outreach - New Notification - Windows Internet Explorer". The address bar contains the URL: <http://wnio-cnt-ocas/outreach/AddEditNotification.aspx?function=add&meetingid=10&siteid=>. The browser tabs include "OCAS Intranet: OCAS Staff", "Outreach - New Notification", and "Office of Compensation Anal...".

The main content area is titled "Outreach Tracking System" and includes a navigation menu with "Home", "General Contacts", and "Meetings". The user is identified as "User: Johnson, John". The page title is "New Notification" with a "Contact Support" link.

The form contains the following fields:

- ID:** A text input field.
- Template:** A dropdown menu with a "Browse..." button.
- Recipient Criteria:** A dropdown menu.
- Note:** A text area.

Below the form, a message states: "(Email will be sent to NOCTS Support informing them of Notification request or changes to existing request. You will also receive a copy of this email.)". A "Submit" button is located at the bottom of the form.

A "PRIVACY ACT NOTICE" is displayed at the bottom of the page, stating: "This Outreach information file is protected by Privacy Act 5 USC § 552a; disclosure to any third party without the written consent of the individual to whom the information pertains is strictly prohibited."

The Windows taskbar at the bottom shows the start button and several open applications, including "Outre...", "Adob...", "JJ Docs", "Outre...", and "OTSD...". The system clock shows "6:40 AM".

The “Meeting Files” section, acquired from the “Meeting Information” screen **Figure 5a/b**, is for storage and review of presentation material, handout information, meeting minutes, sign-in sheets, news paper articles, news releases, etc. This is a repository and easy access for information associated with the meeting.

Calendar events are initiated by selecting a site as in **Figures 1 through 2**. Once a site has been selected as shown in **Figure 3** a “New Meeting” screen is obtained by clicking on the + at either top right of the Site Meetings box or to the far right within an existing meeting entry. The + outside the box gives an empty meeting display for information entry and the + to the far right within an existing meeting gives a filled meeting display of the meeting in line with the + which can be used to update only those fields which have changed. The New Meeting display is shown in **Figure 8** which is filled and ready to update as appropriate. Once updated click on “Submit” and the meeting is entered into OTS. To E-mail the calendar event, return to the Home Page Figure 1 and select email recipients in the drop down box next to “Send Out Meeting Info Email to.” After making recipient selection send by clicking on the “Send Out Meeting Info Email to.”

**Figure 8**

Outreach - New Meeting - Windows Internet Explorer

http://wnio-cnt-ocas/outreach/AddEditMeeting.aspx?function=addclone&siteid=215&meetingid=10

OCAS Intranet: OCAS Staff Outreach - New Meeting

**Outreach Tracking System** Site ID: Meeting ID: Action Item ID: Notification ID: User: Johnson, John

Home General Contacts Meetings

**New Meeting** [Contact Support](#)

ID: 10

Meeting Type: Worker Outreach

Date: 9/10/2008

Start Time:

Location: Largo Public Library, 120 Central Park Drive, Largo, Florida 33771

OCAS POC: Ishak-Breyer, Laurie

Contractor POC: Elliott, Mary

Initial Site: Pinellas Plant Once you submit this Meeting, you will need to go in and add any other Sites.

Audience: The Pinellas petitioner and a small, select group of former workers

Note: This meeting is a non-traditional worker outreach meeting. It is set-up with only about 10-15 workers to explain the dose reconstruction process.

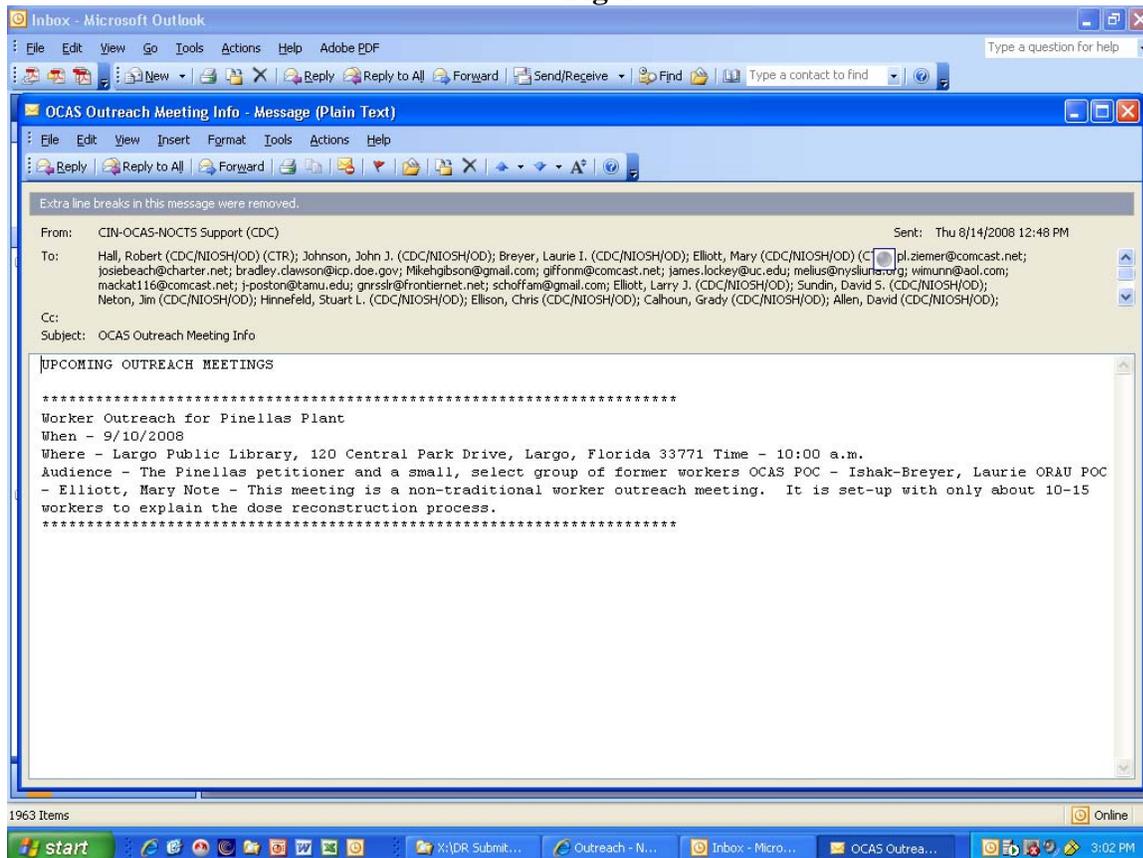
Submit

**PRIVACY ACT NOTICE**  
This Outreach information file is protected by Privacy Act 5 USC § 552a; disclosure to any third party without the written consent of the individual to whom the information pertains is strictly prohibited.

start X:DR Su... Microsoft... JJ Docs Outreach... Outreach... 9:30 AM

The receipt E-mail notification of calendar events will look similar to **Figure 9**. The E-mail notification identifies **Upcoming Outreach Meetings** and provides a breakdown of each notification by: **Worker Outreach** and site being sponsored, **When** (date), **Where** (venue and time), **Audience** (public, petitioners, etc), **OCAS POC** (OCAS point of contact sponsoring meeting), **Contractor POC** (contractor subject matter expert, OSC support team member, etc.), and **Note** section (brief description/purpose of meeting).

**Figure 9**



## **Appendix E**

**Review of OCAS-PR-012, SCA-TR-PR2010-0002, 4/2010**

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Draft

**ADVISORY BOARD ON  
RADIATION AND WORKER HEALTH**

*National Institute for Occupational Safety and Health*

**REVIEW OF OCAS-PR-012:  
WORKER OUTREACH PROGRAM**

**Contract No. 200-2009-28555  
SCA-TR-PR2010-0002, Revision 0**

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April 2010

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<b>S. Cohen &amp; Associates: <i>Technical Support for the Advisory Board on Radiation &amp; Worker Health Review of NIOSH Dose Reconstruction Program</i></b>	Document No. SCA-TR-PR2009-0002
	Effective Date: April 9, 2010
	Revision No. 0
<b>REVIEW OF OCAS-PR-012: WORKER OUTREACH PROGRAM</b>	Page 2 of 74
Task Manager:  _____ Date: _____ U. Hans Behling, PhD  Project Manager:  _____ Date: _____ John Mauro, PhD, CHP	Supersedes:  N/A

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## LIST OF ABBREVIATIONS AND ACRONYMS

ABRWH, Advisory Board, or Board	Advisory Board on Radiation and Worker Health
AEC	Atomic Energy Commission
ATL	Advanced Technologies and Laboratories International, Inc.
AWE	Atomic Weapons Employer
CATI	Computer Assisted Telephone Interviews
COI	Close-out Interview
CTW	Construction Trades Worker
DFO	Designated Federal Official
DOE	U.S. Department of Energy
DOL	U.S. Department of Labor
EEOICPA	Energy Employees Occupational Illness Compensation Program Act
FMPC	Feed Materials Production Center
FOIA	Freedom of Information Act
HHS	Health and Human Services
HP	Health Physicist
IAAP	Iowa Army Ammunition Plant
IAM	International Association of Machinists
IAMAW	International Association of Machinists and Aerospace Workers
ICWUC	International Chemical Workers Union Council
INEEL	Idaho National Engineering and Environmental Laboratory
INL	Idaho National Laboratory
IREP	Interactive RadioEpidemiological Program
KCBCTC	Kansas City Building and Construction Trades
KCP	Kansas City Plant
LANL	Los Alamos National Laboratory
NIOSH	National Institute for Occupational Safety and Health
NNSA	National Nuclear Security Administration
NOCTS	NIOSH OCAS Claims Tracking System
NTS	Nevada Test Site
NUMEC	Nuclear Materials and Equipment Corporation

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OCAS	Office of Compensation and Analysis
ORAUT	Oak Ridge Associated Universities Team
ORNL	Oak Ridge National Laboratory
OSC	Outreach Support Contractor
OTS	Outreach Tracking System
PDF	Portable Document Format
PHA	Public Health Advisor
POC	Probability of Causation
RFP	Rocky Flats Plant
SC&A	S. Cohen and Associates (SC&A, Inc.)
SEC	Special Exposure Cohort
SME	Subject Matter Expert
SNLL	Sandia National Laboratory – Livermore
SOAR	Steelworkers Organization of Active Retirees
SPFPA	Security Police and Fire Professionals of American
SPSME	Site Profile Subject Matter Expert
SPTL	Site Profile Technical Lead
SRDB	Site Research Data Base
SRS	Savannah River Site
TBD	Technical Basis Document
UFCW	United Food and Commercial Workers
USW	United Steelworkers of America
VPP	Voluntary Protection Program
WISPR	Worker Input to Site Profile Revision
WOTL	Worker Outreach Team Lead
WOWG	Worker Outreach Work Group
WSP	Weldon Spring Plant

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## EXECUTIVE SUMMARY

The Worker Outreach Program provides opportunities for current and former Department of Energy (DOE)/Atomic Weapons Employer (AWE) workers to obtain information and provide information relevant to site profiles, dose reconstruction, and the Special Exposure Cohort (SEC) program. SC&A has been tasked by the Worker Outreach Work Group (WOWG), and subsequently the Advisory Board on Radiation and Worker Health (Advisory Board), with conducting a review of *Worker Outreach Program*, OCAS-PR-012, Revision 0 (OCAS 2009a, hereafter referred to as PR-012). A previous SC&A review, conducted in 2007, evaluated *Conduct of the Worker Outreach Program Procedure*, ORAUT-PROC-0097, (ORAUT 2005a, hereafter referred to as PROC-0097). Findings and observations from the review of PROC-0097 were presented to the Subcommittee on Procedures Review, but a resolution process was not completed. Findings from the PROC-0097 review that remain applicable to PR-012 are incorporated in this current review.

### SCOPE AND OBJECTIVES OF THIS REVIEW

The scope of this review is as follows:

- (1) To evaluate the degree to which PR-012 provides direction to National Institute for Occupational Safety and Health (NIOSH) Office of Compensation and Analysis (OCAS) personnel and its contractors in a manner that helps to ensure that comprehensive technical information is acquired from a broad range of workers, site experts, petitioners, claimants, and other stakeholders
- (2) To evaluate the degree to which information obtained from the outreach program is documented in the Outreach Tracking System (OTS) as described in PR-012
- (3) To evaluate the procedural framework through which the technical information acquired under the outreach program is given appropriate consideration in OCAS work products, including site profiles and SEC petition evaluation reports

This review is particularly interested in the degree to which PR-012 explicitly addresses the overall objectives of the Mission Statement and Objectives 1 through 4 of the draft Implementation Plan prepared by the WOWG.<sup>1</sup> The scope of this review does not include extensive evaluations of implementation; there are elements of each objective that could not be determined from reviewing PR-012 and the documentation available in the OTS. This report also does not include a review of recent site profiles or evaluation reports prepared by NIOSH to evaluate the degree to which NIOSH has, in fact, incorporated important information obtained from workers into their work products. SC&A will provide the work group with a separate proposed work plan to address these important aspects of the Implementation Plan. The primary focus of this review is to evaluate the process adopted and being implemented by NIOSH to

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<sup>1</sup> The Mission Statement and draft Implementation Plan for the Worker Outreach Work Group are provided in Attachment 7 to this report.

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gather worker input “for consideration and possible use in dose reconstructions, site profiles, and SEC petition evaluations.”

## REVIEW METHODOLOGY

SC&A reviewed PR-012 (OCAS 2009a) in accordance with the generic approach outlined in SC&A’s review procedure, *A Protocol for the Review of Procedures and Methods Employed by NIOSH for Dose Reconstruction* (SC&A 2009). The review of PR-012 outlines the Worker Outreach Program and provides limited direction on implementation of this program. This procedure details the programmatic approach to worker outreach, and the policy of the agency in dealing with the public. This differs from a review of a technical procedure requiring a different approach to the procedure review from that detailed in SC&A 2009. During the February 2010 meeting in Manhattan Beach, California, the WOWG implementation was presented to the Advisory Board. The objectives outlined in the implementation, and the purpose stated in PR-012, serve as the basis for this review. The procedure checklist details the objectives and specific evaluation criteria. This varies from the standard procedure checklist, which specifically addresses dose reconstruction. Procedural compliance was evaluated to a limited extent where information was available from the OTS.

Section 1 of this review provides an overview of the procedures used in the conduct of the Worker Outreach Program. Section 2 of this report outlines the status of findings from the review of ORAUT-PROC-0097 (ORAUT 2005a), which was replaced by PR-012 prior to comment resolution.

Section 3 presents SC&A’s Findings and Observations. Section 4 presents a checklist of Implementation Plan objectives. The checklist has sections concerned with the following issues:

- Determine whether OCAS is taking appropriate measures to solicit worker input into site profiles, SEC petition evaluations, and other technical documents
- Determine whether OCAS is obtaining and documenting input from workers
- Determine whether OCAS is giving thorough consideration to information received from workers through the worker outreach efforts, incorporating consideration of that material into its work products as appropriate, and adequately communicating the impact of substantive comments to workers

In addition to reviewing PR-012, SC&A’s review of worker outreach was generally limited to worker outreach meetings that have occurred since the approval of PR-012. Of 118 meetings entered in the OTS at the time of review, 98 meetings pre-date the approval of PR-012, 2 meetings were pending at the time of review, 9 meetings were invited forums sponsored by the U.S. Department of Labor (DOL), and 9 meetings were conducted by NIOSH from March 3, 2009, through March 12, 2010. Additional invited forums were added to OTS during the week of March 15, 2010; however, this review did not consider these invited forums. SC&A representatives attended two worker outreach events; the Weldon Springs Plant Worker Outreach meeting on September 2, 2009, and the NIOSH Workshop on Dose Reconstruction and the

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Special Exposure Cohort on September 22–23, 2009. Review of the other seven NIOSH meetings was based primarily on documentation available in OTS.

Documentation Reviewed:

- Outreach Tracking System (OTS) content as of March 12, 2010
- NIOSH/OCAS web site, Worker Outreach Activities by DOE/AWE site
- *Worker Outreach Program*, OCAS-PR-012, Rev. 0, 3/04/09 (OCAS 2009a)
- *Classification of Worker Outreach Meetings (as defined at ABRWH Worker Outreach Work Group meeting, 6/16/2009)* (OCAS 2009b)
- *Types of NIOSH Meetings* [Presented to the WOWG during the June 2009 meeting (OCAS 2009c)]
- *Review of ORAUT-PROC-0097, Conduct of the Worker Outreach Program Procedure*, SCA-TR-TASK3-003, Addendum 1, Revision 1, November 2007 (SC&A 2007)
- SC&A minutes of the Weldon Spring Worker Outreach meeting, September 2, 2009 (Attachment 1)
- SC&A Evaluation of the Weldon Spring Worker Outreach meeting (Attachment 1)
- Workshop Evaluations from 24 participants at NIOSH Dose Reconstruction/SEC Workshop, September 22–23, 2009 (ATL 2009)
- SC&A Evaluation of the NIOSH Dose Reconstruction Workshop, September 22–23, 2009 (Attachment 2)

The implementation of the Worker Outreach Program over time has not been subject to a comprehensive review by SC&A. The PROC-0097 review was limited, due to a lack of timely access to the Worker Input to Site Profile Revision (WISPR) database. The current review is limited to a single year (representing 18 of the 118 meetings recorded in OTS through March 12, 2010). Some examples of concerns from meetings conducted prior to 2009 are included in this report for the purpose of evaluating the need for more thorough investigation of the program's performance over time. SC&A will await direction from the Advisory Board as to the next steps, if any, to be taken in regard to the Worker Outreach Program.

## SUMMARY OF FINDINGS AND OBSERVATIONS

SC&A's detailed review of the PR-012 is presented in Section 3. The review produced 10 Comments. SC&A divided these Comments into five Findings and five Observations, where the former represent deficiencies in the procedure that need to be corrected and which have the potential to impact the worker outreach program. Observations represent issues, which, if

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addressed, would further improve the procedure, and may possibly reveal deficiencies that will need to be addressed in future revisions of the procedure.

Table 1 summarizes the Comments, notes where in this document the full descriptions are found, and indicates whether each Comment is a Finding or an Observation. Our primary concern with this procedure is the lack of direction for evaluating and responding to worker comments, and incorporating substantive comments into technical work documents. Criteria for determining action items, and response to worker questions and comments, are based on subjective judgment with no procedural direction. Although an OTS exists, it does not track individual worker comments. A multi-track system exists for documentation and evaluation of worker comments. There is no accountability for validating the completeness and accuracy of meeting minutes with participants.

This review found that PR-012 did not resolve a majority of the Findings raised in the review of its predecessor procedure, PROC-0097. In fact, PR-012 eliminated many of the positive elements of PROC-0097. For example, PR-012 makes accountability to workers less formal.

**Table 1: Summary of Issues**

Issue No.	Summary Description
Finding 1	The procedure does not provide direction for tracking, trending, evaluating, or responding to worker input.
Finding 2	The procedure does not specify criteria for identifying Action Items or evaluating the adequacy and timeliness of response/resolution.
Finding 3	The majority of expected documentation is not available in the OTS for meetings conducted within the effective period of PR-012.
Finding 4	The procedure fails to consider other venues of worker outreach. The multiple venues are not subjected to equivalent standards for documentation. Of particular concern is the two-track system for obtaining and documenting worker input that appears to give site expert interview records more weight than worker input obtained through outreach meetings.
Finding 5	The procedure does not describe a process for assuring that worker feedback is accurately and completely documented.
Observation 1	The procedure does not address the possibility that sensitive or classified information could be shared at a worker outreach meetings.
Observation 2	The procedure does not provide an opportunity for workers to discuss potentially classified information. Particularly at National Nuclear Security Administration (NNSA) sites, workers may be restricted from openly discussing site-specific information, due to security concerns.
Observation 3	There are no provisions for soliciting comments from workers who are unable to physically attend the meetings.
Observation 4	There is no requirement for disclosure of conflict of interest during worker outreach meetings.
Observation 5	The <i>Site Profile and Technical Basis Document Development</i> , ORAUT-PROC-0031 (ORAUT 2007a) procedure references PROC-0097, which has been replaced with PR-012.

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## 1 OVERVIEW OF PROCEDURE USED IN THE CONDUCT OF THE WORKER OUTREACH PROGRAM

As a part of Task 3 authorization for procedures review during FY 2007, SC&A was charged with the review of ORAUT-PROC-0097, *Conduct of the Worker Outreach Program* (hereafter referred to as PROC-0097). A partial review was delivered to the Advisory Board on November 27, 2007. The review was incomplete, due to a delay in getting access to the Worker Input to Site Profile Revision (WISPR) database, which was used at the time to track worker comments. There are outstanding findings associated with the review of this procedure that have not been resolved, and SC&A was not tasked with a follow-up review of the WISPR database when it did become available. On March 4, 2009, PROC-0097 was replaced with OCAS-PR-012, *Worker Outreach Program* (hereafter referred to as PR-012). Furthermore, WISPR was replaced with the Outreach Tracking System (OTS). In lieu of further evaluation of PROC-0097, SC&A was tasked with reviewing PR-012 to evaluate its effectiveness in accomplishing worker outreach objectives. This review considers the applicability of previous findings from the PROC-0097 review to PR-012, as well as new findings and observations. An assessment of the documentation of the results of National Institute for Occupational Safety and Health (NIOSH) outreach is necessary, in order to assess the effectiveness of the procedure and its implementation. Because this key documentation is now compiled in the OTS database, a review of the OTS database is a critical component of this evaluation of PR-012.

The change from an Oak Ridge Associated Universities Team (ORAUT) procedure (PROC-0097) to a NIOSH Office of Compensation and Analysis (OCAS) procedure (PR-012) reflects a shift in responsibilities for worker outreach efforts. The NIOSH Worker Outreach Program was initially the responsibility of ORAUT. NIOSH now contracts directly with Advanced Technologies and Laboratories International, Inc. (ATL) to support its outreach activities.

The two procedures are also influenced by changes in the scope of activities as the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) has evolved. PROC-0097 reflects a worker outreach program that was dominated by site profile development; the meetings conducted by NIOSH were designed to gather information for site profiles and to present the site profiles to affected populations. The current procedure reflects a different landscape, where the predominant activities relate to Special Exposure Cohort (SEC) petitions and site profile updates. It describes a variety of meeting types designed to gather worker input for site profiles and SEC evaluations, and to provide information about site profiles, dose reconstruction, and SEC petitions.

During the June 16, 2009, Worker Outreach Work Group (WOWG) meeting, NIOSH provided the work group with *Classification of Worker Outreach Meetings* (OCAS 2009b) and *Types of NIOSH Meetings* (OCAS 2009c), which provided further details on the outreach venues. Outreach meetings were classified as information giving, information gathering, and information giving and gathering. An overview of each meeting type described its purpose, its audience, and the documentation likely to be produced. SC&A used these documents as supplements to PR-012 in reviewing the meeting types and expected documentation.

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NIOSH outreach meetings are flexibly structured; they are usually facilitated by a NIOSH member or by the Outreach Support Contractor (OSC). PR-012 describes four primary types of NIOSH Worker Outreach meetings, and outlines the responsibilities of various groups to plan and conduct the meetings. Although these meeting types are described in detail, structural flexibility is built into the procedure; “NIOSH can and will adjust the meeting format to meet the needs of the agency, the Board, and/or the public” (OCAS 2009a, pg. 4). In addition to the Worker Outreach meetings, NIOSH conducts dose reconstruction workshops and attends meetings sponsored by other groups, such as the U.S. Department of Energy (DOE) and the U.S. Department of Labor (DOL).

The need for and timing of worker outreach efforts is guided by the following factors (OCAS 2009a):

- Substantive changes made to site profile
- The need to identify and inform stakeholders of the SEC petition process or status
- The need to gather additional information from stakeholders to address areas of interest for support of SEC evaluations and/or site profiles
- Invitation from another agency for NIOSH participation
- As otherwise deemed appropriate for an outreach effort

As the OSC under PR-012, ATL identifies organizations (union, professional, retirement) affiliated with DOE or Atomic Weapons Employer (AWE) sites and works with these organizations to identify present and past workers interested in the outreach effort. They maintain ongoing communication with site representatives (labor, technical, and community leaders), support OCAS in developing meeting materials, coordinate and attend outreach meetings, serve as meeting leads and minute recorders, and maintain the outreach database in OTS.

The meeting types most clearly oriented towards soliciting worker input are the Worker Outreach Focus Group meetings and the SEC Worker Outreach Focus Group meetings. Preparation activities for focus group meetings include identification of organizations affiliated with the DOE/AWE site, identification of potential participants, and notification/invitation of these individuals. Public notification is typically not required for a focus group, which targets a relatively small number of individuals whose experience is relevant to the issues of concern. The OCAS Health Physicist (HP), in collaboration with Site Profile Subject Matter Expert (SPSME) as needed, develops a presentation and questions for the focus group to discuss. The OSC team may assist with identifying potential participants; preparing and distributing meeting materials; arranging for an appropriate facility, supplies, and equipment; and uploading documentation into OTS.

Worker Outreach Town Hall meetings are generally intended to provide information to workers, but may include opportunities to receive worker input, as well. Preparation activities for a

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Worker Outreach Town Hall meeting may require public notification and a larger venue, and the meeting materials are generally geared towards a large group presentation. The OCAS HP coordinates with the SPSME and/or OSC team, as needed, to determine areas of interest and develop the presentation materials. The presentation may provide a general overview of the dose reconstruction program, discuss what efforts have been initiated in the past to communicate and obtain feedback on the site profile, communicate changes that have been made to the site profile, and discuss the factors influencing the changes (e.g., document search, worker outreach feedback, oversight evaluation). As directed by the OCAS HP, the OSC Writer/Editor files the meeting materials into OTS and makes copies of the presentation and questions for distribution during the meeting.

The purpose of an SEC Outreach Meeting is limited to discussion and informing individuals of the SEC process. These meetings are initiated by the SEC Petition Counselor and the NIOSH Ombudsman; the OSC Team may be asked to assist. Arrangements include venue selection, media notifications, development of meeting materials, and establishing points of contact (i.e., past/present DOE/AWE workers, unions, and professional organizations). The SEC Petition Counselor or the NIOSH Ombudsman typically notify and invite DOL for their information and support. Because these meetings focus on petition process education, meeting materials are relatively unchanged from meeting to meeting. Minor changes may include site-specific information or claim statistics. Meeting materials, handouts, and media notifications (if applicable) are filed in OTS.

Minutes are “typically taken” at most types of worker outreach meetings, but are not required in all cases. They are generally not taken at SEC outreach meetings, where the focus is informational and NIOSH does not anticipate collection of worker input. When minutes are taken, their purpose is, “to assure pertinent information is captured for later use.” Recordings may be used, with appropriate notification and consent of participants. The recording is not available to the public under the Freedom of Information Act (FOIA) under the rationale that it is “not a deliverable product of the outreach contractor” (OCAS 2009a). Minutes are redacted of any Privacy Act-protected information prior to publication on the NIOSH/OCAS web site.

Sign-in sheets are utilized for NIOSH outreach meetings, so that participants can be contacted, if needed, with follow-up information or questions. An example of the form is provided in Appendix C of PR-012. Sign-in sheets are protected by the Privacy Act and are not published on the NIOSH/OCAS web site.

The NIOSH OTS is a database application accessible to NIOSH, the Advisory Board, ORAUT, and SC&A staff through the OCAS Staff tools. NIOSH defines the purpose of OTS as follows (OCAS 2009d):

*The OTS is designed to serve as a single repository for all available records related to Worker Outreach events, including a tracking function for site and meeting action items and their resolutions.*

The OTS allows authorized users to schedule worker outreach meetings and send out meeting notification e-mails to selected groups. Meeting information includes the meeting type; the time,

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date, and location of the meeting; the sites covered by the meeting; the Point of Contact(s); the audience; and notes on the meeting. Following outreach meetings, the “Meeting Action Items” and “Meeting Files” are populated with applicable information. The “Meeting Action Items” section lists meeting-specific action items associated with the meeting. Information available on action items includes the action item description, owner entered date, commitment date, status, resolution description, and resolution date. The Meeting Files section of the OTS includes Portable Document Format (PDF) files of documentation associated with the outreach meeting, such as notifications, presentations, sign-in sheets, meeting minutes (draft and final), review requests, follow-up correspondence, or other documentation pertinent to the meeting.

Action items arising from worker outreach meetings are identified by the OCAS HP or the SEC Counselor, who may input the details into OTS or coordinate with the Writer/Editor for uploading. As feedback is received on the status of an action item, the “Action Item Current Status” field is updated by the meeting owner. Upon closure of the action item, the “Action Item Resolution Detail” is completed by the meeting owner.

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## 2 STATUS OF ORAUT-PROC-0097 FINDINGS/OBSERVATIONS

This section lists the major findings identified in SC&A's review of PROC-0097 (SC&A 2007) and describes their current status under PR-012. Each finding is identified with its page number from the report text and with related item number(s) in the Procedure Review Outline/Checklist (Table 1).

**PROC-0097 Finding 1:** The procedure is deficient, because it does not require the audiotapes of the outreach meeting to be archived. In addition, the audiotapes are destroyed after the minutes of the outreach meeting are finalized. [Checklist items 1.4 and 7.3]

**Status:** The substance of this finding has not been resolved in PR-012. Refer to Finding 5 of this review of PR-012.

**PROC-0097 Finding 2:** The procedure does not address follow-up discussions with particular workers and how these are documented. [Checklist item 1.5, 3.1.2]

**Status:** This finding has not been resolved. Refer to Finding 1 of this review of PR-012.

**PROC-0097 Finding 3:** There are no provisions for soliciting comments from workers who are not able to physically attend meetings. [Checklist item 3.1.4]

**Status:** This finding has not been resolved. Refer to Observation 3 of this review of PR-012.

**PROC-0097 Finding 4:** The procedure seems to focus on outreach meetings with labor organizations, though the purpose of the meetings is to obtain worker input and inform all workers. [Checklist items 1.3, 3.1.3, 3.1.4]

**Status:** The following changes have been made in PR-012 to expand the breadth of worker outreach:

- PR-012 indicates that the OSC works with organizations other than unions (e.g., professional and retirement organizations) in its efforts to identify present and past workers interested in outreach activities.
- Worker outreach has expanded to include a process for SEC petition input.
- The Worker Outreach Program added opportunities for workers, advocates, and petitioners to obtain information about the dose reconstruction and SEC processes through workshops, SEC Worker Outreach meetings, invitation from organizations, and Town Hall meetings.
- Worker outreach for the EEOICPA program has been more integrated, with NIOSH participating in outreach activities sponsored by other agencies, such as DOE and DOL.

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- Although not specifically described in the procedure, the following changes also increase interaction between NIOSH and workers:
  - An Ombudsman office was established to encourage workers to provide feedback on the process. The NIOSH Ombudsman closely communicates with the DOL Ombudsman Office to provide better overall support in the claims process.
  - A position of “SEC Counselor” was created to provide workers with information on the SEC petition process, and to assist petitioners with filing SEC petitions. SEC petitioners may also continue to request assistance through the SEC process.

**PROC-0097 Finding 5:** A two-track system appears to exist for obtaining employee and site expert input. One track is formal, governed by ORAUT-PROC-0097, with documentation requirements, while the other track is informal and appears to be intended as a means to obtain information from site experts. [Checklist items 1.5, 7.4]

**Status:** This finding has not been resolved. Refer to Finding 4 of this review of PR-012.

For convenience, Attachment 6, “ORAUT-PROC-0097 Finding Disposition Recommendations,” presents the findings as they occur in the procedure tracking database. SC&A recommendations for disposition of PROC-0097 comments are provided for each of the nine findings identified.

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### 3 SC&A EVALUATION OF OCAS-PR-012

**Finding 1: The procedure does not provide direction for tracking, trending, evaluating, or responding to worker input.**

PR-012 does not provide clear direction regarding the disposition of worker input. PROC-0097 described how comments were (1) captured and logged into WISPR, (2) evaluated to determine if a response was required, and (3) directed to the appropriate Site Profile Technical Lead (SPTL) for consideration. PROC-0097 specified a timeframe for responding to the workers and defined criteria for determining the adequacy of the response. None of these processes are addressed in PR-012. The current procedure does not discuss how comments provided by the workers will be evaluated to determine their potential impact on site profiles, dose reconstruction, and/or SEC evaluations, and how these comments will be resolved. The intentional responsiveness to worker input that characterized PROC-0097 receives passing mention in PR-012. Those practices that are retained (e.g., taking minutes) are not decisively required.

Capturing worker input appears to be optional in PR-012, and no processes are described for tracking and utilizing the input received. The procedure states, “minutes are typically taken” for certain meeting types. It does not explicitly state that minutes are required for any particular type of meeting, and it does not indicate how worker input is captured at a meeting that is primarily intended for information giving (e.g., Town Hall, SEC worker outreach, workshops). PR-012 does not describe how NIOSH ensures that worker input useful for technical document preparation is captured at a venue in which such input is not anticipated. For meetings in which minutes are taken, the procedure instructs personnel to upload final meeting minutes to OTS. No other database or tracking system is identified for tracking comment resolution or trending recurrent issues. Although the procedure indicates that minutes are taken “to assure pertinent information is captured for later use,” no further explanation is provided in regard to extracting substantive comments for consideration in technical documents and/or dose reconstructions.

In addition, PR-012 is a stand-alone procedure; it is not integrated or referenced in existing procedures for site profile development or SEC evaluations. PROC-0097 referenced the *Worker Outreach Program Plan*, ORAUT-PLAN-0010 (ORAUT 2004) and *Site Profile and Technical Basis Document Development*, ORAUT-PROC-0031 (ORAUT 2007a). Integration of these documents provided the procedural framework for considering worker comments in the development and revision of site profiles and technical basis documents (TBDs). In the current program, there is no plan or policy analogous to ORAUT-PLAN-0010. ORAUT-PROC-0031 still references PROC-0097, rather than PR-012, in describing consideration of information derived from worker outreach. The reference error is not a simple matter of updating the document number and title, because PROC-0031 describes a functional interface that does not exist in PR-012 [between the Site Profile/TBD Document Owner and the Worker Outreach Team Lead (WOTL)]. The current procedure for the SEC program, *Special Exposure Cohort (SEC)*, ORAUT-PROC-0044 (ORAUT 2005b), does not address the use of information obtained through worker outreach.

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During the review of PROC-0097, SC&A submitted questions to participants who attended worker outreach meetings. The questions and responses are available in Attachments 1 and 2 of the SC&A review (SC&A 2007). At this time, responses to questions indicate that many workers found the information portion of the meeting helpful. The workers, however, often felt that many of the comments provided in meetings were disregarded or misrepresented. Feedback from workers indicates that comments were not effectively resolved. For example, one worker provided the following impression of a worker outreach meeting (SC&A 2007).

*While attending the meeting in Cincinnati, Ohio, my recollection of the meetings were: they were designed to informationalize the workers that attended. Not a bad meeting in that respect. But, Larry Elliott tried his best to convince us that he was all for the workers while simultaneously ignoring what we were telling him about our exposures. I would say that everyone had time to speak, but as I said most of the information that was presented from the workers was ignored.*

Similar comments have been communicated to SC&A during site expert interviews conducted at various facilities. Substantive worker outreach comments, in some cases, have not been considered in critical decision-making processes, including SEC petition qualifications. For example, during Savannah River Site (SRS) SEC petition interviews, petitioners have indicated to SC&A that worker outreach comments from the May 22, 2008, worker outreach meeting in North Augusta, Georgia, were not considered during the request for administrative review of the SRS petition qualification. The original petition was submitted for all SRS workers, including production and construction trade workers (CTWs). The petition class was redefined to include only the CTWs. The review panel presented their findings to John Howard (HHS) on June 25, 2008. The May 22, 2008, meeting minutes were not finalized at this time. The letter provided to the petitioner from Health and Human Services (HHS) indicated the panel reviewed the materials in the petition and the request for review. The final determination was, "...the petitioner did not provide sufficient information to extend the class beyond SRS employees classified as construction workers" (Howard 2008). The petitioners submitted a second request for review, citing that the panel had not considered the minutes from the May 2008 worker outreach meeting. Furthermore, the petitioners requested and received all materials considered by the panel, minus four pages of pre-decisional internal communications. This material did not include the meeting minutes from the May 2008 meeting. Information provided at this and other SRS worker outreach meetings discussed the interactions between SRS CTWs and production workers, and raised potential SEC issues applicable to both classes of workers.

Individuals who offer public comments at Board meetings, as well as site experts interviewed by SC&A during technical document reviews, frequently express concern that worker comments are ignored. Many of these individuals describe specific examples of statements and documentation provided to NIOSH that have never received a response or resulted in changes to technical documents. Some advocates have stated that it is difficult to get participation at outreach meetings because of workers' perception that their testimony is discounted (ABRWH 2008). This perception is only exacerbated by a worker outreach procedure that fails to establish an accountability process for dealing with the input received.

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This finding is the single greatest concern noted by SC&A in its review of PR-012. The opportunity for workers “to provide information for consideration and possible use in dose reconstructions, site profiles, and SEC petition evaluations” is identified as a primary objective of the Worker Outreach Program, but this procedure offers no mechanism for considering or using the comments provided by worker outreach participants. The absence of direction for effective documentation, evaluation, and response to worker comments indicates a failure of the procedure to fulfill a significant aspect of its intended purpose. The structure of this procedure minimizes the effectiveness of worker comments and their subsequent consideration in dose reconstructions, site profiles, SEC petition evaluations, and other technical work documents.

**Finding 2: The procedure does not specify criteria for identifying Action Items or for evaluating the adequacy and timeliness of response/resolution.**

PROC-0097 described criteria for determining which worker comments required a response. It provided guidance on distribution of such comments to appropriate task personnel, specified that the Task Manager and/or Site Profile Team Lead (SPTL) must reply within 30 days, and provided criteria for the Worker Outreach Team Leader (WOTL) to evaluate each response. An acceptable response would address the comment, contain technically correct information, and either specify anticipated changes to the site profile (with a tentative schedule for completion) OR explain the reason for not revising the site profile. These activities were documented in the WISPR data base.

In contrast, PR-012, Appendix D, “OTS Overview,” states that action items are identified by the OCAS Health Physics (HP) or SEC Counselor (OCAS 2009a, pg. 24). Action items are uploaded to OTS and updated as feedback is received. The procedure does not provide guidance to the meeting owners to determine what constitutes an action item, it does not indicate an appropriate timeframe for addressing or resolving the action item, and it does not specify a mechanism for evaluating the appropriateness of response. It also does not specify that a reason should be provided for rejecting a substantive comment.

Whereas predecessor databases to OTS provided a repository for input by current and former employees of DOE and AWE facilities, OTS has does not provide a mechanism for the identification of substantive worker comments. PR-012 describes a separate documentation and tracking process for action items, rather than for all substantive worker comments. The appropriate determination of action items, therefore, becomes a critical part of being responsive to worker comments, and providing appropriate consideration of those comments in the dose reconstruction and SEC processes. The procedure leaves the determination of action items from a meeting open to the OCAS HP (who may not be present at the meeting), the SEC Counselor, or the Site Profile or SEC subject matter expert. While SC&A would agree that a substantial degree of technical judgment is required in considering and incorporating input from workers, as it is from historical documentation, the lack of specific criteria to guide the technical individuals in identifying action items is a significant concern, particularly in the context of other issues, such as the lack of a process to verify the accuracy of documentation of worker comments. Lack of specific criteria may lead to inconsistent determination of action items. Furthermore, in discarding the definitive requirements of PROC-0097, PR-012 appears to reduce NIOSH’s

accountability for identifying and resolving workers' concerns. This has the potential for increasing workers' perception that their comments are not being considered.

**Finding 3: The majority of expected documentation is not available in the Outreach Tracking System (OTS) for meetings conducted within the effective period of PR-012.**

As of March 12, 2010, OTS contained 118 meetings; 116 of those meetings were completed and 2 meetings were scheduled for future dates. Completed meetings recorded in OTS dated from November 11, 2003, through December 8, 2009. Of the 116 closed meetings, 53 were held prior to implementation of PROC-0097, 45 were held during the effective period of PROC-0097, and 18 were held after the approval of PR-012. Table 2 summarizes the numbers and types of meetings conducted by NIOSH within the effective period of PR-012. Attachment 3 lists all the worker outreach meetings scheduled, conducted, or attended under PR-012.

**Table 2: Summary of Meeting Types Occurring under PR-012.**

Information Giving				Information Gathering	
Worker Outreach Town Hall	SEC Outreach	Workshop	Invited Forum	Worker Outreach Focus Group	SEC Focus Group
4	2	2	9 (DOL)	0	1

SC&A representatives attended two worker outreach events; the Weldon Spring Plant (WSP) Worker Outreach meeting on September 2, 2009, and the NIOSH Workshop on Dose Reconstruction and the SEC on September 22–23, 2009. SC&A meeting minutes and an SC&A evaluation for the September 2, 2009, WSP meeting are provided in Attachment 1. SC&A notes collected during the observation of the workshop are available in Attachment 2. Review of the remaining outreach meetings conducted under PR-012 was based primarily on documentation available in OTS.

As an indicator of procedure implementation, the reviewers sought to evaluate the completeness of documentation in OTS. Although PR-012 does not explicitly require minutes and other documents for specific meeting types, it does indicate that minutes are typically taken for worker outreach meetings, and it states that the documents produced for worker outreach meetings are uploaded to OTS. PR-012, supplemented by *Classification of Worker Outreach Meetings* (OCAS 2009b), and *Types of NIOSH Meetings* (OCAS 2009c), provides a description of each primary meeting type, its purpose, its audience, and the documentation likely to be produced. SC&A referred to these documents to determine what documents would be expected to be produced and uploaded to OTS for each of the four primary meeting types described in PR-012. Table 3 summarizes the purpose, features, and expected documentation described by NIOSH for the primary worker outreach meetings.

**Table 3: Primary Worker Outreach Meetings Described in PR-012.**

Worker Outreach Meetings		
Meeting Type	Purpose & Features	Expected Documents*
Worker Outreach Focus Group <i>“Site Profile / TBD Development” in OCAS 2009b</i>	<ul style="list-style-type: none"> <li>Information gathering</li> <li>Small group of workers from specific site or operation</li> <li>Discuss specific issue, process, questions, or site profile document</li> </ul>	<ul style="list-style-type: none"> <li>Letters of notification, possibly with questions</li> <li>Sign-in sheet</li> <li>Presentation materials</li> <li>Action items</li> <li>Minutes/summary</li> </ul>
SEC Worker Outreach Focus Group <i>“SEC Evaluation Report Issues” in OCAS 2009b</i>	<ul style="list-style-type: none"> <li>Information gathering</li> <li>Small group of workers</li> <li>Discuss specific issues identified by OCAS/contractor during SEC Evaluation process</li> </ul>	<ul style="list-style-type: none"> <li>Letters of notification, possibly with questions</li> <li>Sign-in sheets</li> <li>Presentation materials</li> <li>Action items</li> <li>Minutes/summary</li> </ul>
Worker Outreach Town Hall Meeting <i>“Town Hall” in OCAS 2009b</i>	<ul style="list-style-type: none"> <li>Information giving</li> <li>General public meeting targeting affected and potential claimant population</li> <li>Discuss program/policy issues, announce site profile revision, etc.</li> <li>Comments/new information may be obtained</li> </ul>	<ul style="list-style-type: none"> <li>Media announcements</li> <li>Sign-in sheets</li> <li>Presentation materials</li> <li>Action items, if applicable</li> <li>Minutes</li> </ul>
SEC Outreach Meeting <i>“SEC Petitioning Process Education” in OCAS 2009b</i>	<ul style="list-style-type: none"> <li>Information giving</li> <li>Limited to SEC petition process</li> <li>Current/former workers, claimants, potential claimants, and other interested parties</li> </ul>	<ul style="list-style-type: none"> <li>Media announcements</li> <li>Letter notifications</li> <li>Sign-in sheets</li> <li>Presentation materials</li> </ul>

\*As described in OCAS-PR-012 (OCAS 2009a) and/or the document titled *Classification of Worker Outreach Meetings* (OCAS 2009b).

Attachment 4 itemizes the document files that were available in OTS on March 12, 2010, for the 18 meetings that had been completed during the effective period of PR-012. Table 4 provides a summary of the presence or absence of expected documents. Some documents are not expected for certain types of meetings. Values in the table cells represent the number of meetings for which the specified document file was either present, expected but not present, or not expected.

**Table 4: Summary of OTS Documentation**

Document Status in OTS	Notification of Meeting	Sign-in Sheet	Presentation File	Final Meeting Minutes
Present in OTS	1	1	1	0*
Expected, But Not Present	7	7	7	4
Not Expected	10	10	10	13

\*A NIOSH representative’s personal meeting notes were available for one meeting in lieu of minutes.

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Attachment 5 lists all of the action items currently contained in the OTS and the current status of each item. Although the action items are numbered up to 11, there are no action items numbered 1, 2, 4, 5, or 6 in the OTS. SC&A was not able to determine if these item numbers were not assigned or if these numbers represent action items that are missing from OTS. For the 18 meetings conducted between March 3, 2009, and March 12, 2010, there are two action items in OTS [Action Items #3 (Mound) and #11 (WSP)]. A response is provided for Action Item #11, and the item has been closed. The OTS indicates that Action Item #3 is open and past due. The lack of formal meeting minutes prevents SC&A from determining whether additional action items resulted from the meeting. During the observation of the September 22–23, 2009, workshop, SC&A identified two action items that are not currently included in the OTS. They are noted in Attachment 2. This illustrates that meetings designated as “information giving” can also result in action items.

The remaining four action items in OTS are designated as legacy action items. These action items were from worker outreach meetings at Chapman Valve (February 14, 2005), Fernald (June 28, 2004), and Hanford (April 22, 2004). While a complete review of historical worker outreach events is outside the scope of this PR-012 review, several generic observations can be made regarding the completeness of action items in the OTS.

- (1) A brief review of the TopHats database indicates that NIOSH at one time documented substantive comments for Los Alamos National Laboratory (LANL), Linde, Pinellas Plant, Fernald, Oak Ridge National Laboratory (ORNL), Mound Laboratory, the Y-12 Plant, the Rocky Flats Plant (RFP), and the SRS as of November 2005. Input available in TopHats for Fernald included comments on inadequate contamination controls, lack of or inadequacy in records, inadequate worker protection and monitoring, and specific exposure scenarios and incidents. The OTS action items for Fernald are limited to radon exposure.
- (2) A brief review of the WISPR report on staff tools indicates that additional comments are available for sites without action items in the OTS.
- (3) SC&A has attended meetings where actions were taken by NIOSH that are not reflected in the OTS. For example, during the April 22, 2008, meeting with the Security Police and Fire Professionals of American (SPFPA) Local 66 in Piketon, Ohio, the meeting minutes indicate that NIOSH accepted seven action items. No action items from this meeting are identified in the OTS.

The six action items listed in the OTS do not represent the depth and breath of concerns raised by meeting participants for the 116 completed worker outreach meetings.

The scarcity of documentation in OTS for meetings starting with the implementation of PR-012 is indicative of the inadequacy of the procedure and/or its implementation regarding documentation of worker comments in OTS and generation of action items. Final meeting minutes are unavailable for four out of five meetings in which minutes would be expected. The meeting record for the fifth meeting is limited to two pages of notes for an information gathering meeting that lasted several hours. Given the scarcity of action items documented in OTS, it is

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understandable that workers perceive that their input is often ignored or dismissed. There should be a more formalized process for identifying and resolving action items, and communicating resolutions of these action items to participants.

**Finding 4: The procedure fails to define processes or requirements for several venues of worker outreach. The multiple venues are not subject to equivalent standards for documentation. Of particular concern is the two-track system for obtaining and documenting worker input that appears to give site expert interview records more weight than worker input obtained through outreach meetings.**

*Other Venues Identified by NIOSH*

PR-012 does not provide adequate information or establish documentation requirements for activities that NIOSH identifies as worker outreach (i.e., workshops, Board meetings, the website/docket, and invited forums). The information provided by NIOSH at the Board meeting includes a list of Other Outreach Venues—Work Shops, Board Meetings, Invited Forums, and the Website/Docket. All four venues are classified by NIOSH as information giving and gathering. Table 5 provides a brief description of each venue and documents associated with these activities.

**Table 5: Other Outreach Venues Identified by NIOSH**

Venue	Description	Associated Documents
Workshops	These meetings are held to educate the public about the dose reconstruction and SEC processes. Work shops involve formal presentations, classroom exercises, and open discussions with participants.	<ul style="list-style-type: none"> <li>• Presentations</li> <li>• Handout materials</li> <li>• Sign-in sheets</li> </ul>
Invited Forums (includes organized labor and worker/advocate forums)	NIOSH role is typically to represent the agency and answer questions related to dose reconstruction.	None listed in PR-012 or in OCAS 2009b
<b>Other Outreach Venues (described in OCAS 2009b, but <u>not</u> in PR-012)</b>		
Board Meetings	The Advisory Board meets about every 3–4 months to review program and science updates, SEC petition evaluations, and other matters of interest to the EEOICPA. The Board receives worker comments in the context of petitioner statements, public comment sessions, and at other times as authorized by the Chair.	<ul style="list-style-type: none"> <li>• Presentations</li> <li>• Public comments</li> <li>• Interactions</li> <li>• Public Health Advisor (PHA) interviews</li> </ul>

**Table 5: Other Outreach Venues Identified by NIOSH**

Venue	Description	Associated Documents
Website/Docket	A "Docket" is a formal record of a federal government agency's regulation development process. It includes copies of all public comments received by the agency in developing the regulation, copies of all references cited in the regulation, and other relevant information. The Docket is open to the public, which can view and obtain copies of any of its contents. According to OCAS 2009b, the NIOSH/OCAS Website/Docket provides for public display and tracking of documents related to EEOICPA.	<ul style="list-style-type: none"> <li>Documentation of input/comments on program documents</li> <li>Public documents related to EEOICPA</li> </ul>

\*As described in OCAS-PR-012 (OCAS 2009a) and/or the document titled *Classification of Worker Outreach Meetings* (OCAS 2009b).

Each of these venues affords an opportunity for workers, advocates, and site experts to provide substantive comments for consideration in the dose reconstruction and SEC processes. There is no formalized process discussed in PR-012 for documenting, tracking, evaluating, and responding to comments provided from these venues. Little or no treatment is given to these venues in PR-012, although they appear to be important means of obtaining valuable input. At the present time, the responsibility for tracking of public comments has been given to the Designated Federal Official (DFO) and his staff, and the NIOSH OCAS role in this process is unclear to SC&A. PR-012 should include a discussion of these worker outreach venues. The procedure should specify what documents are required (or optional) in OTS, and describe how the comments provided by workers are made available for consideration in dose reconstructions, site profiles, and SEC petition evaluations.

#### *Other NIOSH Outreach Activities*

Several activities conducted by NIOSH can provide substantive worker input consistent with the objectives of the Worker Outreach Program, but NIOSH does not acknowledge them as worker outreach activities. These unrecognized venues include, but are not limited to, Computer Assisted Telephone Interviews (CATIs), Close-out Interviews (COIs), general information provided by workers via e-mail or letters to NIOSH staff members, and site expert interviews.

The CATI and COI processes are proceduralized, but the procedures do not provide a mechanism by which general site-specific information (as opposed to personal claimant-specific information) may be captured for consideration in technical work products. Some aspects of correspondence control are formalized in procedures, but they do not specify criteria for determining when NIOSH is required to respond to input that it receives via e-mail or letter. Because there is no single repository for worker comments gathered from multiple venues, it would be difficult for personnel involved in dose reconstructions, SEC evaluation reports, or site profiles to locate and utilize the information provided by the workers.

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### *Two-Track System for Site Experts and Other Workers*

Of particular concern is an issue that was raised in the SC&A review of PROC-0097. SC&A noted what appeared to be a two-track system for gathering input from former and current workers. One track, a formalized process, solicited employee comments on the site profile through “worker outreach” meetings. A second track, which appears to be informal and at the discretion of the preparers of technical documents, solicited comments from site experts. Site expert interviews are a significant source of worker input for technical documents, but NIOSH has not established a formal process for selecting site experts, conducting interviews, assuring that the interviewees’ statements have been accurately expressed, or evaluating the information for use in technical work documents. Specifically, this form of worker input is not addressed in PR-012.

PR-012 has implemented Worker Outreach Focus Group meetings, which allow NIOSH and ORAUT to solicit comments from HP personnel or employees with experience in specific job categories, depending on the need of site profile or SEC petition reviews. The Worker Outreach Focus Group described in PR-012 is typically a “small group of current and/or former workers from a specific facility or at a process-level operation within a facility.” The group of 10–12 individuals provides feedback on a specific issue and/or set of questions, and/or the site profile document. An SEC Worker Outreach Focus Group meeting has a similar format, though it might involve more participants. These meetings are initiated by NIOSH when information is needed to complete an SEC petition evaluation report that is not available from other sources already obtained by NIOSH.

In contrast to meetings for worker input organized under PR-012, site expert interviews are conducted by an informal process. ORAUT-PROC-0031 states that interviews are conducted with retirees or other long-term site personnel to obtain information about work performed on the site and the radiation protection program in place during the period of operation. These interviews are documented on ORAUT-FORM-0025, *Documented Communication* (ORAUT 2007b). No equivalent instruction was located in ORAUT-PROC-0044 for the SEC Petition evaluation process. *Documented Communication* records are accessible in the Site Research Data Base (SRDB).

A cursory review of *Documented Communication* records in the SRDB indicates that site expert interviews are commonly conducted one-on-one or in groups that are generally much smaller than the worker outreach meetings described in PR-012. In SC&A’s experience, it is very difficult for all attendees to provide detailed input in meetings larger than four people. A group of one to three persons works best for interviews in which very detailed information is expected. As compared to the methods described in PR-012 for worker outreach meetings, the approach used for gathering input from site experts is much more conducive to obtaining all the relevant information that a worker might have to provide. SC&A recognizes the value of conducting larger meetings at which worker input is obtained, since that increases the breadth of input with more modest resource commitments. In order to provide an equivalent opportunity for “worker outreach” comments to be explored and validated, PR-012 should describe a mechanism and criteria for determining when further follow-up with specific workers is indicated.

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In addition to the advantage of one-on-one or small group interaction, site expert interviews appear to be initiated or carried out by personnel who are directly involved in producing technical documents. This increases the probability that the comments recorded in the interview notes will be taken into account. However, since there is no procedure for ensuring the accuracy of documentation of the interviews, SC&A has no way of verifying that all relevant points are actually included in the interview record. Furthermore, SC&A cannot verify whether document preparers send interview records to interviewees for verification and correction. This point was discussed at considerable length in the context of the resolution of SC&A's comments in regard to the Nevada Test Site (NTS). A particular site expert provided extensive technical information to SC&A during an interview. Although NIOSH conducted several hours of interviews with this individual, only a very brief mention with a single relatively straightforward issue was incorporated into the interview record.<sup>2</sup>

NIOSH places significant weight on site expert interview records, to the point that some site expert interviews form the only basis for assumptions made in technical work documents. As such, an equivalent level of rigor should be applied to the documentation of information provided by site expert interviews as that for Worker Outreach Focus Groups and other information gathering venues. A review by the site expert, and subsequent sign-off, should be required for site expert interviews, particularly those used as a basis for assumptions in technical work documents. Substantiation of all worker comments should be conducted, regardless of the source of comments, including those provided by NIOSH site experts.

Through the processes of worker outreach and site expert interviews, different perspectives on the same issue are apt to arise, including direct contradictions. For instance, SC&A interviewed two individuals for the Sandia National Laboratory - Livermore (SNLL) site profile review; a manager/engineer and an HP. When asked whether tritide operations were conducted at SNLL, the manager indicated the tritide work was done at Mound and SRS. An HP, who was directly involved in site operations, indicated that SNLL did conduct work with tritides. SNLL documentation supported the position of the HP. In order to evaluate multiple perspectives in developing technical documents, it is important to utilize consistent and effective processes to solicit, document, and substantiate worker input, regardless of the source of the comments.

In summary, the concerns raised during SC&A's review of PROC-0097 regarding inconsistent processes and unequal weighting of worker input have not been resolved, and PR-012 has intensified some concerns:

- A two-track system tends to give less weight to the information provided by workers at outreach meetings than at site expert interviews. The latter appear to be conducted in small groups by personnel who are preparing technical documents. There is no assurance under PR-012 that the technical personnel preparing documents are aware of technical inputs provided at worker outreach meetings.

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<sup>2</sup> SC&A's interview with this site expert is part of its NTS Profile Review (SC&A 2005). The NIOSH/ORAUT record of the interview with the same person is documented in Griffith 2004. Discussion of this issue occurred at various Work Group meetings.

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- There is no systematic method described for documenting and resolving differences in important technical input that may arise from different settings in which different classes of workers are typically represented (outreach meetings and site expert meetings).
- No process is described (for worker outreach minutes or site expert interview records) for verifying the accuracy and completeness of the official records, or for assuring that the information is considered for inclusion in technical documents.

As noted, SC&A recognizes the importance of both small meetings (one to four people) and larger meetings for obtaining technical input from workers. However, there must be criteria for deciding when a broad meeting with many workers is to be held and when input is sought via one-on-one or in very small group settings. Both types also require a process for ensuring completeness and accuracy of the documented information and for ensuring appropriate consideration for inclusion in technical documents.

**Finding 5: The procedure does not describe a process for assuring that worker feedback is accurately and completely documented.**

PROC-0097 described a process for forwarding final draft meeting minutes to host organization(s) for review and comment. Following a 60-day review period, comments were to be evaluated and incorporated, as necessary. The minutes were to be finalized after 60 days, and the audiotapes would be destroyed, whether or not responses were received. In its review of PROC-0097, SC&A expressed concern that this procedure limited NIOSH's ability to resolve concerns about potential misrepresentation of information provided. This deficiency is amplified in regard to PR-012; the current procedure does not indicate that participants' input should be sought in regard to the accuracy of meeting minutes. In addition, the current procedure still indicates that audiotapes are destroyed after the minutes have been finalized. There are no requirements to archive these recordings, or to inform participants that recordings are not made available to them. PR-012 states (OCAS 2009a, pg. 4):

*Prior to the start of the meeting in which a recording may be used, the meeting facilitator will make an announcement stating that the meeting will be recorded and the recording is a tool for accurate preparation of the meeting minutes. (The recording is not a deliverable product of the outreach contractor and thus is not available to the public under FOIA.)*

Furthermore, on page 15, the procedure states the following:

*The OSC Team facilitator will generally facilitate the meeting and the OCAS HP and the SPSME will conduct the presentation and discussion. At the beginning of a meeting, when the meeting is to be electronically taped, the OCS Team Facilitator will make an announcement similar to the following:*

*This meeting is being recorded. The purpose of the recording is to help prepare accurate meeting minutes. Thus, the recording is a tool and will be destroyed*

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*once the minutes of this meeting have been finalized. Does anyone object to the use of the recording?"*

*Note: If there are no objections, the meeting will be recorded.*

*If there are objections, the OSC facilitator will resolve the issue.*

#### Possible Scenarios

*If an individual(s) object to the recording, the individual (s) may leave and may give written comments through the NOCTS web application or letter, or may be given the opportunity to voice their comments after the meeting provided there is sufficient time or by phone at a later date.*

*If there is an objection by majority, the meeting will not be recorded and written notes will be used to best capture the essence of the meeting discussions.*

*If someone requests a copy of the recording, the OSC Team facilitator and/or OCAS staff representative will explain that copies are not available for public distribution.*

During an invited meeting with the SPFPA Local 66 in Piketon, Ohio on April 22, 2008, participants were prepared to audiotape the meeting for their own records. They were told at the time that a copy of the NIOSH recording would be provided to them (SC&A 2008), so they did not record it. Later, SPFPA was told the recording would not be provided to them, and were understandably upset that the NIOSH position had been reversed. This exemplifies why it is important to disclose up front as a part of the introductory remarks that copies of the audiotape are not available for public distribution. It is recommended that the procedure reflect inclusion of such a statement.

PR-012 contains no requirements for providing meeting minutes to participants for review or for subsequent integration of comments received by workers. Furthermore, as noted above, the destruction of the audiotapes prevents any resolution of complaints that information provided was omitted or misrepresented. There is no required time period for the finalization of meeting minutes; this can result in long time periods for which draft meeting minutes are unavailable to the public. A reasonable time limit for finalizing meeting minutes and posting them to the NIOSH website should be incorporated into PR-012. If the practice of destroying audiotapes is continued, it is recommended that a process for verifying the accuracy of comments be completed in every case before the audiotape is destroyed. SC&A also recommends that the invitation letter should include a disclosure that tapes made by NIOSH and its contractor will be destroyed, so that participants can bring their own equipment, should they desire to record the proceedings.

Without the final meeting minutes and audiotapes from the meetings conducted under PR-012, SC&A was unable to determine whether participant comments were adequately captured during applicable worker outreach meetings. While meeting notes were captured by SC&A at the WSP

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outreach meeting (September 2, 2009), the official final meeting minutes are not available for comparison.

The Mound Worker Outreach SEC Focus Group meeting on April 28, 2009, raises doubts about the completeness of the notes captured during the meeting. As previously mentioned, two pages of meeting notes were compiled in lieu of formal meeting minutes. The purpose of the meeting was to lay out NIOSH's approach to determining neutron dose, and to solicit any comments or insights from invited workers (ABRWH 2009, pg. 8–10). A presentation was given to the participants, followed by a discussion of the proposed model. The outreach meeting lasted several hours, which has historically resulted in lengthy meeting minutes.

At the present time, the procedure does not clearly indicate that worker input from “information giving” or combined “information giving and information gathering” meetings will be captured for consideration. Opportunities are provided for participants to ask questions and provide comments at work shops, at DOL- and DOE-sponsored meetings, and at NIOSH Town Hall meetings. Participants take these opportunities to provide comments on the information provided by presenters, as well as information about neighboring sites. Meeting minutes are typically taken for NIOSH Town Hall meetings, Worker Outreach Focus Groups, and SEC Focus Groups. There is presently no requirement to formally capture and track worker comments at workshops, DOE and DOL invited forums, or SEC Information Meetings. As a result, substantive comments may go unrecorded. At the WSP Worker Outreach Town Hall meeting and the workshop, SC&A made note of substantive comments provided by workers, which were relevant to technical work documents. For example, during the workshop, a participant from Oak Ridge provided information related to the enrichment process at the Oak Ridge Gaseous Diffusion Plant. He raised a concern related to the routine UF<sub>6</sub> releases, which occurred from the cascades. Another participant verified his statement. NIOSH indicated that, if there were issues with UF<sub>6</sub> releases into the work environment, it should be addressed in the site profile. The worker was told by NIOSH to submit this comment to the docket (see Attachment 2). PR-012 should contain direction on documentation and follow-up of participant input provided at information giving venues. It would be preferable to capture such comments from the worker outreach meeting, incorporate them in the OTS, and alert preparers of site profiles and SEC petition evaluation reports that new information is available.

The fact that at least some workers believe their information was disregarded or misrepresented indicates gaps in the process of finalizing the minutes of the meetings. PR-012, unlike PROC-0097, has eliminated the requirement to provide participants with an opportunity to review meeting minutes. The lack of a provision for an affirmative sign-off by meeting participants who provided input, along with the destruction of audiotapes, prevent the resolution of issues that arise regarding omissions or misrepresentation of meeting participant comments. SC&A recommends that a feedback meeting or loop be incorporated into the procedure, providing workers with an opportunity to correct inaccuracies or to insert information they feel was missed in the meeting minutes. Furthermore, the procedure should address how comments provided during information giving meetings are to be documented and resolved. This would generate confidence in the NIOSH approach to workers' comments and alleviate stakeholder concerns.

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## Observations

**Observation 1:** The procedure does not address the possibility that sensitive or classified information could be shared at worker outreach meetings. This is a particular concern at National Nuclear Security Administration (NNSA) sites. At a minimum, the procedure should alert worker outreach staff to submit recordings, minutes, or meeting notes for classification review if they have any doubt about the classification status of information shared at an outreach event. It is recommended that worker information captured for worker outreach activities involving NNSA sites be submitted for classification review prior to release to the public. This is consistent with the security plan requirements for submittal of site expert interview notes, white papers, and technical documents generated by NIOSH, the Advisory Board, and their contractors involving NNSA sites.

**Observation 2:** There are no requirements in the procedure to notify participants that the meeting is designed to solicit unclassified information. A statement to this effect should be included in introductory remarks, particularly at worker outreach meetings involving NNSA sites. Furthermore, the procedure does not provide an opportunity for workers to discuss potentially classified information. Particularly at NNSA sites, workers may be restricted from openly discussing site-specific information, due to security concerns. When advising participants to refrain from sharing sensitive information at an outreach meeting, NIOSH should invite workers to request an alternate venue if they feel their concern or information cannot be shared in an open forum.

**Observation 3:** There are no provisions for soliciting comments from workers who are not able to physically attend meetings. The people who attend the worker outreach meeting are only a fraction of the workers at the facilities. Many workers are aging and are not able to travel to outreach meetings. These individuals often represent the earliest years of operation at a site, and are sometimes the only workers still living for the covered periods of facilities. The procedure does not provide a mechanism for workers who cannot travel to worker outreach meetings to participate in meetings, nor does it provide direction on providing presentation material and soliciting comments from such individuals. One possible solution is to provide a call-in number for public outreach meetings.

**Observation 4:** There is no requirement for disclosing conflict of interest during worker meetings. The Site Profile Subject Matter Expert (SPSME), the OCAS HP Supporting Outreach Efforts, and OCAS staff are responsible for identifying the need for worker outreach efforts at DOE/AWE sites; preparing presentations and developing questions for outreach discussions; identifying meeting action items; coordinating resolution of action items or other issues; verifying accuracy of meeting minutes; and identifying issues that are entered into the OTS. Participants should be informed of any actual or potential conflict of interest that could influence these individuals.

NIOSH and NIOSH contractors are required to maintain conflict-of-interest plans to include real bias or the potential appearance of bias, including both organizational and individual conflict of interest. Currently, conflict of interest and bias disclosure statements for NIOSH and ORAUT are available through the NIOSH OCAS website. Although this information is available

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electronically, not all individuals have access to this information. Conflict of interest and bias disclosure for organizations and individuals should be communicated to participants at the beginning of each NIOSH sponsored meeting.

**Observation 5:** ORAUT-PROC-0031, *Site Profile and Technical Basis Document Development*, currently references PROC-0097, which has been replaced with PR-012. The interconnection between site profile development and worker outreach efforts no longer exists with PR-012. This and other procedures, plans, and policies that reference PROC-0097 should be updated to reflect the current worker outreach processes and procedures.

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## 4 PROCEDURE CHECKLIST

The checklist originally provided in *A Protocol for the Review of Procedures and Methods Employed by NIOSH for Dose Reconstruction* (SC&A 2009) was not appropriate for evaluation of the OCAS-PR-012. The procedure has been evaluated against Objectives 1–4 defined in the *Worker Outreach Implementation Plan* (see Attachment 7) accepted by the Worker Outreach Work Group and the Advisory Board. Since these evaluation criteria were developed to evaluate outreach meetings and other venues, some objectives are not applicable to the evaluation of the procedure and are so noted.

No.	Description of Objective	Rating 1-5*	Comments
<b>1.0</b>	<b>PLANNING FOR OUTREACH: Determine whether OCAS is taking appropriate measures to solicit worker input into Site Profiles, SEC petition evaluations, and other technical documents.</b>		
<b>1.1</b>	<b>Examine the procedures and processes by which OCAS solicits the involvement of workers by reviewing the following:</b>		
1.1.1	<i>How does OCAS determine whether an outreach meeting is to be conducted for a facility?</i>	3	<p>PR-012 Section 6 provides five non-binding guidance criteria for determining the need for outreach efforts. Two criteria are relatively objective:</p> <ul style="list-style-type: none"> <li>○ Substantive change to site profiles</li> <li>○ Invitation by another agency</li> </ul> <p>The other three criteria are relatively vague and subjective:</p> <ul style="list-style-type: none"> <li>○ The need to inform stakeholders of SEC petition process or status</li> <li>○ The need to gather additional information from stakeholders to support SEC evaluations or site profiles</li> <li>○ As otherwise deemed appropriate for an outreach effort</li> </ul> <p>Evaluation of actual OCAS determinations and methods is beyond the scope of this review.</p>
1.1.2	<i>How does OCAS identify and inform workers of the opportunities for input and follow-up to secure participation?</i>	3	<p>OSC identifies organizations (union, professional, retirement) affiliated with the site and works with these organizations to identify present and past workers interested in the outreach effort.</p> <p>OSC develops and sends to interested individuals introductory/confirmatory notices and informational material, as coordinated with OCAS HP.</p>

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No.	Description of Objective	Rating 1-5*	Comments
1.1.3	<i>Is the Outreach Tracking System (OTS) scheduling and notification system adequate?</i>	4	The scheduling and notification system with OTS effectively notifies those individuals on a predetermined e-mail list of outreach events. There are situations where meeting notifications are not providing in a timely manner. For example, notification of the Hanford Town Hall meeting on March 16, 2010, was sent out on March 16, 2010.
1.1.4	<i>Are participants in outreach meetings notified in a timely manner?</i>	4	
1.1.5	<i>Are arrangements made to participate for those interested but unable to travel to outreach meetings?</i>	3	The procedure does not specify options for those individuals who cannot travel to outreach meetings. An option to call in is not available.
<b>1.2</b>	<b>Examine several examples of OCAS solicitations and follow-up associated with several particular work products to address the following:</b>		
1.2.1	<i>Were the procedures followed and effective in practice?</i>	See comment	Actual notification and solicitation efforts could not be evaluated, because none were found in OTS for any meetings conducted since PR-012 had been in effect. It is unclear from the procedure what documentation is expected for an invited meeting (i.e., NIOSH attends a “non-public” “Town Hall” at union’s request).
1.2.2	<i>Did OCAS make an appropriately extensive effort to elicit broad and substantial participation from workers?</i>	3	<p>NIOSH has improved efforts to solicit broader participation from workers. Specifically, outreach efforts have expanded beyond union and labor organizations. Outreach activities now include advocates, medical surveillance program personnel, and others. This is particularly true of information giving meetings and workshops.</p> <p>Worker Outreach (largely information giving and/or union oriented) is formalized with procedures; site expert interviews are regarded as a separate process and are not formalized. If only “Worker Outreach” is considered, it appears that non-union workers and professional employees are not adequately represented.</p> <p>The WSP worker outreach meeting was held during a regular union meeting. The initial union members present were not representative of the site workers, because there were not many of the original WSP workers available to attend the meeting. Seven of the approximately 70 attendees worked at WSP during the covered period.</p>

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No.	Description of Objective	Rating 1-5*	Comments
1.2.3	<i>Are there additional or improved methods for OCAS to consider?</i>	N/A	Discussions with union organizers at the WSP meeting indicated that the meeting was scheduled sufficiently in advance to allow interested parties to attend. However, there were no public announcements or community outreach, and no indications that arrangements were made for those physically not able to travel to the meeting.
<b>2.0</b>	<b>CONDUCTING OUTREACH: Determine whether OCAS is obtaining and documenting input from workers.</b>		
<b>2.1</b>	<b>Review all OCAS and contractor processes and procedures associated with obtaining and documenting worker input.</b>		
2.1.1	<i>How does OCAS document worker input from information gathering meetings and other venues?</i>	1	PR-012 indicates that meeting minutes are the primary means of capturing pertinent worker input for later use. No minutes are available in OTS for review for any worker outreach meetings conducted since the implementation of PR-012.
2.1.2	<i>Does OCAS have a method for noting re-occurring issues associated with worker communication from various venues?</i>	1	The current procedure does not discuss a process for evaluating, tracking, or trending worker communication.
<b>2.2</b>	<b>Review a sampling of interviews and meetings where the above-referenced processes and procedures were implemented by OCAS and its contractors to determine whether they were followed and effective in practice.</b>		
2.2.1	<i>Was the desired information obtained and documented?</i>	1	No minutes are available in OTS for review for any worker outreach meetings conducted since the implementation of PR-012. SC&A attended an outreach meeting for WSP on September 2, 2009, but cannot compare its record of the meeting against NIOSH's documentation. NIOSH has posted worker input (meeting notes) from an SEC Worker Outreach Focus Group meeting; however, these were meeting notes taken by the Subject Matter Expert (SME), rather than outreach meeting minutes.
2.2.2	<i>Is the documentation of participants' comments accurate and complete?</i>	1	SC&A attended an outreach meeting for the WSP; however, the final meeting minutes from this meeting are not available for comparison to notes and actions captured by SC&A.  The procedure requires destruction of information, i.e., the audiotapes of meetings are destroyed after finalization of the meeting. Furthermore, the OSC Team facilitator and/or OCAS staff representative is instructed to explain that copies of the audiotape are not available for public distribution if an individual requests a copy.

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No.	Description of Objective	Rating 1-5*	Comments
2.2.3	<i>Is the draft of the meeting record available for appropriate participant review?</i>	2	Historically, meeting minutes have been provided to the sponsoring union organization for review. There are no provisions in PR-012 for submitting draft meeting minutes to meeting participants for review. Of the meetings held since its release of PR-012 requiring meeting minutes, there are no letters requesting comments from the participants in the OTS.
2.2.4	<i>Did the participants avail themselves of the opportunity to comment on the draft meeting record?</i>	See comment	There are no provisions in PR-012 for submitting draft meeting minutes to meeting participants for review.
2.2.5	<i>Were comments incorporated into the final meeting record?</i>	See comment	There are no provisions in PR-012 for submitting draft meeting minutes to meeting participants for review.
2.2.6	<i>Was the finalized meeting record made available in a timely manner to participants requesting copies?</i>	N/A	SC&A cannot determine what information was provided to the participants, but there is a significant absence of documentation in the OTS. There are only five meetings that post-date PR-012, are currently logged into OTS, and would be expected to include meeting minutes (i.e., not counting DOL meetings, SEC Outreach Meetings, or Workshops). These five meetings took place between April and December of 2009. Four of the five meetings do not have meeting minutes or notes available in the OTS. One meeting has a file containing a NIOSH representative's meeting notes (not traditional minutes). None of these meetings is noted on the NIOSH website under Worker Outreach Activities. There is also no correspondence in the OTS requesting a review of minutes or notes.
<b>2.3</b>	<b>Evaluate the conduct of outreach meetings.</b>		
2.3.1	<i>Is technical staff present at information outreach meetings where appropriate?</i>	5	The procedure has provisions for the attendance of OCAS HPs, the SEC Petition Counselor, OSC staff, and/or the SEC ombudsman.
2.3.2	<i>Were appropriate introductory statements made at the beginning of the meeting?</i>	5	During the WSP meeting, appropriate introductory statements regarding the audiotapes were made. ATL also explained that there was a sign-in sheet, but it was used only for contacting the participants if needed. (See Attachment 1.)

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No.	Description of Objective	Rating 1-5*	Comments
2.3.3	<i>Was there an adequate time for presentations by OCAS?</i>	4	<p>The technical presentation at the WSP outreach meeting was approximately 1 hour long, which was too long for this audience and contained too many details in some sections (such as some of the information on Slides 10–16). The handouts containing the slides were helpful, and would have been even more helpful if they could have been projected on a screen for the audience to follow.</p> <p>At the September 22–23, 2010, workshop, participants indicated they would like to see more time spent on the presentation, “What You Can Do to Assist the Claimant?”</p>
2.3.4	<i>Were participants allowed adequate opportunity to provide comments?</i>	5	Based exclusively on the observation of the September 22–23, 2009, workshop, participants were provided with ample opportunity to provide comments and ask questions.
2.3.5	<i>Are provisions made that are appropriate for interviews in a classified setting should the need arise?</i>	2	The procedure does not provide an option for classified outreach meetings. For NNSA sites (e.g., Pantex Plant), conducting worker outreach activities in public locations introduces the potential for inadvertent disclosure of classified information by participants. In addition, the procedure does not provide instructions for classification review of meeting minutes in accordance with the DOE Security Plan either within the procedure, or by reference to an appropriate procedure.
2.3.6	<i>Are presentations developed at the appropriate level for the participants of the meeting?</i>	4	<p>The presentation at the WSP worker outreach meeting was at a level the participants could understand.</p> <p>At the workshop, participants found the presentations helpful, although several mentioned the IREP presentation needed to be shortened and simplified, with an emphasis placed on the “take-home message.”</p>
2.3.7	<i>Are sign-in sheets utilized for outreach meetings so that attendees can be contacted, if needed, with follow-up information or questions?</i>	2	Sign-in sheets are available for some outreach meetings prior to the implementation date of PR-012. For those meetings conducted since the implementation of PR-012, there are no sign-in sheets available in the OTS.
2.3.8	<i>Are questions appropriate to solicit the desired information?</i>	N/A	SC&A has not attended an information giving meeting. The notes from the April 2009 Mound SEC Focus Group did not include questions. No evaluation could be made.

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No.	Description of Objective	Rating 1-5*	Comments
<b>2.4</b>	<b>Evaluate the completeness and adequacy of the Outreach Tracking System (OTS).</b>		
2.4.1	<i>Does the OTS reflect the breadth and depth of the information provided by workers at the meetings?</i>	See Comment	Based on a review of the procedure and OTS, information provided by workers is documented within meeting minutes. Attendance at an information gathering meeting and a subsequent review of meeting minutes is necessary for evaluation of this objective.
2.4.2	<i>Did OTS integrate action items accepted by OCAS or its contractors during the course of the meeting?</i>	2	There are a total of six action items for 116 closed meetings in OTS. Action items may be reflected in the meeting minutes; however, they are not documented and tracked under the Action Item section of OTS. The minimal number of action items documented and tracked indicates a lack of consideration of worker comments in technical documents, as well as little follow-up with workers regarding questions and concerns.  Further evaluation of this objective requires attendance at an outreach meeting.
2.4.3	<i>Were participant comments provided at information giving meetings included in OTS?</i>	2	The procedure does not require that worker input be captured during information giving meetings.  As observed at the WSP outreach meeting, an action item was generated and put into OTS as a result of input provided by a worker. An e-mail response was provided for the worker. During the workshop, several comments provided by workers were not captured in the minutes, nor were they documented in OTS. In one case, NIOSH acknowledged the significance of a worker comment to the site profile, but told the worker to submit his comment through the docket, rather than capturing the comment as an action item.
2.4.4	<i>Is OTS an adequate method for documenting and tracking worker comments?</i>	2	The final meeting minutes for information gathering meetings are uploaded to OTS as part of the supporting documentation. OTS does not have a capability for tracking worker comments.

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No.	Description of Objective	Rating 1-5*	Comments
<b>2.5</b>	<b>Evaluate OCAS's tracking system for identifying trends in worker comments.</b>		
2.5.1	<i>Has OCAS documented repetitive or reoccurring issues on a site-wide or program-wide basis?</i>	1	There is no mechanism for evaluation of individual worker comments.
<b>3.0</b>	<b>CONSIDERING WORKER INPUT: Determine whether OCAS is giving thorough consideration to information received from workers through the worker outreach efforts; incorporating consideration of that material into its work products, as appropriate; and adequately communicating the impact of substantive comments to workers.</b>		
<b>3.1</b>	<b>Examine the process by which OCAS and its contractors evaluate worker input.</b>		
3.1.1	<i>How does OCAS catalog and consider worker input for inclusion into its technical documents such as site profiles and SEC evaluation reports?</i>	1	Procedure does not describe a process for cataloging and considering worker input. This was removed when PROC-0097 was superseded by PR-012.
3.1.2	<i>What criteria are used to identify comments that deserve consideration for a response or action by NIOSH?</i>	2	There are no criteria for identifying comments that deserve a response or justify initiating an action item by NIOSH.
3.1.3	<i>Are the appropriate personnel evaluating the comments received?</i>	See Comment	Rating 1- For evaluating comments (responsibility is not assigned in PR-012). Rating 3- For determining and assigning action items – PR-012 assigns responsibility to qualified individuals to determine action items. The two action items recorded under PR-012 were assigned to individuals who were qualified to respond to the issues. The action items listed in OTS that pre-date PR-012 do not specify the personnel responsible for the action item.
3.1.4	<i>Were follow-up discussions held with participants providing substantive comments, when necessary?</i>	2	For meetings conducted under PROC-0097, there were letters submitted to organizations for review of meeting minutes. Since implementation of PR-012, there are no letters available to participants requesting reviews in OTS. There are a few examples of follow-up correspondence to specific workers related to action items.
3.1.5	<i>What processes and procedures are in place to ensure that NIOSH is following up on the response and action items?</i>	2	Procedure does not specify a process. One of the two action items recorded under PR-012 has been resolved. The other is "in progress" 7 months beyond the due date recorded in OTS.
3.1.6	<i>How is feedback provided to the workers in response to their comments?</i>	See Comment	General comment response cannot be evaluated. PR-012 does not specify a process, and there is minimal documentation available for review. Rating 3 - Action Item response: The one resolved action item from the PR-012 period has adequate documentation of an appropriate response.
3.1.7	<i>Did OCAS conduct research to evaluate substantive comments by participants and assess their impact on NIOSH documents, processes, and procedures?</i>	N/A	Cannot be determined by a review of the procedure and the limited documentation available in OTS.

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No.	Description of Objective	Rating 1-5*	Comments
<b>3.2</b>	<b>Conduct a systematic review of worker outreach database(s) (at a point in time) in relation to its impact on technical documents.</b>		
3.2.1	<i>Select a sample of Site Profiles and SEC Evaluation Reports where worker outreach meetings have been done to document whether and how worker input has been considered and included, and evaluate if exclusions were appropriate.</i>	See Comment	This action is pending further direction from the work group.
3.2.2	<i>Were the action items in OTS (or responses in WISPR and predecessor databases) appropriate to the comments received?</i>	2	There are provisions within the procedure for tracking action items in OTS. The procedure does not provide criteria for what constitutes an action item. The only information provided in the procedure is that action items will be identified by the OCAS HP or the SEC Counselor and entered into the "Meeting Action Item" screen of OTS. Worker comments were more thoroughly captured and tracked in WISPR and predecessor databases.
3.2.3	<i>Were recurrent issues appropriately responded to?</i>	1	The ability to track recurrent issues is not available with OTS. Prior to the termination of TopHats and WISPR, there was some ability to identify recurrent issues.
3.2.4	<i>Are comments applicable to the DOL portion of the process forwarded to DOL for consideration?</i>	1	There is no indication from material in OTS that comments have been forwarded to DOL or DOE. In some cases, DOL and DOE are present at the meetings (i.e., Town Hall, DOE Worker Outreach meetings, ABRWH meetings) and take the action themselves.

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No.	Description of Objective	Rating 1-5*	Comments
4.0	<b>INFORMATION GIVING: Determine whether OCAS is effectively informing workers in relation to its various responsibilities related to the EEOICPA, including explaining dose reconstruction, the SEC petition process, etc.</b>		
4.1	<b>Examine the communication vehicles that OCAS has developed to communicate with workers, claimants, and petitioners and their representatives.</b>		
4.1.1	<i>Does OCAS communicate the information needed by claimants and petitioners?</i>	4	<p>The procedure outlines the responsibilities for developing, distributing, and integrating informational material (e.g., presentations) into OTS.</p> <p>In the case of the workshop presentations at the September 22–23, 2009 workshop, the presentations were informative and useful in helping the participants understand the dose reconstruction and SEC processes. There was a good mix of lectures and practical exercise. The statistical discussion of IREP was confusing to most participants and needs to be simplified into layman terms. Handouts on the EEOICPA were provided by NIOSH and DOL (who participated) along with website and contact information, should additional questions arise. The appropriate subject matter experts did the presentations.</p> <p>Cannot exclusively be determined by a review of the procedure. Further evaluation requires attendance at an information giving outreach meeting.</p>
4.1.2	<i>Is this information communicated through appropriate means?</i>	4	Cannot exclusively be determined by a review of the procedure.
4.2	<b>Evaluate whether OCAS's communications result in adequate understanding of dose reconstructions, the use of IREP, and SEC petitioning processes.</b>		
4.2.1	<i>Do the participants understand what to expect in the dose reconstruction and petition processes?</i>	N/A	Cannot be determined by a review of the procedure.
4.2.2	<i>Do the participants understand the requirements for submitting and qualifying an SEC petition?</i>	N/A	Cannot be determined by a review of the procedure.
4.2.3	<i>Do the participants understand the process for evaluating an SEC petition and how it may be approved or denied?</i>	N/A	Cannot be determined by a review of the procedure.
4.2.4	<i>Are claimants notified that an Ombudsman Office exists and what services it provides?</i>	N/A	Cannot be determined by a review of the procedure.
4.2.5	<i>Is the Ombudsman Office responding to worker communications and forwarding the comments received to appropriate subgroups of OCAS and its contractors?</i>	N/A	Cannot be determined by a review of the procedure.

\* Rating system of 1 through 5 corresponds to the following: 1 = No (Never), 2 = Infrequently, 3 = Sometimes, 4 = Frequently, 5 = Yes (Always), N/A indicates not applicable.

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## **ATTACHMENT 1: SC&A MEETING MINUTES AND NOTES FROM THE WELDON SPRING WORKER OUTREACH MEETING**

**Weldon Spring Worker Outreach Meeting  
Laborers Local 660 Union Hall  
2633 West Clay Street  
St. Charles, MO 63301  
September 2, 2009, 7:00 pm**

### **SC&A Meeting Minutes and Notes**

Participants: Mel Chew (ORAUT), Mark Lewis (ATL), Mary Elliot (ATL), Laurie Breyer (NIOSH), Stu Hinnefeld (OCAS), Denise Brock (CCI), Ron Buchanan (SC&A, Inc.), Karene Riley (SC&A, Inc.), and approximately 60 to 70 local union members.

The Weldon Spring Worker Outreach Meeting began at approximately 7:20 pm CST following a monthly local union meeting which started at 7:00 pm.

#### **Introduction**

Stu (OCAS) began the Weldon Spring Worker Outreach Meeting by explaining the purpose of the meeting and introducing the members of the NIOSH team including contractors. Stu explained that the purpose of the worker outreach meeting was to explain to workers that those who worked at the Weldon Spring Plant (WSP) site and have been diagnosed with cancer may be compensated for radiation exposure while working at the plant during a certain time period in accordance with the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). Stu also explained that former workers or their spouses or dependents can submit a claim under EEOICPA. Stu discussed the purpose of the site profile document and how it is developed through a records search and worker input on exposure history. He also explained that it is a living document that is updated as necessary and the need for worker input for updating the document. Workers were told that the minutes made from the meeting, as well as comments would be provided to NIOSH who will post it on the OCAS website and individual names would not be used.

During the introduction, a question was posed by a member in the audience: Will this meeting only address cancer and not other diseases?

Response from Stu: Stu stated that the meeting will only address cancer caused from radiation exposure at the WSP site which is under Part B of EEOICPA. He stated that other diseases are addressed under Part E of the program and handouts on claims information are provided on the table.

#### **Presentation:**

Mel Chew (ORAUT) gave a presentation which included explaining the role of the team, the purpose of the site profile and what the site profile means. He stated that an emphasis on worker

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input is necessary for better dose reconstruction. A history of the Weldon Spring site and its uses since 1941 and the term “feed” was explained. Mel explained the timeframe that the U.S. Atomic Energy Commission (AEC) and the U.S. Department of Energy (DOE) held custody of the Weldon Spring Plant site and how these timeframes relate to worker claims submitted for this site.

Two people [out of approximately 70 meeting attendees] raised their hands as having worked at the WSP site during the 1957–1966 timeframe. Five people [out of approximately 70 meeting attendees] raised their hands as having worked at the WSP site during the 1985–2002 remediation timeframe. A couple of people in the audience began asking questions at this point in the presentation. The questions and responses are provided below.

### **Worker Questions/Comments**

1. Worker 1 Question: Worker 1 asked, “Why has the Department of the Army neglected the time period of 1968 to 1985”? This worker was upset and stated that the 1968 to 1985 time period appears to be taboo and no one is willing to talk about it. He stated that it was a forgotten era and feels there is a big cover-up going on.

Response to Worker 1: Stu responded by stating that he does not know why the Dept. of the Army has not been responding to his inquiries and he can not speak for the Army, only for the DOE work-related timeframes. Stu referred this worker to the NIOSH website for information on e-mailing or writing to NIOSH in regards to the Dept. of the Army work-related exposures and illnesses.

2. Worker 2 Comment: Worker 2 stated he had two [relatives] who worked at the WSP site during the 1968 to 1985 timeframe and they were told that the “yellow cake” was fine and they got sick from it. He added that they were diagnosed with [cancer] and he can’t get a hold of the Army about his [relatives’] exposure cases.

### **Return to Presentation**

After these two questions/comments, Mel returned to the presentation and explained the types of material processed at the WSP site. He asked Worker 3 who previously stated that he worked at the WSP site during the 1957–1966 timeframe, if he thought approximately 50% of the workers worked with uranium and Worker 3 stated “yes, every bit of half.” Worker 3 also provided the following comments:

3. Worker 3 Comment #1: Worker 3 stated that he was not sure if x-rays were provided when working at the plant.
4. Worker 3 Comment #2: Worker 3 stated that during the remediation period of 1985 to 2002, a lot of material from the pipes that were being dismantled was released into the air.

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5. Worker 3 Comment #3: Worker 3 stated that during the plant's operational period, no urine samples were taken from him. He also said that urine samples were only obtained when he started working and when he was laid him off and the plant closed.
6. Worker 3 Comment #4: Worker 3 stated he did not have a whole-body count while working at the plant.
7. Worker 3 Comment #5: Worker 3 stated that the workers did wear dosimeter badges and TLD badges later on.
8. Worker 4 Question: This worker asked for information on getting individual records released. He also asked if descendents are able to claim for radiation exposure for deceased parents.

Response: Mel and Stu responded to Worker 4 and told him "Yes, under Part B of EEOICPA, descendents can claim for their deceased parents.

9. Worker 5 Question: This worker asked how he could obtain records for a deceased family member. He stated he was unable to obtain medical records from the hospital that the family member went to.

Response: Stu responded to this worker's question by referring him to the NIOSH website and telling him he can request the worker's record if a claim had been submitted already. Stu said if a claim has been submitted, they can provide a copy of the records obtained from WSP. Stu also said he could talk to him more individually. Denise offered her assistance in helping him navigate the process of obtaining the family member medical record.

10. Worker 6 Comment: This worker stated that he was told no thorium was at the site during decommissioning.

Mel ended the presentation by re-iterating the importance of site worker input for developing a more relevant site profile. Stu asked if there were any additional questions or comments from the workers and thanked everyone for coming to the meeting. The Weldon Spring Worker Outreach Meeting ended at approximately 8:40 pm CST.

### **SC&A's Evaluation of the Meeting**

As required by OCAS-PR-012, Mary Elliot (ATL) explained that the meeting would be recorded as a tool to provide verification of the minutes of the meeting and would not be made public. There were no objections to the meeting being recorded. Mary also explained that the sign-in sheet would not be made public, but only used for contacting participants if needed.

The Local 660 Union members had been invited to attend the meeting. SC&A's discussion with the union organizer and several of the participants after the meeting indicated that the meeting was scheduled sufficiently in advance to allow the interested union members to be informed of the meeting and to attend it. Apparently this was accomplished by including it in the union

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newspaper and by word of mouth. There was no public posting or community outreach concerning the meeting that anyone was aware of. There were no indications that arrangements were made for those that could not travel to the meeting.

For this Weldon Spring worker outreach meeting, it was difficult to obtain worker input (and interest) because the site only operated during the period 1957–1966 and only two of the union members present had worked there during that time, and five had worked there during the remediation period of 1985–2005. Therefore, the younger workers started leaving the meeting and attendance went from approximately 70 union members at 7:15 pm to approximately 18 by 8:30 pm. The initial union members present were not representative of the site workers because there are not many of the original Weldon Spring Site workers available to attend the meeting.

In general, the meeting was at a level the participants could understand. However, the technical presentation was approximately one hour long, which was too long for this audience and contained too many details in some sections (such as some of the information on Slide #10-16). The handouts containing the slides were helpful, and would have been even more helpful if they could have been projected on a screen for the audience to follow.

One very important point of controversy at the Weldon Spring Site that has plagued the site profile in the past, and this meeting also where one member was very vocal about the issue, is the period of 1967–1969 when the U.S. Army hired contractors to renovate the Weldon Spring Plant (WSP) for the anticipated use of producing herbicides (which was cancelled before any was produced at the WSP). Workers were potentially exposed to AEC-generated radioactive material in this renovation phase without the benefits of the EEOICPA, because the contractors were not AEC contractors. This issue needs to be addressed before any other meetings are held or Site Profile revisions are completed.

The few workers present provided some information concerning bioassays, external badging, occupational medical X-rays, and personal protection equipment during and after the meeting.

Various handouts and contact information was provided for the participants on a table along the wall.

The meeting appeared to be conducted in a manner that followed proper protocol (e.g., OCAS-PR-012) and was informative. The main problem is that most of the work force is no longer available; in this case, it would have been better to have a more brief presentation.

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## **ATTACHMENT 2: SC&A SUMMARY FROM NIOSH WORKSHOP ON DOSE RECONSTRUCTION AND SEC PROCESSES**

**NIOSH Workshop on Dose Reconstruction and Special Exposure Cohort Processes  
Cincinnati, Ohio  
September 22–23, 2009**

### **SC&A Summary from the Workshop**

#### **Participants**

Participants invited to this workshop included personnel from the Former Worker Medical Screening program at the Pantex Plant, Cincinnati, Oak Ridge (Y-12, K-25, X-10), University of Iowa (IAAP and Ames), INEEL, and RFP, union representatives from Oak Ridge, Kansas City, and the Building Trades Council participated, petitioners, and personnel from the DOL.

#### **Summary of Feedback from Participants**

- NIOSH did a good job at anticipating questions that have been previously raised and answering them.
- Participants found the work shop presentations and handouts helpful and informative.
- Participants indicated the information provided would be helpful in educating/helping the claimants understand what goes on when they file claims.
- Several participants found the presentation on the website and the sample CATI very helpful.

#### **Summary of Recommendations from Participants**

- Focus on the new developments in EEOICPA.
- Emphasize and allot more time for the portion of the work shop that provides advice on how to assist claimants.
- Simplify and shorten the IREP presentation emphasizing the “take-home” message.
- Include an exercise on dose reconstruction.
- Provide a glossary of terms commonly used in the presentations and keep the subjects in layman terms.
- Add the “take-home” message at the end of each presentation.

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- Shorten the work shop to 1.5 days. Some individuals cannot afford to be away from work for four days (two days of travel, two days of workshop.)
- Bring in a box lunch to facilitate discussions between participants.

In general, the participants would recommend the workshop to others.

### **Follow-up Actions for NIOSH/ATL**

- (1) NIOSH took an action item to provide the Mound participant with additional information on whether plutonium was the only element for which Super S was considered.
- (2) NIOSH took an action item to determine why OTIB-62 and OTIB-63 were being referenced in LANL dose reconstruction when they were not yet available.

### **Information Gathering Statements**

The workshop presents an opportunity for workers to provide comments on various sites which may benefit NIOSH technical documents or provide better understanding of processes and procedures at the sites.

- When additional comments were solicited by the interviewer, the interviewee indicated that at ORNL, workers wore pocket ionization chambers, and if the unit went off scale, the average of the pencil dosimeter results for the area was assigned to the individual. The CATI interview volunteer said during the interview exercise that this was not reflective of the exposure all individuals in that area received. He indicated that he was told that 3 out of 10 PIC readings were bad. He also noted that in some areas they took away the dosimeter and gave them only PICs. [This is an example of comments communicated to NIOSH during the workshop that are pertinent to dose reconstruction of multiple workers, which should be captured, documented, and tracked in OTS and investigated further.]
- An INEEL participant indicated that he carried two lunch boxes. One was a lunch box with the individual's lunch, and the second was a lunch box for his bioassay sample. He indicated he had to take the sample lunch box home, collect the sample, and bring it back to the site. This was especially true after an event. [This is the kind of information that should be verified against information in the site profile to ensure the information is correct.]
- A K-25 participant indicated that the enrichment process at K-25 and K-27 were wartime processes while the processes at K-29, K-31, and K-33 were used for peace time operation. He indicated that there were UF<sub>6</sub> releases from the cascades, and was supported in this statement by other K-25 workers attending the workshop. NIOSH (Larry) indicated that if there were issues with UF<sub>6</sub> releases into the work environment, it should be addressed in the site profile. The participant was told to submit his comment through the docket on the website.

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Comments like those provided above add to the institutional knowledge being provided by workers.

## SC&A Observations from the Workshop

### **Evaluation Objective #1: Determine whether OCAS is taking appropriate measures to solicit worker input into site profiles, SEC petition evaluations, and other technical documents.**

- Workshops are held a couple times a year to inform advocates, petitioners, union representatives, DOL personnel and other interested parties about topics such as the dose reconstruction process, telephone interviews, the OCAS website, the SEC process, the IREP model, and limited information on Part E benefits. The goal is to educate the attendees such that they can, in turn, assist claimants in either the DR or SEC process. Some information provided is purely information, such as suggestions on how to help the claimant to the fullest extent, or how to access and navigate the website and the IREP code. The other focus of the workshop seems to be an emphasis on demonstrating how claimant favorable the process is from the assumptions made in dose reconstruction, to the expanded evaluations of petitions beyond petitioner issues, to the favorability built into the IREP code.
- In the case of the workshop observed, NIOSH and/or ATL personnel invited petitioners, union members, and worker surveillance personnel to attend. These workshops are in high demand by individuals wanting to attend and there is a waiting list. Letters were sent out to central contacts at union and worker surveillance programs so they could identify individuals they would like to attend. Attendance at these meetings is reimbursable by NIOSH, at least in the case of the September 22-23, 2009 Workshop.
- The workshop along with presentations is included in OTS. Any phone calls made to individuals regarding the participation in the workshop are not documented in OTS.
- There are no arrangements made for interested parties who would like to participate in the workshop who are either not physically able to attend, or who are unable to travel to workshops. There is no call-in number provided for workshops.
- OCAS-PR-012 provides only generic guidance on how workshops are to be conducted, or the documentation is typically associated with workshops. Based on the vague direction provided by the procedure, it is difficult to evaluate whether the workshop complied with procedures.
- Workshops are by invitation only. This was a somewhat targeting meeting primarily for individuals involved in the Worker Surveillance program. Attendees represented Oak Ridge National Laboratory, the Oak Ridge Gaseous Diffusion Plant, the Y-12 Plant, the Pantex Plant, IAAP, Idaho National Engineering Laboratory, the Kansas City Plant, Los Alamos National Laboratory (LANL), the Mound Plant, and the Cincinnati area worker

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surveillance personnel. There is a waiting list for these workshops, but there are additional workshops planned in the future.

**Evaluation Objective #2: Determine whether OCAS is obtaining and documenting input from workers.**

- When workers had comments specific to their site, they were encouraged to enter these comments into the docket. NIOSH and ATL personnel were not taking notes on these comments being provided by the participants. There were a few questions, which NIOSH indicated they would follow-up on after the meeting. These action items are listed below.
- The workshop is designated under “other forms of worker communication” in OCAS-PR-012. The procedure is designated as an information giving meeting which for the most part is true. NIOSH encourages workers in ask questions during the presentations and exercises. The questions are in many cases related to the processes being explained. Clearly, former workshops have raised a number of questions, which were anticipated by NIOSH and answered at the beginning of the workshop. In our observation of the workshop, several generic and site-specific comments were provided by the workers. In one case, a worker who brought up information which was pertinent to the K-25 site, was told by NIOSH the item should be addressed in the site profile, and was told to submit his comments through the public docket. This is certainly one method for getting worker-provided documents recorded; however, NIOSH should be entering these comments into the docket and database on behalf of the workers so it can be tracked.
- Although the workshop was primarily an information giving meeting, there were several comments provided by participants that were relevant to site profiles and dose reconstructions, and comments which required action be taken by NIOSH. The action items are listed later in this document.
- There were no minutes taken at the workshop. The information was not formally documented. No audiotaped recordings were taken during the workshop.
- NIOSH/ATL provided adequate opportunity to comment or ask questions. Participants were encouraged to ask questions and provide comments throughout the workshop.
- The meeting was held in a union facility in Cincinnati, Ohio. There were participants there from NNSA sites or sites involving classified processes (e.g., Pantex, IAAP, LANL, Oak Ridge Gaseous Diffusion Plant, the Y-12 Plant). No statement was made up front regarding limiting comments and questions to unclassified information. Since documentation was not kept by NIOSH, it is not available for classification review.

**Evaluation Objective #3: Determine whether OCAS is giving thorough consideration to information received from workers through the worker outreach efforts, incorporating consideration of that material into its work products, as appropriate, and adequately communicating the impact of substantive comments to workers.**

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- Since no meeting minutes were taken during the workshop, it was difficult to determine whether adequate consideration was given to work comments. OTS identified no action items from this meeting. SC&A identified a few actions items taken by NIOSH in their own notes. These are specified in a separate section.

**Objective #4: Determine whether OCAS is effectively informing workers in relation to its various responsibilities related to the EEOICPA, including explaining dose reconstruction, the SEC petition process, etc.**

- In the case of the workshop, the participants were provided with a book of handouts including exercises and copies of the presentation. The handouts were put together by NIOSH. In the case of the interview demonstration, NIOSH failed to provide a list of the interview questions to be used in the demonstration. This made it more difficult to follow along with the interview/interviewer. In some cases, the presentation material was not written at the level of the audience. DOL also provided informative brochures and a handout for their Part E presentation.
- There was an informative presentation on the NIOSH website and where to find information, followed by a hands-on exercise.
- Based on observation, the participants understood the claim process, what to expect from the process, and the difference between Part B and Part E claims. NIOSH, in one of its presentations, addressed the turnaround time for dose reconstruction claims. The difference between the dose reconstruction process and the SEC process was explained effectively.
- NIOSH provided a presentation which took the participant from the initiation of filing an SEC petition through final approval by Congress.
- NIOSH explained that the 180-day limit is started from the time the petition is received and qualified. They indicated that typically they are able to meet this time limit, but that there are times they must request additional time from the petitioner. This is particularly true of large, complicated sites.
- The Ombudsman Office provided a presentation in the workshop which included the purpose of the Ombudsman and the contact information.
- The Ombudsman Office is responding to worker calls and communications within the limit of their capability.
- The NIOSH Ombudsman staff is not large enough to handle all the incoming requests.

**General SC&A Comments**

- Representatives from the Department of Labor, who were attending the workshop, provided a brief presentation on Part E. The inclusion of a presentation on Part E was

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beneficial. Many of the comments provided by workers include those associated with toxic substances, and having someone there to answer questions was helpful. In addition to the presentation, DOL representatives handed out information on Part E and provided contact information for the DOL Ombudsman Office.

- In the discussion about Super S plutonium, it was not specified that this applied only to Pu-239 at the present time, and excluded other isotopes of plutonium.

### **SC&A Recommendations**

- The CATI interview questions should be included in the booklet provided to the participants.
- The dose reconstruction process was, in general, communicated in a way which was understandable to the participants. Numerous participants indicated in their Workshop Evaluation that they had difficulty understanding the discussion of the Probability of Causation (POC). The presentation should be simplified and possibly made more understandable with the use of a practical exercise in statistics.
- The workshop should include a review of a dose reconstruction report, which is the primary documentation sent to the claimant at the end of the dose reconstruction process.
- Offer up additional information such as TIBs for individuals that are more knowledgeable with their questions. For example, LANL worker was interested in the details of the Super S model.

**ATTACHMENT 3: WORKER OUTREACH MEETINGS/EVENTS  
CONDUCTED UNDER OCAS-PR-012**

ID	Meeting Type	Meeting Date	Meeting Location	Covered Site/s	Meeting Audience	Meeting Note	Info Giv	Info Gath
37	Worker Outreach	3/3/2009	NIOSH Workshop on Dose Reconstruction and the Special Exposure Cohort (multi-site representation), Health and Safety Training Center, International Chemical Workers Union (ICWU) Council/UFCW of Food and Commercial Workers Union, 329 Race Street, Cincinnati, OH	Feed Materials Production Center (FMPC), Hanford, INL, KCP, LANL, NTS, ORNL (X-10), Pantex Plant, SNL, SRS, Y-12 Plant	Invited attendees from multiple sites within the nuclear weapons complex learned about the EEOICPA dose reconstruction and SEC petitioning processes during this workshop.	ATL Worker Outreach Team (Vernon McDougall, Mark Lewis, Buck Cameron, Mary Elliott) hosted the 12-hour workshop on Tuesday, March 3, 2009 and Wednesday, March 4, 2009. Participants included representatives from labor organizations at several DOE sites, representatives from several Building Trades Medical Screening Programs, a representative from NIOSH OD, and the Director of the NM Office of Nuclear Worker Advocacy. NIOSH: Larry Elliott, Laurie Breyer, Grady Calhoun, LaVon Rutherford, Dave Allen, and Denise Brock presented information on EEOICPA Part B, dose reconstruction, and the SEC petitioning process. Mark Lewis and Buck Cameron led a small group activity so the attendees could apply what they had learned.	X	

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ID	Meeting Type	Meeting Date	Meeting Location	Covered Site/s	Meeting Audience	Meeting Note	Info Giv	Info Gath
39	SEC	3/18/2009	Springville Townhall, 65 Franklin St, Springville, NY	West Valley Demonstration Project	Members of International Association of Machinists and Aerospace Workers (IAM) Local Lodge 2401	An informal non-public meeting requested by IAM Local Lodge 2401 Association of Machinists and Aerospace Workers Local Lodge 2401. They asked NIOSH to provide information about the Special Exposure Cohort, the petitioning process, and the impact of adding a class to the SEC. No minutes.	X	
113	SEC	4/28/2009	Dayton, Ohio	Mound Plant	Former workers from the Mound site	Meeting with a small focus group to gather information on the dosimetry program in support of Mound SEC evaluation. NIOSH/ORAU Team: Brant Ulsh, Tim Taulbee, Bob Morris, Karin Jessen.		X
117	Worker Outreach	8/11/2009	Greater Kansas City Building and Construction Trades (KCBCTC), Independence, MO	Kansas City Plant	KCBCTC leadership	Buck Cameron will make a short informational presentation on EEOICPA to the KCBCTC during their regular meeting. (This is not a traditional worker outreach meeting.)	X	
118	Non-NIOSH	8/11/2009	Receptions Conference Center 5975 Boymel Drive Fairfield, OH 45014	Feed Materials Production Center (FMPC)	This meeting is being held by the DOL Ombudsmans Office for former and current Fernald Workers.	DOE Former Worker Program, DOL Ombudsmans Office, Denise Brock, and DOL resource center will all be in attendance.	X	
119	Non-NIOSH	8/11/2009	Receptions Conference Center, 5975 Boymel Drive, Fairfield, OH 45014	Feed Materials Production Center (FMPC)	This is a DOL Ombudsmans Office meeting for former and current workers at Fernald.	DOE Former Worker Program, DOL Ombudsmans Office, Denise Brock, and DOL resource center will all be in attendance.	X	

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ID	Meeting Type	Meeting Date	Meeting Location	Covered Site/s	Meeting Audience	Meeting Note	Info Giv	Info Gath
120	Non-NIOSH	8/12/2009	Holiday Inn - Dayton Mall, 31 Prestige Plaza Drive, Miamisburg, OH 45342	Mound Plant	This is a DOL Ombudsmans Office meeting for Mound workers	Will include individuals from the DOL Ombudsmans Office, DOE Former Worker Program, Denise Brock, and NIOSH, and DOL Resource Center.	X	
121	Non-NIOSH	8/12/2009	Holiday Inn - Dayton Mall, 31 Prestige Plaza Drive, Miamisburg, OH 45342	Mound Plant	This is a DOL Ombudsmans Office meeting for former Mound workers	Will include individuals from the DOL Ombudsmans Office, DOE Former Worker Program, Denise Brock, and NIOSH, and DOL Resource Center.	X	
116	Worker Outreach	8/13/2009	IAMAW Local Lodge 778, 9404 Grandview Rd., Kansas City, MO 64132	Kansas City Plant	International Association of Machinists and Aerospace Workers (IAMAW) Local Lodge 778, Voluntary Protection Program (VPP) committee	This is a non-public meeting at the request of the IAMAW Local Lodge 778, which represents workers at the Kansas City Plant. The NIOSH Team will present information on EEOICPA Part B and the Kansas City Plant site profile to an audience comprised primarily of the local union's VPP committee and its occupational health and safety trainers.	X	
122	Worker Outreach	9/2/2009	Laborers Local 660 Union Hall, 2633 W Clay St, St Charles, MO 63301	Weldon Spring Plant	Member of Laborers Local 660. (This union supplied laborers and other trades workers to the Weldon Spring Plant during the operating period, as well as during the clean up period).	This is a traditional worker outreach meeting to present the Weldon Spring site profile during the union's regular monthly meeting. NIOSH Worker Outreach team: Stu Hinnefeld, Mel Chew (ORAU), Mark Lewis, and Mary Elliott. Laurie Breyer may also attend. Mel Chew will give the site profile presentation.	X	

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ID	Meeting Type	Meeting Date	Meeting Location	Covered Site/s	Meeting Audience	Meeting Note	Info Giv	Info Gath
125	Non-NIOSH	9/16/2009	Shawnee State University, 740 Second Street, Sodexo Ballroom, Portsmouth, OH 45662	Portsmouth Gaseous Diffusion Plant	Individuals invited by the DOL Ombudsmans office	This is a DOL Ombudsman meeting. The purpose of these meetings is to offer assistance to current and former workers of the Portsmouth Gaseous Diffusion Plant with respect to the processing of Part E claims, and to hear your grievances and complaints concerning this program.	X	
126	Non-NIOSH	9/16/2009	Shawnee State University, 740 Second Street, Sodexo Ballroom, Portsmouth, OH 45662	Portsmouth Gaseous Diffusion Plant	Individuals invited by DOL Ombudsman	This is a DOL Ombudsman meeting. The purpose of these meetings is to offer assistance to current and former workers of the Portsmouth Gaseous Diffusion Plant with respect to the processing of Part E claims, and to hear your grievances and complaints concerning this program.	X	
127	Non-NIOSH	9/17/2009	Ohio University (Chillicothe Campus) 101 University Drive Bennett Hall Auditorium Chillicothe, OH 45601	Portsmouth Gaseous Diffusion Plant	Individuals invited by DOL Ombudsmans office	This is a DOL Ombudsman meeting. The purpose of these meetings is to offer assistance to current and former workers of the Portsmouth Gaseous Diffusion Plant with respect to the processing of Part E claims, and to hear your grievances and complaints concerning this program.	X	

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ID	Meeting Type	Meeting Date	Meeting Location	Covered Site/s	Meeting Audience	Meeting Note	Info Giv	Info Gath
128	Non-NIOSH	9/17/2009	Ohio University (Chillicothe Campus) 101 University Drive Bennett Hall Auditorium Chillicothe, OH	Portsmouth Gaseous Diffusion Plant	Individuals invited by DOL Ombudsmans office	This is a DOL Ombudsman meeting. The purpose of these meetings is to offer assistance to current and former workers of the Portsmouth Gaseous Diffusion Plant with respect to the processing of Part E claims, and to hear your grievances and complaints concerning this program.	X	
123	Worker Outreach	9/22/2009	NIOSH Workshop on Dose Reconstruction and the Special Exposure Cohort (multi-site representation, others to be added as confirmed), Center for Worker Safety & Health Education, International Chemical Workers Union Council (ICWUC)/United Food and Commercial Workers Union	Oak Ridge National Laboratory (X-10)	Invited attendees from Former Worker Medical Screening Programs at DOE nuclear weapons facilities will learn about EEOICPA dose reconstruction and the SEC petitioning processes.	The ATL Worker Outreach team will host the 2-day workshop on Tuesday, September 22, and Wednesday, September 23, 2009. The NIOSH/OCAS Team will present information on EEOICPA Part B, dose reconstruction, and the SEC petitioning process. The ATL team will conduct interactive exercises based on OCAS presentations.	X	
124	Non-NIOSH	9/22/2009	The times and location of these meetings have not yet been determined. The OTS will be updated as the information becomes available.	Area IV of the Santa Susana Field Laboratory	DOL Ombudsmans Office meeting for workers from Santa Susana Field Laboratory.	DOL meetings on September 22 and 23, 2009 to provide information regarding the SEC class that was recently added for the Santa Susana Field Laboratory. Stu Hinnefeld and possibly Lara Hughes will attend to represent NIOSH.	X	

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ID	Meeting Type	Meeting Date	Meeting Location	Covered Site/s	Meeting Audience	Meeting Note	Info Giv	Info Gath
129	Worker Outreach	12/7/2009	USW Local 550 Union Hall, 2525 Cairo Rd., Paducah, KY 42001	Paducah Gaseous Diffusion Plant	United Steelworkers of America (USW) Local 550 members	This is a non-public meeting. The purpose of the meeting is to discuss changes made to the Paducah Site Profile since the ORAU Worker Outreach Team met with the union in February 2005.	X	
130	Worker Outreach	12/8/2009	Western Kentucky Building Trades Council, 1930 N. 13th St. Paducah, KY 42001	Paducah Gaseous Diffusion Plant	Western Kentucky Building Trades Council affiliate members	Non-public meeting to discuss the changes made to the to the Paducah Site Profile since the NIOSH/ORAU team last met with the Council in February 2005.	X	
<b>Pending Meetings</b>								
132	Worker Outreach	3/23/2010	United Steelworkers of America (USW) Local 40 Union Hall, 712 Buffington St., Huntington, WV 25702	Reduction Pilot Plant [Identified as Huntington Pilot Plant on NIOSH website]	USW Local 40 Steelworkers Organization of Active Retirees (SOAR)	This is an non-public meeting with retirees, some of whom may have worked at the Reduction Pilot Plant, also known as Huntington Pilot Plant. NIOSH will discuss the EEOICPA, as well as the Huntington Pilot Plant Site Profile.		
131	Worker Outreach	4/20/2010	NIOSH Workshop on Dose Reconstruction and the Special Exposure Cohort (multi-site representation, others to be added as confirmed), International Chemical Workers Union Council (ICWUC)/United Food and Commercial Workers Union (UFCW) Center for Worker Safe	Hanford, Reduction Pilot Plant	Invited attendees from Former Worker Medical Screening Programs at DOE nuclear weapons facilities will learn about the EEOICPA dose reconstruction and SEC petitioning processes in a 2-day workshop.	The ATL Worker Outreach Team will facilitate the 2-day workshop on Tuesday, April 20, and Wednesday, April 21, 2010. The NIOSH/OCAS Team will present information on EEOICPA Part B, dose reconstruction, and the SEC petitioning process. The ATL Team will conduct interactive exercises based on the OCAS presentations. At this time, ATL anticipates that attendees representing workers from Hanford, Iowa Ordnance Plant,		

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ID	Meeting Type	Meeting Date	Meeting Location	Covered Site/s	Meeting Audience	Meeting Note	Info Giv	Info Gath
						Paducah and Portsmouth Gaseous Diffusion Plants, Mound Plant, and the Huntington Pilot plant may attend.		

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**ATTACHMENT 4: DOCUMENTATION AVAILABLE IN OTS FOR CLOSED WORKER OUTREACH  
EVENTS CONDUCTED UNDER OCAS-PR-012**

ID	Meeting Type	Date	Action Items Assigned	Notification of Meeting	Sign-in Sheet File	Presentation File	Review Request Minutes	Final Meeting Minutes OTS	Meeting Minutes on NIOSH Website
37	Worker Outreach (Workshop)	3/3/2009	No	Yes	Yes	Yes	NR	NR	NR
39	SEC (SEC Outreach Meeting)	3/18/2009	No	No	No	No	No	NR	NR
113	SEC (SEC Worker Outreach Focus Group)	4/28/2009	Action Item #3	No	No	No	No	There are "meeting notes" in OTS, rather than traditional meeting minutes. Advance notice of this meeting was not provided to SC&A or the Advisory Board.	No
117	Worker Outreach (SEC Outreach Meeting)	8/11/2009	No	No	No	No	No	NR	NR
118	Non-NIOSH [Invited Forum (DOL Town Hall)]	8/11/2009	No	NR	NR	NR	NR	NR	NR
119	Non-NIOSH [Invited Forum (DOL Town Hall)]	8/11/2009	No	NR	NR	NR	NR	NR	NR

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ID	Meeting Type	Date	Action Items Assigned	Notification of Meeting	Sign-in Sheet File	Presentation File	Review Request Minutes	Final Meeting Minutes OTS	Meeting Minutes on NIOSH Website
120	Non-NIOSH [Invited Forum (DOL Town Hall)]	8/12/2009	No	NR	NR	NR	NR	NR	NR
121	Non-NIOSH [Invited Forum (DOL Town Hall)]	8/12/2009	No	NR	NR	NR	NR	NR	NR
116	Worker Outreach (Worker Outreach Town Hall)	8/13/2009	No	No	No	No	No	No	No
122	Worker Outreach (Worker Outreach Town Hall)	9/2/2009	Action Item #11	There was no correspondence informing individuals of the meeting.	No	No	No	No	No
125	Non-NIOSH [Invited Forum (DOL Town Hall)]	9/16/2009	No	NR	NR	NR	NR	NR	NR
126	Non-NIOSH [Invited Forum (DOL Town Hall)]	9/16/2009	No	NR	NR	NR	NR	NR	NR
127	Non-NIOSH [Invited Forum (DOL Town Hall)]	9/17/2009	No	NR	NR	NR	NR	NR	NR

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ID	Meeting Type	Date	Action Items Assigned	Notification of Meeting	Sign-in Sheet File	Presentation File	Review Request Minutes	Final Meeting Minutes OTS	Meeting Minutes on NIOSH Website
128	Non-NIOSH [Invited Forum (DOL Town Hall)]	9/17/2009	No	NR	NR	NR	NR	NR	NR
123	Worker Outreach (Workshop)	9/22/2009	No	NR	NR	NR	NR	NR	NR
124	Non-NIOSH [Invited Forum (DOL Town Hall)]	9/22/2009	No	NR	NR	NR	NR	NR	NR
129	Worker Outreach (Worker Outreach Town Hall)	12/7/2009	No	No	No	No	No	No	No
130	Worker Outreach (Worker Outreach Town Hall)	12/8/2009	No	No	No	No	No	No	No

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**ATTACHMENT 5: SUMMARY OF ACTION ITEMS FOR ALL WORKER OUTREACH MEETINGS IN THE OUTREACH TRACKING SYSTEM THROUGH MARCH 12, 2010**

No.	Facility	Detail	Commitment Date	Current Status	Resolution Detail	Resolution Date	OTS Comments
3	Mound	Look into aqueous source term for polonium processing.	8/28/2009	In process	None		
7	Chapman Valve	Former workers and their representatives provided NIOSH/ORAU with new/additional information: (1) date of fire; (2) existence/location of an incinerator used to burn uranium chips from lathing operations; (3) presence of enriched uranium (2.16%) on site; (4) questioned intake assumptions; (5) questioned upper bounds for internal exposure; (6) questioned air concentrations in comparison with other sites (NUMEC).	2/14/2005	Legacy	OCAS/ORAU revised the Chapman Valve Site Profile to include additional information based on worker input and data from the meeting and a subsequent e-mail from an attendee.	10/16/2006	TBD Update
8	Fernald	Meeting attendee commented that plant announcements were made concerning elevated radon levels following a project; stated that adding the information would be claimant favorable.	6/28/2004	Legacy	FMPC Site Profile Environmental Section revised (ORAU-TKBS-0017-4-Rev. 00 to Rev. 01): (1) Added totals to Tables 4.2a and 4.2b; (2) revised Tables 4.9a and 4.9b to include radon-222; (3) revised Table 4.10a to include intakes for uranium and non-uranium radionuclides; (4) revised table 4.10b to include site-wide intakes of radon-222; (5) added radon-222 concentrations to Table 4A in Appendix A.	2/7/2006	TBD Update

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No.	Facility	Detail	Commitment Date	Current Status	Resolution Detail	Resolution Date	OTS Comments
9	Hanford	Worker comments on Internal Dosimetry section of the Hanford Site Profile (ORAUT-TKBS-0006-5-Rev. 00): (1) Noted missing references for sources of data for calculations; (2) noted that Section 5.2.10 indicates that bioassay was considered "sufficient" and asked what NIOSH considers that to be; (3) ask how NIOSH determines exposures to isotopes such as neptunium that are harder to detect in bioassay (for unmonitored workers). A follow-up letter from the PACE local union provided more questions and additional information, as well as stating that the union disagrees with characterizations such as "strong radiation protection program" and "rigorous workplace monitoring."	4/22/2004	Legacy	Revision of Hanford Internal Dosimetry Section (ORAUT-TKBS-0006-5 Rev00 to Rev. 01) revised to address worker input. Excerpt from Whisper: "discuss historical limits and tolerance dose; discuss separations plant (1944–1946) and 231-Z (1945–1946); clarify intakes in the 300 Area uranium fabrication and the laundry facilities; expand information on 241-Am and 241-Am MDAs for 1946 and 1967–6/1969; add section 5.2.4.1 on assignment of tritium doses; add Table 5.2.5-5 (MDAs for non-routine uranium excreta analyses); revise Table 5.2.6-1 (Routine fission product analysis detection levels): add discussion of 214-Bi and 208-Tl in whole-body counting (section 5.3.1); expand section 5.7 on unmonitored workers; add tables and instruction to dose reconstructors for specific areas on the site; and include reference list that was inadvertently left out of the initial version."	11/24/2004	TBD Update

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No.	Facility	Detail	Commitment Date	Current Status	Resolution Detail	Resolution Date	OTS Comments
10	Hanford	Worker asked how information in the Site Description (ORAUT-TKBS-0006-2-Rev. 00) is validated. Stated that he worked in the B plant (during recovery operations) until Spring 1984. A subsequent letter from PACE local union concurs that the strontium and cesium recovery processes in 221-B operated until 1984, as well as pointing to conflicting information regarding dates for the operation. The letter also requests information on the ventilation problems in Building 303-J.	4/22/2004	Legacy	Revision of ORAUT-TKBS-0006-2-Rev. 00 to Rev. 00 PC-1: A sentence was added on page 10 to reflect the fact that the 137-Cs and 90-Sr recovery operations at the B Plant were completed in September 1983 and February 1985, respectively. Also revised sentence on page 11 regarding the 137-Cs and 90-Sr recovery operations; changed the date from 1979 to 1978 on page 12; added one paragraph on page 14, section 2.3.5, discussing the ventilation problems in Building 303-L; deleted items on page 32.	12/29/2004	TBD Update
11	Weldon Springs Plant	<b>[Redacted]</b> worked during the initial cleanup. During the September 2 meeting, he stated that he was told during that time that there was not thorium in the disposal cell. Mel Chew responded that he would get back with <b>[redacted]</b> to let him know whether Th was present at the time. ( <b>[redacted]</b> gave permission to be contacted, both in writing on the sign-in sheet and verbally to Mark Lewis).	9/30/2009	Closed	Mel Chew called <b>[redacted]</b> with the information regarding thorium at Weldon Spring during the initial cleanup period. See e-mail in Action Item File.	10/13/2009	Feedback to EE.

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## ATTACHMENT 6: ORAUT-PROC-0097 FINDING DISPOSITION RECOMMENDATIONS

Date	Procedure No.	Finding No./Page No.	Rating	Procedure Title	Status in Working Group Process
11/9/07	ORAUT-PROC-0097	PROC-0097-09	2	Conduct of Worker Outreach	Open
11/9/07	SC&A Finding: There is a two-track process of interviews seeking site expert information. One is formal and relates mainly to unions. It is the subject of PROC-0097. The other is informal and appears to concern interviews with health physics personnel and others whom NIOSH regards as site experts. There is no formal documentation procedure for these interviews.				
4/1/10	Recommended Action to Procedures Working Group: ORAUT-PROC-0097 was canceled and replaced with OCAS-PR-012, <i>Worker Outreach Program</i> . OCAS-PR-012 did not resolve this finding. Finding 4 of the OCAS-PR-012 procedure review includes a discussion on the multiple track process for documenting and evaluating comments collected from outreach activities and site expert interviews. SC&A recommends this finding be closed since it is duplicated under Finding 4 of the OCAS-PR-012 procedure review.				

Date	Procedure No.	Finding No./Page No.	Rating	Procedure Title	Status in Working Group Process
11/9/07	ORAUT-PROC-0097	PROC-0097-08	1	Conduct of Worker Outreach	Open
11/9/07	SC&A Finding: The procedure requires the audiotapes of the interviews to be destroyed after the minutes are finalized. Minutes may be finalized without an affirmative sign-off from the interviewees or their representatives, though such a response is sought.				
4/1/10	Recommended Action to Procedures Working Group: ORAUT-PROC-0097 was canceled and replaced with OCAS-PR-012, <i>Worker Outreach Program</i> . OCAS-PR-012 did not resolve this finding. Finding 5 of the OCAS-PR-012 procedure review includes discussion on destruction of audiotapes. SC&A recommends this finding be closed, since it is duplicated under Finding 5 of the OCAS-PR-012 procedure review.				

Date	Procedure No.	Finding No./Page No.	Rating	Procedure Title	Status in Working Group Process
11/9/07	ORAUT-PROC-0097	PROC-0097-07	4	Conduct of Worker Outreach	Open
11/9/07	SC&A Finding: This procedure does not provide a mechanism for all stakeholders to provide comments.				
4/1/10	Recommended Action to Procedures Working Group: ORAUT-PROC-0097 was canceled and replaced with OCAS-PR-012, <i>Worker Outreach Program</i> . OCAS-PR-012 does not resolve this issue. Mechanisms such as the docket are available for submitting comments; however, there is no formalized process for considering these comments. Improvement can be made in this area. SC&A recommends this finding be closed, since it is duplicated under Observation 4 of the OCAS-PR-012 procedure review.				

Date	Procedure No.	Finding No./Page No.	Rating	Procedure Title	Status in Working
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					Group Process
11/9/07	ORAUT-PROC-0097	PROC-0097-06	3	Conduct of Worker Outreach	Open
11/9/07	SC&A Finding: This procedure clearly focuses on union and advocate organizations and does not define a method for establishing contact with other stakeholders (e.g., former and current non-union personnel). Also, although the procedure requires conflict of interest disclosures for the WOTL, these are not made available to participants either in writing or on the appropriate web site.				
4/1/10	<p>Recommended Action to Procedures Working Group: ORAUT-PROC-0097 was canceled and replaced with OCAS-PR-012, <i>Worker Outreach Program</i>. OCAS-PR-012 has expanded the opportunities for workers outside unions and organizations to provide input into the dose reconstruction and SEC process through workshops, SEC Worker Outreach meetings, invited forums, and town hall meetings. These same opportunities provide opportunities for participants to receive information from NIOSH. SC&amp;A recommends that this aspect of the finding be closed.</p> <p>OCAS-PR-012 does not correct the issue associated with disclosure of conflict of interest at worker outreach meetings. SC&amp;A recommends this finding be closed, since it is duplicated under Observation 4 of the OCAS-PR-012 procedure review.</p>				

Date	Procedure No.	Finding No./Page No.	Rating	Procedure Title	Status in Working Group Process
11/9/07	ORAUT-PROC-0097	PROC-0097-05	4	Conduct of Worker Outreach	Open
11/9/07	SC&A Finding: Worker outreach meetings are specific to a particular site. In some cases, the location of the meeting solicits workers from other facilities. NIOSH should make an effort to put the correct SPTL in contact with the participant.				
	Recommended Action to Procedures Working Group: ORAUT-PROC-0097 was canceled and replaced with OCAS-PR-012, <i>Worker Outreach Program</i> . OCAS-PR-012 has provisions for attendance of OCAS and ORAUT Health Physicists, the SEC Petition Counselor, the Outreach Support Contractor staff, and/or the SEC ombudsman. SC&A recommends closing this finding.				

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Date	Procedure No.	Finding No./Page No.	Rating	Procedure Title	Status in Working Group Process
11/9/07	ORAUT-PROC-0097	PROC-0097-04	4	Conduct of Worker Outreach	Open
11/9/07	SC&A Finding: The procedure does not explicitly require worker outreach meetings for all sites where site profiles are being prepared, but it refers to ORAUT-PLAN-0010, which has such a specification.				
4/1/10	Recommended Action to Procedures Working Group: ORAUT-PROC-0097 was canceled and replaced with OCAS-PR-012, <i>Worker Outreach Program</i> . Under ORAUT-PROC-0097, the focus of outreach meetings was dominated by site profile development. ORAUT-PLAN-0010, which provided an implementation plan for ORAUT-PROC-0097 is also no longer effective. The current outreach program is predominated with activities related to SEC petitions and site profile updates, many of which are information giving meetings. Generic criteria are provided for when to schedule and conduct outreach meetings in OCAS-PR-012. Legacy issues exist from the period of time when ORAUT-PROC-0097 was in effect. The lack of worker outreach meetings supporting site profile development, historically, has not been resolved and, in some cases, has led to gaps in current site profiles. A specific example was addressed in the SC&A Sandia National Laboratory Livermore site profile review. SC&A recommends that a review of those site profiles, where no worker outreach was conducted be re-evaluated to determine whether the site profile would benefit from an information gathering meeting.				

Date	Procedure No.	Finding No./Page No.	Rating	Procedure Title	Status in Working Group Process
11/9/07	ORAUT-PROC-0097	PROC-0097-03	4	Conduct of Worker Outreach	Open
11/9/07	SC&A Finding: Some guidance is provided in relation to which comments require a response. Also, there is some room for subjective judgment as to who is included in the worker outreach program. A de facto two-track system—one governed by ORAUT-PROC-0097 for labor organizations and one for site experts, such as health physicists—appears to exist. However, the site expert track is not formally addressed in the procedure.				
	Recommended Action to Procedures Working Group: ORAUT-PROC-0097 was canceled and replaced with OCAS-PR-012, <i>Worker Outreach Program</i> . ORAUT-PROC-0097 was canceled and replaced with OCAS-PR-012, <i>Worker Outreach Program</i> . OCAS-PR-012 has actually eliminated any guidance in relation to comment response. Finding 1 and Finding 4 of the OCAS-PR-012 procedure duplicate and expand on this finding. SC&A recommends this finding be closed, since it is covered under Finding 1 and Finding 4 of the OCAS-PR-012 procedure review.				

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Date	Procedure No.	Finding No./Page No.	Rating	Procedure Title	Status in Working Group Process
11/9/07	ORAUT-PROC-0097	PROC-0097-02	3	Conduct of Worker Outreach	Open
11/9/07	SC&A Finding: There is linkage between ORAUT-OTIB-0097 and ORAUT-PROC-0031 (Site Profile and Technical Basis Document Development). Also, this is the only procedure that requires destruction of information, i.e., the audiotapes of the meetings are destroyed after finalization of the minutes.				
4/1/10	Recommended Action to Procedures Working Group: ORAUT-PROC-0097 was canceled and replaced with OCAS-PR-012, <i>Worker Outreach Program</i> . OCAS-PR-012 did not mitigate this finding. Finding 5 of the OCAS-PR-012 procedure review includes discussion on destruction of audiotapes. SC&A recommends this finding be closed, since it is duplicated under Finding 5 of the OCAS-PR-012 procedure review.				

Date	Procedure No.	Finding No./Page No.	Rating	Procedure Title	Status in Working Group Process
11/9/07	ORAUT-PROC-0097	PROC-0097-01	4	Conduct of Worker Outreach	Open
11/9/07	SC&A Finding: The procedure emphasizes outreach to union representatives and should be expanded to include all workers and stakeholders. In addition, there is no provision for classified interviews.				
4/1/10	<p>Recommended Action to Procedures Working Group: ORAUT-PROC-0097 was canceled and replaced with OCAS-PR-012, <i>Worker Outreach Program</i>. OCAS-PR-012 has expanded the opportunities for workers outside unions and organizations to provide input into the dose reconstruction and SEC process through workshops, SEC Worker Outreach meetings, invited forums, and town hall meetings. These same opportunities provide opportunities for participants to receive information from NIOSH.</p> <p>OCAS-PR-012 does not require that participants be told not to disclose classified or potentially classified information when providing comments. There are no requirements to notified participants that alternative arrangements can be made should they want to share classified or potentially classified information. SC&amp;A recommends this finding be closed, since it is covered under Observations 1 and 2 of the OCAS-PR-012 procedure review.</p>				

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## **ATTACHMENT 7: MISSION STATEMENT AND DRAFT IMPLEMENTATION PLAN FOR THE WORKER OUTREACH WORK GROUP**

### **The Advisory Board of Radiation and Worker Health Work Group on Worker Outreach Implementation Plan**

Presented to the Advisory Board February 11, 2010

#### **Mission Statement**

The Worker Outreach Working Group defined the following mission statement.

*The mission of the Advisory Board on Radiation and Worker Health's Worker Outreach Work Group is to evaluate the effectiveness of NIOSH activities in obtaining and making use of information from current and former workers and their representatives. The mission also includes monitoring and evaluating the effectiveness of NIOSH sources of assistance to assure this information is available to as many potential EEOICPA claimants as possible.*

To supplement this mission statement, the Advisory Board requested an implementation plan from the working group for further definition of the tasks to be completed. Unless otherwise specified, the term "worker" in this document includes nuclear weapons workers, claimants, petitioners, as well as representatives of any of them.

#### **Scope of Worker Outreach Working Group**

The current worker outreach procedure, OCAS-PR-012, *Worker Outreach Program*, issued on March 2, 2009, redefines the scope of worker outreach (OCAS 2009a). The procedure identified four types of outreach meetings: Worker Outreach Focus Group meetings, SEC Worker Outreach Focus Group meetings, Worker Outreach Town Hall meetings, and SEC Outreach meetings. Other types of meetings mentioned in OCAS-PR-012 include dose reconstruction workshops, and participation in meetings held by the Department of Labor (DOL). Detailed descriptions of meeting types are available in OCAS-PR-012. Further clarification of the definition of worker outreach was requested by the working group on June 16, 2009. OCAS provided input to the working group on June 24, 2009 (OCAS 2009b). Based on the definition of worker outreach provided by NIOSH, there are two general types of outreach meetings; information gathering meetings and information giving meetings. Some types of meetings both provide as well as gather information from workers, petitioners, and advocates. OCAS outreach meetings specifically include the following:

#### **Information Gathering**

- SEC Petition Evaluation Report Issues
- Site Profile/Technical Basis Document Development

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## Information Giving/Gathering

- SEC Petition Process Education
- Town Hall Meetings to Educate about Changes in Site Profile/TBD

## Other Outreach Venues (information giving and gathering)

- Dose Reconstruction Workshops
- Advisory Board Meetings
- Invited Forums
- Website/Docket

In addition to the worker and public outreach meetings, there are several sources of recurring information which should be collected and tracked for potential use in NIOSH technical work documents. Among those sources are Computer Assisted Telephone Interviews (CATIs), Public Health Advisor (PHA) meetings, Closeout Interviews (COIs), worker outreach databases (e.g., Top Hats, WISPR), and information letters. Reports from the NIOSH Ombudsman and SEC Petition Counselor should also be scanned for similar repetitive data. Tracking would focus on information provided by site operations, radiation protection, and incident reports, as distinguished from comments on individual cases.

## Objectives

The evaluation will be conducted by the work group under the following framework.

### **Evaluation Objective #1: Determine whether OCAS is taking appropriate measures to solicit worker input into site profiles, SEC petition evaluations, and other technical documents.**

Examine the procedures and processes by which OCAS solicits the involvement of workers by reviewing the following:

- How does OCAS determine whether an outreach meeting is to be conducted for a facility?
- How does OCAS identify and inform workers of the opportunities for input and follow-up to secure participation?
- Is the Outreach Tracking System (OTS) scheduling and notification system adequate?
- Are participants in outreach meetings notified in a timely manner?
- Are arrangements made to participate for those interested but unable to travel to outreach meetings?

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Examine several examples of OCAS solicitations and follow-up associated with several particular work products.

- Were the procedures followed and effective in practice?
- Did OCAS make an appropriately extensive effort to elicit broad and substantial participation from workers?
- Are there additional or improved methods for OCAS to consider?

**Evaluation Objective #2: Determine whether OCAS is obtaining and documenting input from workers.**

Review all OCAS and contractor processes and procedures associated with obtaining and documenting worker input.

- How does OCAS document worker input from information gathering meetings and other venues?
- Does OCAS have a method for noting re-occurring issues associated with worker communication from various venues?

Review a sampling of interviews and meetings where the above-referenced processes and procedures were implemented by OCAS and its contractors to determine whether they were followed and effective in practice.

- Was the desired information obtained and documented?
- Is the documentation of participants' comments accurate and complete?
- Is the draft of the meeting record available for appropriate participant review?
- Did the participants avail themselves of the opportunity to comment on the draft meeting record?
- Were comments incorporated into the final meeting record?
- Was the finalized meeting record made available in a timely manner to participants requesting copies?

Evaluate the conduct of outreach meetings.

- Is technical staff present at information outreach meetings where appropriate?
- Were appropriate introductory statements made at the beginning of the meeting?

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- Was there adequate time for presentations by OCAS?
- Were participants allowed adequate opportunity to provide comments?
- Are provisions made that are appropriate for interviews in a classified setting should the need arise?
- Are presentations developed at the appropriate level for the participants of the meeting?
- Are sign-in sheets utilized for outreach meetings so that attendees can be contacted, if needed, with follow-up information or questions?
- Are questions appropriate to solicit the desired information?

Evaluate the completeness and adequacy of the Outreach Tracking System (OTS).

- Does the OTS reflect the breadth and depth of the information provided by workers at the meetings?
- Did OTS integrate action items accepted by OCAS or its contractors during the course of the meeting?
- Were participant comments provided at information giving meetings included in OTS?
- Is OTS an adequate method for documenting and tracking worker comments?

Evaluate OCAS's tracking system for identifying trends in worker comments.

- Has OCAS documented repetitive or reoccurring issues on a site-wide or program-wide basis?

**Evaluation Objective #3: Determine whether OCAS is giving thorough consideration to information received from workers through the worker outreach efforts, incorporating consideration of that material into its work products, as appropriate, and adequately communicating the impact of substantive comments to workers.**

Examine the process by which OCAS and its contractors evaluate worker input.

- How does OCAS catalog and consider worker input for inclusion into its technical documents such as site profiles and SEC evaluation reports?
- What criteria are used to identify comments that deserve consideration for a response or action by NIOSH?
- Are the appropriate personnel evaluating the comments received?

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- Were follow-up discussions held with participants providing substantive comments, when necessary?
- What processes and procedures are place to ensure that NIOSH is following up on the response and action items?
- How is feedback provided to the workers in response to their comments?
- Did OCAS conduct research to evaluate substantive comments by participants and assess their impact on NIOSH documents, processes, and procedures?

Conduct a systematic review of worker outreach database(s) (at a point in time) in relation to its impact on technical documents.

- Select a sample of Site Profiles and SEC Evaluation Reports where worker outreach meetings have been done to document whether and how worker input has been considered and included and evaluate if exclusions were appropriate.
- Were the action items in OTS (or responses in WISPR and predecessor databases) appropriate to the comments received?
- Were recurrent issues appropriately responded to?
- Are comments applicable to the DOL portion of the process forwarded to DOL for consideration?

## References

ABRWH, 2007, *Transcripts from Meeting 44 of the Advisory Board on Radiation and Worker Health, Volume IV, Day Three*, Mason, Ohio, February 9, 2007.

OCAS, 2009a, *Worker Outreach Program*, OCAS-PROC-012, Office of Compensation and Analysis, National Institute for Occupational Safety and Health, Cincinnati, Ohio, March 2, 2009.

OCAS, 2009b, *Types of NIOSH Public Meetings*, National Institute for Occupational Safety and Health, Cincinnati, Ohio, June 24, 2009.