

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR DISEASE CONTROL
NATIONAL INSTITUTE FOR OCCUPATIONAL
SAFETY AND HEALTH

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ADVISORY BOARD ON RADIATION AND
WORKER HEALTH

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WORK GROUP ON WORKER OUTREACH

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WEDNESDAY
DECEMBER 2, 2009

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The Work Group convened in the Zurich Room of the Cincinnati Airport Marriott, 2395 Progress Drive, Hebron, Kentucky, at 9:30 a.m., Josie Beach, Acting Chair, presiding.

MEMBERS PRESENT:

JOSIE BEACH, Acting Chair
WANDA MUNN, Member
PHILLIP SCHOFIELD, Member

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ALSO PRESENT:

TED KATZ, Designated Federal Official
ISAF AL-NABULSI, DOE
BOB BARAK*
ANTOINETTE BONSIGNORE*
DENISE BROCK, OCAS*
MARY ELLIOTT, ATL
MORIAH FERULLO, DOE*
JOHN FUNK*
STU HINNEFELD, OCAS*
EMILY HOWELL, HHS
J.J. JOHNSON, OCAS
BONNIE KLEA, Santa Susana*
MARK LEWIS, ATL
JENNY LIN, HHS
TRESE LOUIE, DOL
VERNON MCDUGALL, ATL
ARJUN MAKHIJANI, SC&A
JOHN MAURO, SC&A*
KATHY ROBERTSON-DEMERS, SC&A
FAYE VLIIEGER*
ABE ZEITOUN, SC&A

*Present via telephone

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

2 (9:33 a.m.)

3 MR. KATZ: Good morning everybody,
4 everybody on the phone as well. This is the
5 Advisory Board on Radiation Worker Health.
6 It's the Worker Outreach Work Group and we're
7 getting started here. Let me just make an
8 announcement, our able Chair, Mike Gibson, has
9 a family situation and will not be with us
10 today, which is unfortunate.

11 But we have an agenda and we have
12 Josie Beach has graciously offered to pitch in
13 as the Chair for the day. And I think we know
14 where we're headed, so we should get started.

15 The first thing we'll do is run through roll
16 call as usual starting with Board members and
17 we're all in the room.

18 ACTING CHAIR BEACH: Josie Beach
19 filling in as Chair for Mike Gibson today. No
20 conflicts.

21 MEMBER MUNN: Wanda Munn, Board
22 member, member of this Work Group, no

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1 conflicts.

2 MEMBER SCHOFIELD: Phil Schofield,
3 Board member, no conflict.

4 MR. KATZ: Okay. And then just to
5 check there are no Board members, I assume, on
6 the line. Yes, okay. Then the NIOSH, the
7 OCAS-ORAU team in the room?

8 MR. HINNEFELD: Stu Hinnefeld,
9 Interim Director of the office.

10 MR. JOHNSON: J.J. Johnson, OCAS.

11 MR. KATZ: And when I say, okay,
12 ORAU, NIOSH and other contractors.

13 MS. ELLIOTT: Mary Elliot,
14 Advanced Technologies and Laboratories.

15 MR. LEWIS: Mark Lewis, Advanced
16 Technologies and Laboratories. We're
17 subcontractors of NIOSH.

18 MR. MCDUGALL: Vern McDougall,
19 ATL.

20 MR. KATZ: Thank you. And on the
21 line, any other OCAS or ORAU or contractors?

22 MS. BROCK: Denise Brock,

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1 ombudsman, NIOSH.

2 MR. KATZ: Welcome Denise.

3 Okay, that's it. And then SC&A in
4 the room?

5 MS. ROBERTSON-DEMERS: I'm Kathy
6 Robertson-Demers, SC&A, no conflict.

7 MR. KATZ: There's no conflict
8 potential for this Work Group.

9 MR. ZEITOUN: Abe Zeitoun from
10 SC&A.

11 DR. MAKHIJANI: Arjun Makhijani,
12 SC&A.

13 MR. KATZ: And on the line, SC&A?

14 DR. MAURO: Yes, John Mauro, SC&A.
15 Good morning everyone.

16 MR. KATZ: Good morning, welcome.
17 Okay. And then HHS and other government
18 officials and government -- other government
19 contractors in the room?

20 MS. HOWELL: Emily Howell, HHS.

21 MS. LIN: Jenny Lin, HHS.

22 MR. KATZ: And on the line, DOE,

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1 DOL?

2 MS. AL-NABULSI: Isaf Al-Nabulsi,
3 DOE.

4 MR. KATZ: Welcome.

5 MS. FERULLO: And Moriah Ferullo,
6 DOE.

7 MS. LOUIE: And Trese Louie, DOL
8 ombudsman.

9 MR. KATZ: Welcome. Okay. And
10 then any members of the public who wish to
11 identify on the telephone?

12 MS. KLEA: This is Bonnie Klea
13 from the Santa Susana Field Laboratory in
14 California.

15 MR. KATZ: Welcome Bonnie.

16 MS. KLEA: Good morning.

17 MR. KATZ: Okay, then. So that's
18 it. Josie let me just ask since we have a few
19 new faces or voices on the phone, please mute
20 your phones except when you're addressing the
21 group and if you don't have a mute button *6
22 works, press *6 again to take it off of mute.

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1 And if you have to leave the call,
2 hang up don't put he call on hold because that
3 will disturb the conference. Thank you.
4 Josie?

5 ACTING CHAIR BEACH: We're going
6 to go ahead and start with the agenda. The
7 agenda is available on the website if anybody
8 does not have the agenda in front of them.
9 Also, the first item is implementation plan
10 discussion and approval.

11 Kathy did make some extra copies
12 of the implementation plan if anybody here in
13 the room needs a copy that is available. And
14 I guess we'll just start with the
15 implementation plan. Kathy, I think you were
16 going to lead this?

17 MS. ROBERTSON-DEMERS: Yes, let me
18 make one clarification since Ted also sent out
19 a copy of the implementation plan and
20 basically what I have in the room and what he
21 sent out are the same with minor editing
22 changes.

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1 At the last meeting we revised the
2 implementation plan substantially and sent it
3 out to the Work Group members and other
4 interested parties. And what you have in
5 front of you is that implementation plan with
6 the corrections accepted.

7 And at this point, we need to go
8 ahead and decide how we want to proceed with
9 this implementation plan and have some
10 discussion related to that.

11 MR. KATZ: And just to remind
12 people of where we were with this, I think
13 this was more or less accepted by the Work
14 Group at the last Work Group meeting and at
15 the last Work Group meeting and subsequent
16 sort of email exchange opportunity following
17 that meeting.

18 And the plan then at that time was
19 to present it at the October Board meeting in
20 New York, but during the October Board meeting
21 in New York, the issue was raised of whether
22 this Work Group was going to address public

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1 comments that are provided at Board meetings.

2 And so I think that sort of is
3 what happened. Instead of discussing this
4 plan at that Board meeting, it was sort of put
5 aside so this Work Group could consider that
6 issue and whether or not it needs to be
7 addressed in this plan or can be addressed in
8 parallel with having this plan, it was put
9 aside, so it sort of tabled the issue. So
10 that's where we stand.

11 ACTING CHAIR BEACH: Well we
12 actually approved the mission statement at the
13 October Board meeting and that was all that I
14 thought and felt this Work Group needed to
15 have approved. I could be wrong on that. The
16 mission statement and then the rest of the
17 plan was --

18 MR. KATZ: So just to clarify, I
19 mean the Work Group doesn't have to have the
20 whole plan. I think that the idea was Mike
21 wanted to present the plan to the Board for
22 any feedback that the Board might give on the

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1 plan. But certainly, it doesn't need to be
2 approved by the full Board, the plan.

3 But there really wasn't an
4 opportunity for any exchange with the rest of
5 the Board about the contents of the plan.

6 ACTING CHAIR BEACH: Correct.

7 MR. KATZ: That's all of them.

8 ACTING CHAIR BEACH: Do we need to
9 cover today bringing public comment into this
10 plan? Has that been added or we haven't
11 discussed it all as a Work Group.

12 MS. ROBERTSON-DEMERS: Well having
13 talked to Mike I think that this
14 implementation plan evaluates the NIOSH Worker
15 Outreach Program and that's kind of a separate
16 item. And I believe at the moment he wants to
17 keep it that way, accept this implementation
18 plan and then agenda item 2 will get into
19 striking Board comments.

20 MR. KATZ: So that's a matter for
21 the Work Group to discuss.

22 MS. ROBERTSON-DEMERS: Right.

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1 MR. KATZ: I mean, how you want to
2 go forward with that.

3 ACTING CHAIR BEACH: It's something that
4 I have not discussed with Mike at all. So I
5 don't know where he's at on that. I know he's
6 spoken with Kathy.

7 MEMBER MUNN: But it does seem to
8 be a reasonable approach though. They are
9 two, although connected, necessarily different
10 types of activities and provide a different
11 set of data points really, much different
12 information than what we are --

13 ACTING CHAIR BEACH: So at this
14 time I think we should just go ahead and go on
15 with the implementation plan we have in front
16 of us. How do you guys want to do this? Do
17 you want to go line by line? I know Kathy's
18 asked for comments the last couple of days.

19 MEMBER MUNN: Yes, and she
20 received some comments from me, but they were
21 not on this. They were based on a prior
22 revision. And I still have some concern about

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1 the last few bullets on page 5. That is to
2 say under determining whether OCAS is
3 effectively informing workers.

4 I know we discussed this at
5 considerable length at our last meeting, but
6 we still are left with the issue when we read
7 these things I believe most of us know what we
8 want to try to determine here.

9 But there's still a major question
10 when we identify a bullet that says do the
11 participants understand what to expect in the
12 dose reconstruction and petition processes.

13 I'm not sure we can ever identify
14 what someone else understands. It's not clear
15 to me how one can quantify that. How can you
16 participate -- how can we identify whether the
17 participant understands the requirements for
18 submitting and qualifying.

19 You can say, have the requirements
20 for submitting and qualifying been presented
21 to the participant, but there's no way that I
22 am aware of if someone knows how to test --

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1 ACTING CHAIR BEACH: how to
2 measure that?

3 MEMBER MUNN: -- someone's
4 understanding then you're way ahead of me.
5 When we are wording these things, if we do not
6 know how and by whom then we need to perhaps
7 reconsider the wording and what our real
8 objective is. Those three right there.

9 ACTING CHAIR BEACH: Do you have
10 some examples of different wording there that
11 you would like to submit to us?

12 MEMBER MUNN: The only thing that
13 I can propose is that we word them in such a
14 way that we question whether the participants
15 have been informed what to expect in the dose
16 reconstruction and petition process. Have the
17 participants been advised of the requirements
18 for submitting and qualifying an SEC petition?

19 MEMBER SCHOFIELD: And Wanda, I
20 believe on the first two bullets, correct me
21 if I'm wrong Stu, there is a publication they
22 hand out we had Board meetings and it's also

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1 available on the website.

2 MEMBER MUNN: Yes. And the -- in
3 all of these cases we have materials that's
4 available to these people, but I think the
5 only thing we can really question is whether
6 or not they had been provided with them. I
7 don't think we can question whether they then
8 understood.

9 ACTING CHAIR BEACH: Well I
10 totally agree with you there. Maybe we need
11 to evaluate the material like you said and not
12 whether they understand it.

13 MEMBER MUNN: And then if we are
14 going to evaluate the material, who's going to
15 do that evaluation? Are we as a Work Group
16 going to do it? That's the next step in our
17 process and perhaps muddies the water to bring
18 that there right now.

19 But it appears it should be a
20 question that those of us who are writing this
21 have in our minds at the time we're
22 formulating the question.

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1 MR. KATZ: Can I say something
2 just add something technically here --

3 ACTING CHAIR BEACH: Sure.

4 MR. KATZ: -- just about
5 evaluating this kind of -- from my sort of
6 general knowledge. I mean people evaluate
7 programs of training all the time and
8 information and they do evaluate knowledge,
9 which is what you're questioning here.

10 Whether you want to hold OCAS sort
11 of -- I mean I think it's a separate question
12 of whether -- how much accountability there
13 should be for knowledge gained. I mean, but
14 that's not really -- if you want to know are
15 people -- do people really understand you can
16 evaluate that and it's done in government and
17 non-government programs all the time.

18 It tends to be fairly expensive,
19 you have to either focus group or survey
20 people to do that and ask them a lot of
21 pointed questions to get at what they
22 understand and what they don't understand.

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1 And then it's a whole separate question as to
2 what's going on in terms of why it is if
3 they're not understanding things that they're
4 not understanding things.

5 And that, it's a very -- so it can
6 be a very resource intensive process of
7 evaluating that. But it is something -- I
8 just want to clarify people do all the time
9 evaluate that very question, do people
10 actually understand what we're wanting them to
11 understand, to a training program, to an
12 informational program or what have you.

13 But it's up to the Work Group as
14 to how far down that road do you want to go?

15 MEMBER MUNN: Well, one also has
16 the issue of how do you even select the
17 participants for such an inquiry. And that in
18 itself is far beyond the scope of what our
19 goal, our stated goal was.

20 ACTING CHAIR BEACH: Well our
21 stated goal is evaluate whether OCAS's
22 communications result in adequate

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1 understanding of dose reconstructions in the
2 use of IREP and SEC petitioning processes.
3 So, Kathy, do you want to shed some light on
4 what we're thinking there? Is that more
5 towards the classes that OCAS gives or?

6 MS. ROBERTSON-DEMERS: It's more
7 towards the workshops and the material
8 provided on the website to explain the
9 processes and basic informational giving
10 meetings.

11 MR. ZEITOUN: But the gist --

12 MS. ROBERTSON-DEMERS: And it's in
13 the material.

14 MR. ZEITOUN: But the gist of the
15 outreach program is to communicate and ensure
16 that the public and whoever participates
17 understand the issues. And that's practically
18 the outreach, the outreach is not just giving
19 information and leave.

20 And that's how I see it, you know,
21 when you say outreach, it's a communications,
22 it's ability to patch information, understand

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1 that whoever receive it understand what he
2 received.

3 So that's outreach, you know, it's
4 just not just that information and that's it.

5 And that's what I see in the mission too --

6 DR. MAKHIJANI: Well I think there
7 are two separate issues clearly as Ted said,
8 you know, you can evaluate what people are
9 learning --

10 MR. ZEITOUN: Right. Right.

11 DR. MAKHIJANI: But how much of
12 that reflects on what the people are bringing
13 and whether they're paying attention, nodding
14 off or whatever and how much of it reflects on
15 the people who are making the presentation, I
16 mean this is a pretty tangled and difficult
17 question.

18 I think what should be separated
19 from evaluating the material and whether the
20 materials that are hopefully understandable by
21 those of us who are familiar with the thing at
22 least to start with and whether they reflect,

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1 you know, accurately what goes on.

2 And then as a separate matter
3 whether some subset of people are
4 understanding the material in which case
5 trying to develop some criteria what --
6 whether it we're evaluating the work of NIOSH
7 or we're evaluating the end result.

8 ACTING CHAIR BEACH: Okay. That
9 makes sense.

10 MEMBER MUNN: But it's really
11 difficult to sit here and consciously consider
12 the possibility of the kind of understanding
13 exercise that we've just touched on. The cost
14 and scope of such a program frankly frightens
15 me to death.

16 I can't imagine how much time, how
17 much money and how much organization would be
18 involved in that kind of a process. If we
19 want to -- I think we here as a Working Group
20 could assess and evaluate whether we consider
21 the materials understandable at a certain
22 level.

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1 But again, if you're going to go
2 into this understanding issue then you have to
3 ask who's understanding. Are you going after
4 the lowest common denominator or is it a
5 general standard of understanding? The
6 questions become extremely involved.

7 ACTING CHAIR BEACH: Well could it
8 be as simple as after workshop questioning a
9 couple of attendees to see what their general
10 understanding of the material they received?
11 Couldn't it be that as simple as that?

12 MEMBER MUNN: It could be, but the
13 issue that you encounter there is the what if
14 questions that people throw to you. Well
15 you've already self selected the people who
16 attended the workshop or people who wanted to
17 understand anyway.

18 And does that mean that the people
19 who didn't attend the workshop could ever
20 understand this material? I don't mean to be
21 negative about that, I'm just trying to point
22 out the realities. If that's what the group

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1 wants to do, then that's fine.

2 But you're right Josie, that if we
3 want to do a sample, sampling kind of, of how
4 much of this did you really understand, do you
5 think it's okay, then that's something we
6 probably could undertake. How thorough that
7 is in reaching, there's a common level of
8 understanding, what's that mean? I'm not
9 sure.

10 MEMBER SCHOFIELD: I've got a
11 question for you Stu. Lori does a lot of
12 these worker outreach meetings and stuff so
13 I'm sure she gets questions come back into
14 her. Is any of this documented questions she
15 receives and the answers that are then sent
16 out from OCAS?

17 MR. HINNEFELD: Well if it's one
18 of our sponsored meetings, like an SEC
19 outreach meeting, which is where she would go,
20 you know, to those meetings --

21 MEMBER SCHOFIELD: Right.

22 MR. HINNEFELD: So those are

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1 coordinated through the ATL contract. And so
2 they would be -- that's one of the categories
3 of meetings that we document minutes and put
4 our outreach application on our website. So,
5 it's not on our public website, it's on our
6 staff tools.

7 So, in that instance, yes there's
8 documentation of that. Now in terms of
9 response back, I guess I'm a little out of the
10 loop now. How do we -- do we deal with
11 responding back to commenters or questioners
12 or do we feel like we answer them in the
13 meeting?

14 MR. JOHNSON: I think Lori is well
15 capable and the answers that she provides are
16 sufficient to answer the questions that are
17 likely asked at any of those outreach meetings
18 that she attends. There's information and
19 they're specifically for her SEC-focused and
20 consequently she's kind of a guru of that
21 area.

22 MR. HINNEFELD: And often times

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1 there's a -- I don't know if this happens
2 every time, but I think most of the time
3 there's health physicist in there as well at
4 those outreach meetings. So I mean someone
5 who can provide an answer to a health physics
6 type question.

7 MEMBER SCHOFIELD: Well, is any of
8 this actually documented the feedback to the
9 claimant so that these questions come, and I
10 don't mean to put Lori --

11 MR. HINNEFELD: Well I guess if it
12 were --

13 MEMBER SCHOFIELD: -- on the spot.

14 MR. HINNEFELD: It would be
15 documented in the minutes of the meeting I
16 supposed. But this was -- I don't exactly
17 know.

18 MEMBER SCHOFIELD: Okay. I'm
19 assuming that maybe there's questions come
20 back in days, weeks later to her from one of
21 these meetings. And like I said I'm not
22 trying to put her on the spot.

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1 MR. HINNEFELD: Well, any question
2 that would come into her later she would
3 answer.

4 MEMBER SCHOFIELD: Right. But is
5 this documented anywhere?

6 MR. HINNEFELD: It would be in the
7 email trail probably because that's usually
8 how they come in and that's usually how she
9 answers. So, I mean yes, I mean that's where
10 it would be documented. The letter -- if it
11 comes in in the letter, it will be probably
12 answered in a letter.

13 But most of them I think come in
14 by email. If it comes in on a phone call I
15 don't know that there will be a record of it.
16 There might be and there might not.

17 MR. KATZ: Well, I mean, I think
18 at times that that's recorded in either the
19 SEC Viewer or in the -- for the claims if it's
20 a claimant they'll make notations for --

21 MEMBER SCHOFIELD: Right. Lori
22 will make notations that this is all about a

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1 question --

2 MR. HINNEFELD: The claim specific
3 -- if a person calls with a question about
4 their claim, that will go in NOCTS.

5 MR. KATZ: Right.

6 MR. HINNEFELD: If a person calls,
7 particularly someone who's not a claimant and
8 has a question about SEC about calling an SEC
9 petition or something, I don't think we have a
10 place to record that right now. So it kind of
11 goes that way.

12 If someone who is a petitioner
13 calls and, you know, I don't know if we record
14 that in SEC Viewer or not.

15 MR. KATZ: Let's ask, Denise are
16 you with us still?

17 MS. BROCK: I am, and it is
18 actually in SEC Viewer. If we have a
19 petitioner call then we can actually log that
20 right into the SEC Viewer for that petitioner.

21 And, you know, many times I'll get calls from
22 claimants or folks that just have general

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1 questions.

2 And if they're not a specific --
3 if they don't have a specific claim, I
4 actually log that in a report that I send to
5 Ted.

6 MR. HINNEFELD: Thank you, Denise.

7 MS. ROBERTSON-DEMERS: May I ask a
8 clarifying question? What is the difference
9 between the SEC Viewer and the docket?

10 MR. HINNEFELD: Well, a docket is
11 most often used for regulatory processes and
12 its comments that received -- I don't even
13 know what puts something on the docket, do you
14 know?

15 MR. KATZ: There is -- the website
16 invites comments, those go to the docket for
17 comments on sort of TBD type profile matters.
18 Those are invited as well as petition
19 evaluations. So, those can come into the
20 docket. I've never looked in the docket to
21 see what's there.

22 MR. HINNEFELD: Our communications

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1 staff, you know, keeps up with that and I
2 don't know for sure how many things end up
3 there.

4 It's not one of our applications I
5 can go look at like open my computer and look
6 at like I can with SEC Viewer.

7 ACTING CHAIR BEACH: So back to
8 Wanda's comment under objective 4. What are
9 some other thoughts on that needs to be
10 changed or --

11 MS. ROBERTSON-DEMERS: I'm going
12 to throw out a suggestion and I'll just do it
13 for one, for the first bullet. What if we
14 said, is communication provided on the dose
15 reconstruction and petition process effective.

16 MEMBER MUNN: But you still have
17 the question of who defines that effective and
18 how. I guess if one wants to follow the train
19 of reasoning that Josie presented for us
20 earlier, we could pose the question for
21 example, were participants asked to verify
22 that they understand this?

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1 I don't know what kind of
2 quantification you'd get out of that, but it's
3 one of the other options you could consider.

4 The question really is are you
5 really going to try to evaluate the
6 understanding that people have of the material
7 that's been placed before them rather than
8 just the material itself.

9 And if you really and truly want
10 to try to query the understanding, then we
11 need to decide how we would like to query that
12 within reasonable bounds, because we do set
13 limits how far we can go with that. But if we
14 want to suggest some way to query, then
15 perhaps we can develop something of that line
16 here.

17 ACTING CHAIR BEACH: And who and
18 how hasn't really been discussed in full
19 details. I think we need to stick with the
20 implementation plan itself and get this
21 finished up before we move into that.

22 MEMBER MUNN: Admirable plan. The

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1 question that we have in our written materials
2 needs to be clear enough that we can explain
3 it to other people, I think.

4 ACTING CHAIR BEACH: Well, I
5 agree. I agree with that.

6 MEMBER MUNN: And that's why I'm
7 questioning the wording that we have in these
8 three bullets at this time.

9 DR. MAKHIJANI: You might
10 consider, Mark you all do participant
11 evaluation and you have an evaluation sheet
12 people fill out --

13 MR. LEWIS: From the workshops.

14 DR. MAKHIJANI: -- from your
15 workshops when you do outreach, people fill
16 out evaluations for you, right. I mean I
17 think last time you've even shared some of
18 those with us for the one that I was at.

19 Now, one possible approach might
20 be to have a bullet that says evaluate
21 materials from the point of view of the
22 Working Group. The Working Group, the one in

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1 the driver's seat -- you are the answer to the
2 who does it and then you can delegate or not
3 as you please.

4 But, we can evaluate the
5 materials, which would be simpler, and then
6 maybe follow Josie's suggestion, keep these
7 bullets with the understanding that initially
8 we would have some kind of formal process of
9 interviewing a couple of the people at the
10 end, you know, having -- because in a way this
11 is sort of what Mark and Christine probably
12 already do.

13 And we should be working with them
14 to figure out how they are evaluating the
15 effectiveness of their workshops and
16 adequately we may not need to go much farther
17 in that.

18 Because it's like, you know, when
19 you're teaching, you know, and I can -- that's
20 what's in the back of my mind I taught for
21 many years, and whether -- you always feel
22 you're doing a very good job, but sometimes,

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1 you know, you may not be doing a good job.

2 But most of the time, you know,
3 what happens in the exam or whether somebody
4 understands something depends on what effort
5 they've brought to the table, not how good a
6 job you did. And so it's going to be a pretty
7 tangled thing.

8 So this informal process, and
9 maybe what Mark -- understanding what Mark's
10 team is already doing, may be a starting
11 point. You can leave these in with that
12 understanding on the record that that's how
13 we're -- that might be one way to kind of get
14 the thing going and then re-evaluate it and
15 not understand that we won't dedicate a lot of
16 resources to it in the beginning.

17 ACTING CHAIR BEACH: Well, and I
18 guess my way of thinking under this whole
19 process, the most important point is knowing
20 whether the claimants or the people that
21 attend the workshops understand what has been
22 given to them.

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1 It doesn't matter how we change
2 the wording that's still what we want to know
3 in reality. So I don't know. I feel like we
4 should leave it as is at this time unless
5 someone has some real problems with this
6 wording.

7 I tend to agree with Arjun and I
8 also agree with you Wanda that it would be
9 difficult, but I still think the bottom line
10 is we want to understand if the people are
11 getting what information they need.

12 MEMBER MUNN: Well I'm still
13 saying if we do that, then our wording here
14 ought to ask whether we have access to a
15 method for doing that. If we're going to rely
16 on something that's already being done, then
17 the question still needs to be, is there a
18 record or were participants queried as to
19 whether or not they understood.

20 Because without that query,
21 there's no way that we can do that and we
22 can't grade them. We're not going to have a -

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1 - it's going to be a pass/fail kind of thing;
2 yes people did understand or no people didn't
3 understand and yes some people understood and
4 no other people didn't understand.

5 But the real bottom line is, do we
6 have anything -- how do we get anything to
7 evaluate that from? If something already
8 exists where we can make that evaluation, then
9 we need to have that in our minds as we move
10 forward with the plan.

11 MEMBER SCHOFIELD: This is a
12 simple thing to ask Mark. After you've had a
13 meeting with these people, do you send, ever
14 send out like questionnaires to them?

15 MR. LEWIS: Well, are you talking
16 about not a workshop, but going to a site with
17 a site profile or SEC meeting?

18 MEMBER SCHOFIELD: Right.

19 MR. LEWIS: No.

20 MEMBER SCHOFIELD: Okay.

21 MR. LEWIS: But they call us often
22 times later, you know, but no the short answer

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1 is no.

2 MR. ZEITOUN: But you know I just
3 listened to Stu and regarding the issues that
4 every meeting you are allowing questions and
5 answers.

6 Isn't that by itself a way of
7 trying to satisfy the recipients, that they
8 understand what you are giving them? That by
9 itself a good indication that there is
10 communication going on and there is kind of
11 reliability of information passage.

12 MEMBER MUNN: In my mind, yes.
13 But then the question needs to be were
14 participants given an opportunity to indicate
15 that they understood or did not understand
16 what to expect. Giving participants an
17 opportunity to say I don't understand this is
18 in itself one of the things that I thought the
19 group was trying to get at.

20 But then if people do not avail
21 themselves of the opportunity to understand,
22 then as Arjun pointed out, this often has to

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1 do with effort that the individual puts in to
2 the process.

3 MR. MCDOUGALL: To Wanda's point,
4 and I think we have two things here we have
5 outreach meetings and then we have the
6 workshops and they have different purposes.

7 But in the outreach meeting, none
8 of those meetings ever ends until nobody has a
9 hand up. So --

10 MEMBER MUNN: When all the
11 questions are answered.

12 MR. MCDOUGALL: So the opportunity
13 to ask questions is there. But I would also -
14 - I just want to mention that these meetings
15 didn't start out as training exercises and I
16 would encourage you not to necessarily think
17 of these as training in that the communication
18 only goes one way.

19 The idea of these meetings is to
20 exchange information --

21 MEMBER MUNN: Engage the
22 participants, yes.

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1 MR. MCDOUGALL: Yes. Yes. And in
2 fact a lot of these started back when the site
3 profiles were being done --

4 MEMBER MUNN: Yes.

5 MR. MCDOUGALL: -- in order mainly
6 to collect information.

7 MS. BROCK: This is Denise, if I
8 might add something. I have attended some of
9 these --

10 MR. KATZ: Denise.

11 MS. BROCK: -- workshops that ATL
12 has done and I find them very helpful and
13 conducive to the folks that are there and I'm
14 talking about the workshops where ATL host
15 those typically in Cincinnati and there are
16 union folks there. And the last time we had
17 actually had several advocates.

18 And I've gotten a lot of positive
19 feedback actually from those type of workshops
20 in the way that ATL interacts or asks for the
21 interaction with the participants to me is so
22 helpful and you can actually see some of the

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1 understanding come across some of their faces.

2 And something that I found very
3 helpful is the group activities. And I've
4 actually incorporated that in mine, every time
5 I've done one of these on my own and I find
6 that very helpful, especially when you have a
7 group of folks because they're able to
8 actually pool their thoughts and work together
9 talking about it or discussing things that
10 they have learned in that workshop sitting
11 right there and then there's always the
12 question and answer period.

13 And I find those type of workshops
14 very helpful. And like I said, I've always
15 had positive feedback. Although I've actually
16 sat in on another type, and I don't know what
17 type of meeting that would be, but that is
18 when ATL had recently come in and conducted
19 something for the Weldon Springs site in where
20 they were inquiring about things that went on
21 maybe at the site.

22 And there was a bit of confusion

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1 there, but that was a different type of
2 meeting. And I think that maybe some of the
3 folks there were just a bit perplexed because
4 they weren't even aware of the programs, some
5 of them.

6 So there's so many different
7 levels of understanding within this program,
8 there's so many nuances. And you may find
9 somebody that's been at this for five years,
10 and I'm talking about union person or an
11 authorized representative or a claimant or you
12 may find somebody that has never even heard of
13 the program and just filing a claim.

14 So you've got a lot of different
15 areas here that, you know, levels of
16 understanding.

17 ACTING CHAIR BEACH: Thanks,
18 Denise.

19 MR. HINNEFELD: This is Stu, if I
20 could offer something. The discussion here, I
21 think like Wanda I share all your points, but
22 I wonder if maybe you're getting a little

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1 specific for this document.

2 For instance, it's almost like
3 you're filling out the QA checklist before you
4 go do your assessment of a particular meeting
5 or workshop. And for this assessment, based
6 on the information in our -- by the
7 implementation plan, I'm going to look at
8 these more specific things in order to satisfy
9 these criteria for this particular assessment.

10 And I wonder if maybe you're
11 getting a little specific. And we're going to
12 assess this characteristic in this fashion,
13 you know, those sort of things. I wonder if -
14 - and I do agree that terming there, their
15 understanding is quite complicated and
16 unusually expensive.

17 But a slight change in the working
18 about I think the one Kathy offered, but I
19 don't remember the exact words, but that
20 sounded -- it didn't really focus on did they
21 understand it's did NIOSH do something.

22 And then to -- and then as you --

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1 as whoever is going to evaluate an activity
2 goes to that activity, they could in
3 preparation for going to assess some activity
4 look at the implementation plan and here, pick
5 out the ones that they're going to assess and
6 kind of do a secondary document.

7 In order to assess this thing,
8 this one item in the implementation plan, I'm
9 going to do these things. And to assess
10 these, I'm going to do these things. Like
11 filling out a QA checklist before you go and
12 do an audit or something.

13 DR. MAKHIJANI: I agree with Stu.

14 I mean we informally discussed this exact
15 same question in preparation for this meeting.

16 And we thought that initially at least we
17 need some more experience and understanding
18 what NIOSH and Mark's team are doing and a
19 more informal approach.

20 Ultimately, you know, you do one
21 to know, I mean NIOSH wants to know whether
22 the people came and the resources you expended

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1 were well expended, you know, and whether the
2 right people were at the table that you wanted
3 to reach in terms of going away and so on.

4 So you want some way of knowing
5 whether this activity is worth while and
6 people are going away with the understanding.

7 So that has the two pieces, you know, what
8 NIOSH brings to the table or what the
9 participants bring to the table. But that's
10 ultimately what you want to know.

11 But initially I think, initially
12 we, the Working Group itself will need more
13 information in order -- and collaboration with
14 Mark and it's a different thing than say
15 auditing a dose reconstruction where you've
16 got completed, you know, set of numbers and
17 you say, okay I've got a checklist, I know
18 exactly what needed to be done and it was
19 done. This thing didn't follow the procedure.

20 This is much more fluid and --
21 because the goal is. And so we, I think it
22 needs to be somewhat more informal at least at

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1 the start.

2 ACTING CHAIR BEACH: Okay. Kathy
3 did you have something?

4 MS. ROBERTSON-DEMERS: No.

5 ACTING CHAIR BEACH: I thought you
6 wanted to speak. So we --

7 MS. ROBERTSON-DEMERS: Oh, I did.

8 ACTING CHAIR BEACH: Okay.

9 MS. ROBERTSON-DEMERS: You want me
10 to repeat it, what I said?

11 ACTING CHAIR BEACH: Your change
12 and the --

13 MS. ROBERTSON-DEMERS: The change
14 in wording.

15 ACTING CHAIR BEACH: Sure.

16 MS. ROBERTSON-DEMERS: The
17 communication provided on the dose
18 reconstruction and SEC process.

19 ACTING CHAIR BEACH: Now that's
20 for the first bullet.

21 MS. ROBERTSON-DEMERS: And you
22 have similar wording on down.

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1 MEMBER MUNN: That still leaves us
2 with the question of how do you determine
3 understanding.

4 ACTING CHAIR BEACH: Yes.

5 MEMBER MUNN: It seems to me all
6 we can do is ask whether an attempt has been
7 made to see that participants understand, you
8 know, have participants been given an
9 opportunity to indicate they do or do not
10 understand or has anyone -- have they been
11 asked if they understand.

12 We can identify that, you don't
13 have to identify how it was done, but we can
14 identify whether it was done. I don't know
15 how we can ask anything other than do you
16 understand that.

17 ACTING CHAIR BEACH: I think I'm
18 changing from what I originally thought. I
19 think we should stick with the original
20 wording because if you look at the main
21 sentences we're asking to evaluate OCAS's
22 communication results and adequate

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1 understanding of dose reconstructions.

2 And if you change that, you need
3 to go up and change that wording also. What
4 does everybody else think? I think we should
5 leave it as is at this point. What do you
6 think?

7 MEMBER SCHOFIELD: I think we
8 should leave it at this time until --

9 ACTING CHAIR BEACH: I think we do
10 have to get into how we're going to do that,
11 but I don't think this is the time to do it
12 just yet.

13 MEMBER SCHOFIELD: No.

14 ACTING CHAIR BEACH: Okay. So
15 let's go back to the first page and we do
16 have, excuse me, until 10:45 to go through
17 this and then we were going to change topics.

18 So I would like to go through the
19 first page, we've already got the mission
20 statement approved to the scope of work or
21 outreach Working Group. Does anyone have any
22 issues with that paragraph?

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1 (No response.)

2 ACTING CHAIR BEACH: I don't feel
3 like we need to read each paragraph, but let's
4 just go through and I know Wanda had a couple
5 of comments, but not until page 2. So
6 anything on the first page that anybody has
7 any problems with?

8 (No response.)

9 ACTING CHAIR BEACH: How about
10 page 2?

11 MEMBER MUNN: And the only
12 questions that I had were ones that we've
13 already touched on with respect to, this may
14 not be the time to address it because my
15 questions were all right who's going to do
16 this.

17 ACTING CHAIR BEACH: Who's going
18 to do this?

19 MEMBER MUNN: Yes.

20 ACTING CHAIR BEACH: Yes.

21 MEMBER MUNN: Adequate to who's
22 standards? Who sets the standards, what,

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1 where? But that's not --

2 ACTING CHAIR BEACH: But with the
3 wording itself, there's no -- you had no
4 issues with the wording?

5 MEMBER MUNN: That's not for this
6 particular discussion, no. My questions were
7 all who decides questions and that's later.

8 ACTING CHAIR BEACH: I know most
9 of us had this in front of us for the last few
10 days and had an opportunity to look at it. I
11 know some of you are just getting it today,
12 the latest version.

13 MEMBER SCHOFIELD: I do have one
14 thing that -- find the use from the CATI
15 interviews.

16 ACTING CHAIR BEACH: Where are you
17 at Phil? Are you on objective 1?

18 MEMBER SCHOFIELD: On page 2.

19 ACTING CHAIR BEACH: Okay.

20 MEMBER SCHOFIELD: Right up near
21 the top in that paragraph that says you know,
22 talk about sources. Since these are all done

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1 on an individual basis by different people,
2 the CATI interviews, I don't know how we can
3 track some of that information from the CATI
4 interviews because a lot of it is personal
5 data or personal information would be mixed in
6 there.

7 MS. ROBERTSON-DEMERS: I think
8 what we meant here was generic information
9 that's provided. They -- if an individual
10 mentions an incident that involved 10 people,
11 that may be beneficial generically to dose
12 reconstruction for all 10 people.

13 MEMBER SCHOFIELD: So the person
14 doing the CATI interview would actually need
15 to break that out from that interview and make
16 a notation of that or say the TBD or something
17 like this for a particular site or facility.
18 Is that -- that's my understanding.

19 MS. ROBERTSON-DEMERS: Right.

20 MR. KATZ: Phil, on page 2, this
21 is just identifying the different venues in
22 which information is given.

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1 MEMBER SCHOFIELD: Right.

2 MR. KATZ: That's all it does
3 here. It's not -- there's nothing valued
4 that's about this statement here. It's just
5 listing the various venues by which
6 communication is given and received.

7 MEMBER SCHOFIELD: Right. I just
8 wondering how we were going to break it out of
9 the CATIs because of the fact the way they are
10 handled, the way they're done.

11 DR. MAKHIJANI: Stu, doesn't NIOSH
12 actually have a process where the dose
13 reconstructors make a judgment from a CATI
14 where something is a generic issue. Of course
15 it comes up in our own dose reconstruction, in
16 our review that's what we would be doing.

17 MR. HINNEFELD: Yes, we wouldn't
18 necessarily expect a CATI interviewer to
19 discern that, but each of these CATIs is
20 reviewed by a health physicist, you know, when
21 you're picking up for dose reconstruction and
22 issues that are not, sort of generic or

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1 expected.

2 You know, and that's one thing
3 that maybe I want to mention here is that we
4 aren't going to in a site profile mention
5 every blow out, blow outs at Fernald because
6 there were many. I mean we know they
7 happened, and we know they happened with some
8 regularity.

9 And so we're not -- we don't
10 necessarily say much about that and we're not
11 going to certainly mention because somebody
12 mentions that, then well, the alarms would go
13 off and we'd evacuate. And, okay, we know
14 that was part of that work process there.

15 So, the instance would be
16 something pretty extraordinary. You know, an
17 event being recounted by a claimant that the
18 HP would say, this is different, you know,
19 this is not the kind of thing we would expect
20 for the work in that location and therefore
21 something we have to worry about.

22 So that's where it should occur as

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1 an HP reviewer. And that should be happening
2 now. Now you're going to ask me can I show
3 you examples of when that happened.

4 And no I can't today and I don't
5 know how to retrieve them exactly, because
6 once that happens there, then the pathway
7 follows there's not really a defined pathway
8 for that to follow when something's raised in
9 there.

10 MEMBER SCHOFIELD: But in essence,
11 you already have procedure?

12 MR. HINNEFELD: Yes, and in fact
13 we're pretty clear on our instructions.
14 Information recounted in the CATI has to be
15 reflected in the dose reconstruction, even if
16 it's just to say that these events are in
17 accordance with what we understand that work
18 situation was and therefore this dose
19 reconstruction accounts for these kinds of
20 events.

21 MEMBER SCHOFIELD: Okay.

22 MS. ROBERTSON-DEMERS: Let me ask

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1 a follow up question. When you come up with
2 some generic issue, somebody says we handle
3 einsteinium such and such in building X and
4 that's new information to you, does that get
5 tracked anywhere?

6 MR. HINNEFELD: Probably not in
7 the way that you're thinking. It would have
8 to be by the dose reconstructor who would
9 determine that. You know, I don't have a
10 method for that, the person wasn't monitored
11 for that, I don't know what to do with this.

12 And so at that point there would
13 be some investigation on it, but we don't
14 build a database of instances of that
15 occurring. I mean it would be taken care of
16 in that dose reconstruction. That's probably
17 what would be done today.

18 ACTING CHAIR BEACH: Any other
19 comments on page 2 under objective 1? Okay.
20 How about objective 2, page 3, for asking to
21 determine whether OCAS is obtaining and
22 documenting input from workers. Any comments

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1 or changes we need to make on that page?

2 MEMBER MUNN: No, we worked that
3 one pretty heavily for the last few meetings I
4 think.

5 ACTING CHAIR BEACH: I'm on page 4
6 under objective 3, determining whether OCAS is
7 giving thorough consideration to information
8 received from workers due to the worker
9 outreach efforts incorporating consideration
10 of that material into its work products as
11 appropriate and adequately communicating the
12 impact of substantive comments to workers.

13 Any comments or changes anybody
14 has for those bullets?

15 MEMBER MUNN: We reworked those
16 pretty well.

17 ACTING CHAIR BEACH: Yes, I think
18 we reworked most of this. That takes us to
19 page 5, any comments there still under
20 objective 3? So how are we doing,
21 implementation plan. Are we going to accept
22 it, should we informally vote on it or what do

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1 you think Ted?

2 MR. KATZ: You can formally vote
3 on it.

4 ACTING CHAIR BEACH: I know. Any
5 other -- any problems? I guess I had a
6 question on, you know, how are we going to do
7 things and we have a few minutes. Kathy have
8 you given any thought in SC&A's world of how
9 this is going to be done?

10 I kind of thought appendices to
11 this of check sheets or different things on
12 how we are going to do it, but I mean I
13 haven't really looked into that or thought
14 about it a whole lot.

15 MS. ROBERTSON-DEMERS: Actually I
16 tried to apply some of these criterias to like
17 the workshop that we went to. I'm in the
18 process -- only certain portions of it are
19 going to be applicable to certain activities.

20 So it's kind of broken down as
21 before, during and after and then information
22 gathering. So if I went to a workshop I might

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1 not have OTS -- that's where the process
2 occurred because there wasn't any feedback
3 provided by the workers.

4 With respect to evaluating how the
5 comments were incorporated into the technical
6 document, what I had thought was we need to do
7 examples of the three databases; top crop,
8 WISPR and OTS and the level of sampling is up
9 to the Working Group and then follow through
10 on whether those comments have evolved.

11 ACTING CHAIR BEACH: Okay.

12 DR. MAURO: Josie, this is John.
13 I have an overarching question that relates to
14 the answer that Kathy just gave you to your
15 question. This implementation plan is the
16 Work Group's implementation plan. Let me
17 explain what I mean.

18 In the past, for example whether
19 we're talking about procedure reviews or we're
20 talking about dose reconstruction or site
21 profile reviews, SC&A prepared a very detailed
22 implementation plan for how we would go about

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1 doing such reviews.

2 So it was SC&A's document of how
3 we were going to go about doing the things
4 that need to be done on behalf of the Board.
5 And those plans were, of course, reviewed and
6 approved by the full Board.

7 This is something a little
8 different that, and let me know if you see it
9 this way also, this is not SC&A's
10 implementation plan, this is the Work Group's
11 agreement amongst the Work Group on what you
12 believe needs to be done to fulfill its
13 mission.

14 So it's really a document, it's
15 your document that of course we're helping as
16 we can to help in its preparation, but in the
17 end, when voted upon it is the Work Group's
18 implementation plan which you will then use
19 to, I guess, as your baseline to -- as a
20 platform from which to move forward with any
21 particular activity related to an upcoming
22 outreach meeting.

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1 And I assume that you folks would
2 give us direction on which -- for example, as
3 Kathy just described as one of the things that
4 could be done is within the context of the
5 existing Work Group's implementation plan, I
6 could envision direction coming from the Work
7 Group that yes, you would like us to attend a
8 particular meeting.

9 And perhaps you could also request
10 that given the nature of the meeting, there
11 are certain aspects that, for example, Kathy
12 had mentioned that an addendum or almost like
13 a specific outline of what we might hope to do
14 for that particular meeting.

15 So in other words, I'm trying to
16 find a boundary between the implementation
17 plan as it is being finalized right now and
18 see if in fact this agreement that this is the
19 Work Group's implementation plan, it's not
20 SC&A's implementation procedure.

21 ACTING CHAIR BEACH: Right.

22 DR. MAURO: Okay. Good. And then

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1 if and when the Work Group wants to give
2 direction to SC&A for a particular meeting,
3 it's at that point that that direction could,
4 you know, where -- I guess you could discuss
5 okay, what is it that we may want to do and
6 get to a higher degree of resolution.

7 For this particular meeting, there
8 may be certain things you may want to do or
9 talk about. So I guess, I see this idea of an
10 appendix, I don't know if I see it the same
11 way because an appendix makes it part of your
12 plan.

13 I see the things that we prepare
14 for -- in preparation for or as part of a
15 particular outreach project that we would be
16 asked to participate in would be something
17 separate from this implementation plan.

18 ACTING CHAIR BEACH: Yes.

19 MEMBER MUNN: A response to a
20 specific inquiry from the Work Group.

21 DR. MAURO: Yes.

22 ACTING CHAIR BEACH: Thanks John.

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1 I think Ted had a comment and Kathy?

2 MR. KATZ: Yes, to make a
3 suggestion, I mean John mentioned, you know,
4 when meetings are coming up. I'm not sure the
5 relevance of meetings, of particular meetings
6 coming up.

7 If you want to go about this in an
8 organized way that seems completely haphazard
9 to me really to be organizing around so
10 there's a meeting coming up. Because the
11 meeting is just one instrument used as this
12 document discusses. There's a whole variety
13 of instruments, a lot of those are documents
14 and ongoing systems in place of communication
15 and so on.

16 So I wouldn't organize around
17 meetings and I wouldn't -- I mean, my advice
18 would be not to sort of be opportunistic, but
19 be more systematic about this. And given the
20 scope of this evaluation framework, if I were
21 in your shoes I would want to bite off a piece
22 at a time and do it, and then do the best I

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1 can on that piece and then move to the next.

2 I know there's a lot of overlap
3 between these pieces and so I sort of
4 understand the appeal of, you know, trying to
5 sort of capture more than one at a time, but I
6 think that's hard for this Work Group to sort
7 of be focusing on so many end points at once.

8 And, I don't know, if I were in
9 your shoes, I would have a plan. I would say,
10 okay, let's work on objective 1 for the next
11 three months and let's do all the things that
12 we think are practical for filling in some of
13 the, you know, answers to our questions under
14 objective 1 and do brainstorming about how can
15 we do that.

16 And I think there are -- there
17 will be a whole variety of ways to get at
18 answers to these questions. But, you know,
19 take a good bit of brain storming and
20 interaction with OCAS to come up to understand
21 what's out there, how it works and then how
22 you might go about getting information that's

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1 already available and really just needs to be
2 collected and analyzed.

3 ACTING CHAIR BEACH: And that's
4 great food for thought. I think our 3:00 to
5 3:30 time is action items and assignments. I
6 think we should be thinking about that and how
7 we're going to progress forward and talk about
8 it during that time piece. Kathy, you had
9 something?

10 MS. ROBERTSON-DEMERS: There's two
11 paths going on here, okay. One is the review
12 of OCAS-PR-012.

13 ACTING CHAIR BEACH: Right.

14 MS. ROBERTSON-DEMERS: Okay. And
15 that is going to incorporate how you schedule
16 meetings and how -- what the follow through is
17 and what's in the report. So there's going to
18 be that element in that procedure review,
19 which has already been authorized.

20 ACTING CHAIR BEACH: Right.

21 MS. ROBERTSON-DEMERS: Now there's
22 a bigger picture here, which is whether the

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1 entire -- is evaluating the entire program not
2 that particular procedure. And I can see that
3 we might want to break it down in pieces and
4 evaluate the entire process, but just be aware
5 that when we're evaluating the procedure it's
6 going to include each and everyone of the
7 elements.

8 ACTING CHAIR BEACH: Okay. Arjun?

9 DR. MAKHIJANI: Yes. I think, you
10 know, the procedure review that we do are
11 pretty formal and Procedure 12 review really
12 is a continuation of something that's already
13 being looked at and Wanda's review, Procedure
14 97 review that Kathy and I did quite a while
15 back.

16 It will be a continuation of that
17 and a review of new items. But, what I see is
18 on the table -- so that's already being done
19 and it will feed into this process and Kathy
20 has already started that. So it's a good
21 reminder that we have that piece coming.

22 But I think maybe to follow on

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1 Ted's suggestion, to systematize it, there are
2 two very different kinds of things that we're
3 evaluating. There's this outreach, you know,
4 what's a dose reconstruction, what's SEC,
5 getting union people and other folks who are
6 key in communicating to the broader audience
7 with a clear understanding of what's
8 happening.

9 And then there's the other track
10 piece of this which is when NIOSH gets expert
11 information and how does it use that in the
12 type profiles and SECs and dose reconstruction
13 decision.

14 I think maybe an initial step like
15 picking up a site profile or an SEC and a set
16 of NIOSH interviews and contacts with site
17 experts and saying, okay, let's do a sample of
18 that and then some, maybe instead of sample --
19 outreach documents as sort of a digestible
20 piece of each track because there are two very
21 different items on the table in this
22 implementation plan.

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1 My amplification of what Ted said
2 would be to pick one thing from each that will
3 give us a clear idea of what we're trying to
4 do, how we're going to answer the questions
5 and so on.

6 ACTING CHAIR BEACH: Great. Thank
7 you. That makes good sense. And we will come
8 back to that at the end of the day as our
9 action items. Abe, anything else?

10 MR. ZEITOUN: No, I'm just
11 concurring with Ed and Arjun was saying.

12 ACTING CHAIR BEACH: Okay, so help
13 me out Ted on this. Does this need -- does
14 our implementation plan need to come before
15 the Board to be voted on?

16 MR. KATZ: So the Board doesn't
17 need to vote on the implementation plan.

18 ACTING CHAIR BEACH: Okay, that's
19 what I thought.

20 MR. KATZ: If the Work Group would
21 like the input of the Board, if it would like
22 to present the plan, discuss it with the full

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1 Board and get its input, there is that
2 opportunity always. We can put that on the
3 agenda for the February Board meeting. It's
4 really -- it's the Work Groups will.

5 I mean, there are plenty of Work
6 Groups that operate basically independently
7 until they're ready to report out to the
8 Board. So you can operate this Work Group
9 whatever way you see fit.

10 ACTING CHAIR BEACH: Okay. I
11 believe it was Mike's intention to bring it to
12 the Board. And so if we as a Work Group feel
13 that we are ready to do that, then I would
14 like to put it on the docket for the February
15 meeting and then send this out ahead of time
16 to the Board members to give them an
17 opportunity to look at it.

18 MR. KATZ: I think we could send
19 it out --

20 ACTING CHAIR BEACH: Now.

21 MR. KATZ: -- now.

22 ACTING CHAIR BEACH: Yes. And I

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1 do believe that was Mike's intention, not
2 having spoken to Mike, but I'm sure that's
3 what he wanted to do.

4 MR. KATZ: I think you're correct.

5 MEMBER SCHOFIELD: I agree with
6 you Josie. Let's go ahead and send it out to
7 the Board.

8 MR. KATZ: So and then I think it
9 would be good to prepare a presentation
10 because as just reading this alone given the
11 discussion we just had it will need some
12 context so that the Board members understand
13 how to understand what's on the paper and
14 what's not there, but will ultimately be
15 addressed.

16 ACTING CHAIR BEACH: And we will
17 definitely talk to Mike about having a
18 presentation ready for the Board meeting.

19 MR. KATZ: February.

20 ACTING CHAIR BEACH: Yes.

21 MR. KATZ: Okay, very good.

22 ACTING CHAIR BEACH: Okay.

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1 MR. KATZ: I think the Work
2 Group's in consensus right, that you don't
3 need to vote? Yes.

4 ACTING CHAIR BEACH: Okay.

5 MR. ZEITOUN: Congratulations.

6 ACTING CHAIR BEACH: Yes. So the
7 next topic is documentation and tracking of
8 Advisory Board and public comments. Let's go
9 ahead and take -- is everybody ready to take
10 their -- a few minute break? What time is it?

11 MR. KATZ: It's 20 to.

12 ACTING CHAIR BEACH: Let's take 15
13 minutes.

14 MR. KATZ: Okay, everyone on the
15 phone we'll be starting up -- I'm just going
16 to put the phone on mute, but about five of
17 we'll start up again.

18 (Whereupon, the above-entitled matter went off
19 the record at 10:39 a.m. and
20 resumed at 10:56 a.m.)

21 MR. KATZ: This is an issue was
22 raised by Dr. Ziemer I believe at the October

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1 Board meeting in New York. I think I was
2 probably one of the stimuli, but not the only
3 one. It's come by a variety of means, John
4 Mauro has raised this issue with me on a
5 number of occasions.

6 But the question is anyway, the
7 public at each of our Board meetings, the
8 public has two opportunities, you know, on two
9 different days to make comment to the Board
10 and they make all sorts of comments.

11 Some comments are particular to
12 claims and individual circumstances and some
13 comments, you know, may have broader
14 implications and interest than the particular
15 case of the individual.

16 And the question is, has been how
17 does the Board deal with those or how does
18 anyone deal with those comments, what is the
19 follow up?

20 This Work Group has had a number
21 of discussions about this subject and Larry
22 Elliot, for example, on a number of these Work

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1 Group meetings leading up to this one has
2 discussed how OCAS follows up on a variety of
3 different kinds of comments that it hears at
4 Board meetings.

5 But I think the Board feels that,
6 and Dr. Ziemer and the Board feel that really
7 the Board has a responsibility here too in
8 following up in a perhaps more formal and more
9 public way to give some response to public
10 comments somehow to track that and provide
11 response both to be able to deal with the
12 substantive important issues that might be
13 raised.

14 And also I think it's important to
15 give the public, you know, the satisfaction
16 that they're speaking and not just speaking
17 but being heard. So I guess that's all I
18 could say as a prelude.

19 But Stu has done some or OCAS and
20 ORAU have done some further work related to
21 this and I guess we'll start with that and
22 move on to general discussion about how this

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1 Work Group wants to pursue the question.

2 ACTING CHAIR BEACH: Thank you
3 Ted.

4 MR. KATZ: Stu?

5 MR. HINNEFELD: Okay. I believe
6 we've handed out -- now I didn't do any of
7 this work, OCAS did the work so -- or OCAS
8 contractor did the work. What has been handed
9 out to you is a short table, and how this
10 table was developed was by reviewing the
11 transcript of the worker comment or the public
12 comment session of the Advisory Board meeting
13 July of this year.

14 And excerpting comments found that
15 their -- our understandings of comments that
16 we believe to be essentially responsible to,
17 some comments there is no response to make and
18 they will recount their experience with what
19 they've encountered in the program as sort of
20 just a statement, but there's no real, you
21 know, response back to be made.

22 And so we've extracted what we

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1 believe to be a responsible comment. I
2 remember now as I look at this that it was
3 done with the draft transcripts so that we
4 could do it quickly, because it takes a little
5 while for the final transcripts to be
6 published.

7 And so, I noticed just as I was
8 sitting here on the break that the line, the
9 page and line numbers are not exactly correct.

10 But I have found the first comment and so the
11 second comment was made on the second day and
12 I'm sure that I've got to that point and it
13 follows directly after.

14 The first comment actually starts
15 on page 177, like 8 for those of you who are
16 reading along in the transcript tracker, and
17 proceeds on. And this was essentially a read
18 statement, as I've just read it now is a
19 statement read to the Board from [identifying
20 information redacted] who is over at
21 [identifying information redacted].

22 And it has to do with evidence

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1 they believe should extend the covered period,
2 the active covered period at the Dow Madison
3 site for a number of years beyond what has
4 been determined to be covered. And so there's
5 a summary of the issue here written as well.

6 From this point, I can tell you
7 that we have talked to [identifying
8 information redacted] and his associates from
9 [identifying information redacted] just within
10 the last week or two they visited us and we've
11 had a conversation with them about this and
12 have kind of told them that all pathways for
13 this question lead to DOL.

14 You know, they have communicated
15 with DOL, they communicated about the time
16 [identifying information redacted] made this
17 comment and this is an action that DOL has to
18 take. An attempt to petition for an SEC
19 petition, this was a particular thing they
20 talked about as most recent -- talked to us
21 about most recently.

22 An attempt to petition for an SEC

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1 for this time period because they were
2 manufacturing a thoriated alloy at Dow Madison
3 that we don't feel like is feasible to do dose
4 reconstructions for, that should be covered
5 employment because that corrugated alloy was
6 still going to nuclear weapons.

7 That's not our decision to make.
8 And had they submitted that petition, we would
9 have had been to submit that to DOL, just as
10 they submitted that information to DOL to see
11 if in fact that work is covered and because
12 the currently covered period ends before that.

13 And so that's -- we've responded
14 to [identifying information redacted] in
15 person, I can tell you that. So that's the
16 first comment. The second comment, and I
17 don't plan to go through all of these, but
18 it's from [identifying information redacted]
19 and it has to do with differences between the
20 NIOSH information and the Ruttenber databases
21 on neutron exposures.

22 And it starts on, let's see, page,

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1 looks like 183, line 22. That's the --

2 ACTING CHAIR BEACH: Can I stop
3 you for just one brief second?

4 MR. HINNEFELD: Sure.

5 ACTING CHAIR BEACH: The very
6 first one you said that NIOSH has responded to
7 [identifying information redacted] in person.

8 MR. HINNEFELD: Yes.

9 ACTING CHAIR BEACH: Is that
10 documented anywhere other than you telling us?

11 MR. HINNEFELD: We did it in a
12 meeting last week. Now we may have done
13 something to it with him before, but I recall
14 that, that's part of what we're going to get
15 into here, that's part of where I want to hand
16 this discussion off.

17 ACTING CHAIR BEACH: Right.

18 MR. HINNEFELD: You know, from our
19 view at OCAS, -- these comments were made to
20 the Board, okay.

21 ACTING CHAIR BEACH: Right.

22 MR. HINNEFELD: We have at the

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1 urging of this Work Group, we have as part of
2 our obligation to staff, provide staffing
3 support for the Board, we have excerpted
4 comments from that public comment period and
5 essentially just all we've done so far is
6 accepted and summarized and then drew a
7 pointer to where you could find the draft
8 transcript, we'll get that cleaned up now that
9 the final transcript is out.

10 And so that's as far as we've
11 gone. And so what happens after this we feel
12 is largely a Board question. Presumably, I
13 mean the Board can instruct us or advise us
14 that responses should be prepared. And the
15 Board may or this Working Group may have some
16 ideas about where does that response appear.

17 It's not clear to me that we will
18 always have sufficient contact information for
19 a commenter at public comment to provide a
20 personal response back. Do you understand
21 what I'm saying?

22 So I don't know exactly where we

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1 go after this point. I mean some of these
2 commenters we know and they're either
3 petitioners or claimants that have been around
4 the program and so we have contact information
5 from them.

6 But it would be kind of a
7 question, is that what the Board wants to do?

8 I mean, does the Board want to hand this
9 comment off to ORAU and advise us that maybe
10 we should answer this. I mean to me it gets
11 broader than just an ORAU-OCAS question here
12 after we've summarized it.

13 You know, we expect that we can
14 continue to summarize worker comments or the
15 worker comments section, pull out what we
16 consider to be responsible comments since we
17 point out, you know, these transcripts are
18 frightfully long, but the public comment
19 sessions are not that long.

20 If someone wanted to check on us
21 and see how we're doing, are we doing a good
22 job of accepting our comments or is our

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1 judgment what your judgment would be. Rather
2 than say are we doing a good job, is our
3 judgment the same as your judgment on what's a
4 responsible comment. Those things could be
5 looked at, you know, up to this point.

6 But once we get to the point of
7 summarizing it or even writing a response what
8 happens at that point is what I'm not clear
9 about. So that I think is maybe a subject of
10 some discussion and maybe a subject of maybe a
11 Board, you know, maybe a Board discussion or
12 something because I know it came up in full
13 Board in New York, I believe.

14 ACTING CHAIR BEACH: Okay.

15 MR. HINNEFELD: I don't have any
16 other -- anything else to say. I did not
17 actually, you know, we did instruct our
18 contractor to work with the draft transcripts
19 because they're available more quickly and so
20 -- to us. And so they worked with the draft
21 transcripts and now the page -- and there is
22 no line up.

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1 MR. KATZ: Could I just understand
2 Stu, is this going to be now a sort of
3 standard OCAS procedure going forward that
4 you're going to have this sort of limited
5 accounting just to note the issues that were
6 OCAS issues --

7 MR. HINNEFELD: It's my goal that
8 we would, that the Board could advise us on
9 their desire. I think there's a possibility
10 for the next -- the in person Board meeting
11 isn't until February and we had the meeting in
12 October and that's really not very long ago,
13 so I don't know if you even have the draft
14 transcripts yet.

15 But so, I mean we could have two
16 sets ready of -- this far we have two sets
17 ready for February and then it could be a
18 subject of a Board agenda item or Board
19 discussion since it came up in full Board
20 discussion last time. That's just my --

21 MR. ZEITOUN: I have one question
22 just following up on what you said. You had a

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1 meeting you said last week with [identifying
2 information redacted]?

3 MR. HINNEFELD: Yes.

4 MR. ZEITOUN: Did you have any
5 record of the discussion and the results --

6 MR. HINNEFELD: We didn't --

7 MR. ZEITOUN: It was just -- there
8 was no meeting it was just back and forth --

9 MR. HINNEFELD: No. [identifying
10 information redacted] and [identifying
11 information redacted] are kind of friends of
12 the program, they do quite a lot of research
13 on sites --

14 MR. ZEITOUN: I understand.

15 MR. HINNEFELD: -- in the Southern
16 Illinois area mainly and have provided us with
17 information that they've found and we had
18 shared some information we found I think, you
19 know, probably through FOIA.

20 And so -- and for the last at
21 least two years, maybe three years, they have
22 kind of scheduled this visit to chat with us

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1 and see what they found new and talk about
2 things that, you know, developments from their
3 perception that are going on with them that
4 effect the program.

5 And so they always schedule it
6 Thanksgiving week because they're out of
7 class. And so they were here Monday and
8 Tuesday of Thanksgiving week I think it was.
9 And so we scheduled a meeting, we did not take
10 any notes.

11 MR. ZEITOUN: But that's kind of
12 an aberration because you could have minutes
13 of other meetings, you know, but --

14 MR. HINNEFELD: Yes, and in fact
15 we can even account for it. I mean, I could,
16 you know, we would -- the response is the, you
17 know, to this comment is the response I gave.

18 MR. ZEITOUN: Correct.

19 MR. HINNEFELD: This has got to be
20 the overall question, all roads for resolving
21 this question goes through DOL and that's what
22 we told them and we could have a comment here,

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1 we told them this at a face-to-face meeting on
2 that would have been November 23rd.

3 MR. KATZ: Just to throw out -- oh
4 go ahead Kathy.

5 MS. ROBERTSON-DEMERS: You
6 mentioned the transcript tracker?

7 MR. HINNEFELD: Yes.

8 MS. ROBERTSON-DEMERS: What is
9 that?

10 MR. HINNEFELD: It's on my staff
11 tools, is it on your staff tools? It is --

12 MS. ROBERTSON-DEMERS: I think I
13 have looked at it before.

14 MR. HINNEFELD: Well actually, the
15 transcript -- I'm sorry, I was looking at the
16 actual OCAS website, the public website, the
17 public website. That's where the transcript
18 of the meeting, once it's finally cleared, you
19 know, it cleared for Privacy Act stuff, that's
20 where it appears and that's where I was
21 looking at the transcript.

22 And in fact as I think about it,

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1 the transcript tracker just tells you
2 progress, what's here, where are these
3 transcripts in the process of things. And I
4 don't -- because I kept looking and trying to
5 view the transcript and I'd hit view and I
6 wouldn't get a transcript I would keep going
7 back and forth.

8 So for whatever reason it's not
9 showing -- I thought it was going to be able
10 to show me the transcripts, but it's not. But
11 I would -- but the transcript for the July
12 meeting is on the OCAS public website. And so
13 that's what I was looking at.

14 DR. MAKHIJANI: Is the first thing
15 the page number?

16 MR. HINNEFELD: It's supposed to
17 be, but it's off because we -- well we did
18 this, we did this from the draft transcript
19 and so the page number is off. It actually
20 starts on 177, line 8 and then from there the
21 comments I've --

22 DR. MAKHIJANI: I was getting a

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1 little confused looking at it.

2 MS. ROBERTSON-DEMERS: I'm trying
3 to remember back, it seems to me that WISPR
4 included comments from the Board meeting --

5 MR. HINNEFELD: I don't recall,
6 maybe.

7 MS. ROBERTSON-DEMERS: -- and
8 associated response.

9 MR. HINNEFELD: It might. I don't
10 remember. Okay.

11 MS. ROBERTSON-DEMERS: We can look
12 at that as some sort of model.

13 ACTING CHAIR BEACH: Seeing that
14 there's a couple of different things to
15 discuss, is NIOSH going to continue to present
16 this type of a document or track or is the
17 Work Group going to decide that SC&A --

18 MR. KATZ: Let me just throw out
19 an idea here, I mean, and just one but it came
20 to me as Stu was talking. There will be, at a
21 Board meeting, there will be comments that
22 really are sort of the right comments for OCAS

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1 to address.

2 They're sort of -- they deal with
3 their program but they do -- sort of like this
4 issue for example, it's really squarely in
5 their court and they -- it sounds like they've
6 addressed it the way you would want them to
7 address it and so on.

8 And you could have an accounting,
9 you know, of these issues that OCAS pulls out
10 because it believes these are sort of in its
11 turf to address. And so this Work Group could
12 have that as one piece. And so prior to a
13 Board meeting, for example, it could have this
14 accounting and go over it and be able to
15 discuss with OCAS any questions it might have
16 about those issues.

17 But I think the other piece, which
18 would be more in the Board's court other than
19 just sort of its tracking of these other
20 comments that OCAS deals with would be to look
21 for issues that the Board feels really are its
22 issues to respond to the public on.

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1 And there, it could identify those
2 in the transcript and then it could speak with
3 OCAS, SC&A, who be it for expertise to address
4 the response and then prepare a response.

5 And there could be an opportunity
6 then at that Board meeting in advance of the
7 public comments or at the tail end of the
8 public comments to provide that sort of, you
9 know, these were some issues that came up that
10 are of generic interest at the last Board
11 meeting or the last two Board meetings and
12 here is how we respond to those.

13 So there would be sort of the
14 Board's own issues that it would want to
15 respond to the public on and it could, I don't
16 know whether you need to give an accounting of
17 the OCAS responses as part of that, but I
18 would think at very minimum you would -- the
19 Board would want to respond on the issues that
20 really it feels are its turf to respond to.

21 But that would require someone
22 going through the transcripts on behalf of the

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1 Board, you know, looking at what OCAS has
2 addressed and sort of dealt with and what's
3 left.

4 ACTING CHAIR BEACH: And that
5 would require someone either on the Board or
6 if we decide to take that on at this Work
7 Group then this Work Group actually tracking
8 that. So that's -- there's a lot to kind
9 of --

10 MR. KATZ: Yes. It could be the
11 Work Group, you could assign SC&A to do this,
12 you could do it either way. It just depends
13 on resources, ability, interest, all that.

14 ACTING CHAIR BEACH: Right.
15 Arjun?

16 DR. MAKHIJANI: Well, Josie a
17 starting point might be since NIOSH already
18 compiling the issues it's going to address and
19 then there's a second set of issues that Ted
20 talked about, if NIOSH agrees and the Working
21 Group or the Board wants, immediately after
22 the Board meeting, as had been done here,

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1 NIOSH would compile the issues they're
2 considering.

3 And the Working Group or if you
4 assign it to us, we could compile the rest of
5 the issues into some kind of a sheet that
6 would say all the issues that NIOSH is
7 addressing and then the Working Group could
8 decide how it wants to move on the other
9 things.

10 And then the other thing I would
11 suggest is since NIOSH is responding in part
12 of their thing, you know, with the public had
13 been, you know, there is an inadequate
14 response, the comments are going off into a
15 void and so on, there might be a little sheet
16 at the next Board meeting that says, you know,
17 we had these -- NIOSH address these comments
18 from the last Board meeting is what we did.

19 And that might be very healthy for
20 the public to see NIOSH actually addressing
21 these issues.

22 MR. ZEITOUN: Would the Board be

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1 interested to know how NIOSH addressed it or
2 would it have just been addressed?

3 DR. MAURO: This is John, I have a
4 perspective too, which is a nuance on this.

5 ACTING CHAIR BEACH: John could
6 you just hold on a sec. Wanda's been
7 patiently waiting so let me just let her ask
8 her --

9 DR. MAURO: Sure.

10 ACTING CHAIR BEACH: -- question
11 and then we'll get to you.

12 DR. MAURO: Sure.

13 MEMBER MUNN: It's not a question
14 it's an observation. What Ted is proposing is
15 significant change in the way the Board has
16 addressed public meetings in the past.

17 It would seem appropriate for the
18 full Board to be addressing this issue rather
19 than for this Working Group to be addressing
20 the issue because first of all, it involves
21 all of the people on the Board and it is not a
22 minor point, this is a rather major question.

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1 ACTING CHAIR BEACH: Well on that,
2 before I let John speak, I think that we could
3 actually develop a process or a plan and then
4 take it to the Board for their consideration.

5 I think that that's something this Work Group
6 probably could tackle.

7 MR. KATZ: That was actually the
8 charge. I mean the Work Group was asked to
9 consider this, how to go about this and so
10 it's not for this Work Group to dispose, but
11 to propose for the Board to consider.

12 ACTING CHAIR BEACH: Okay. And
13 then John, go ahead please.

14 DR. MAURO: In fact that's a very
15 good segue. I agree that on a macro level
16 this is a very important question in terms of
17 the Board taking on a mission.

18 And along those lines when I was
19 listening to the discussion, it seems to me
20 that what we're talking about is since these
21 presentations are made to the Board during the
22 evening sessions, the question really becomes

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1 does the Board take ownership of taking --
2 assume the responsibility to manage and make
3 sure that all of the -- I guess -- salient or
4 relevant issues, questions, comments that are
5 brought before the Board are in fact tracked
6 and taken care of.

7 Certainly, what I heard was one
8 piece of it. What I'm thinking is that, as
9 Ted pointed out, you could almost, you know,
10 go through the transcript, if it's available
11 readily, and go through it and create little
12 bins, you know, I'm thinking conceptually now
13 who does this is a different question.

14 But all of the comments, it seems
15 to me that it would be good bedside manner for
16 the Board to take ownership of these
17 commentaries and questions and make some
18 judgments as to, you know, which ones do --
19 would be appropriately responded to and who is
20 best suited to prepare the response.

21 Certainly, there are categories
22 that Stu just pointed out are exactly where

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1 they belong, but other places might be with
2 the Department of Labor, other places --
3 really in the end the question I guess before
4 the Work Group is, is this something that --
5 this is I guess the discussion, how much of
6 ownership of the evening sessions and all the
7 comments does the Board want to take on?

8 That is the full responsibility to
9 be able to say maybe at the next meeting that
10 yes, we have reviewed all the comments and
11 actually report back to the public on the
12 actions that are being taken.

13 In other words, the Board is the
14 face of the interaction back to the public at
15 some point in time, perhaps at the next
16 meeting.

17 So I guess what I'm getting at is
18 putting out on the table, you know, the big
19 question, that really is the big questions and
20 this is really what Wanda, I think, was
21 alluding to that is, is this a new mission
22 that the Work Group would feel it would want

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1 to recommend or discuss or whatever with the
2 Board.

3 And then how it's implemented is,
4 again, the subject of discussion. Okay, once
5 you agree that yes this becomes something that
6 let's say the Work Group decides as being one
7 of the missions of the Board in terms of
8 administering to this process, administering
9 the process, then it becomes a matter of,
10 okay, how is it actually going to be done.

11 ACTING CHAIR BEACH: And that's
12 something we'll discuss and Kathy had a
13 comment?

14 MS. ROBERTSON-DEMERS: This is
15 getting a little bit into the process, but I
16 think that all the comments should be in one
17 area and then you can assign it to -- the
18 Working Group can assign it out to who needs
19 to address the comment for the Board.

20 If we have OCAS having a list of
21 comments and the Board having a list of
22 comments it gets too confusing.

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1 MR. KATZ: That wasn't really what
2 was suggested, but OCAS, I mean I think first
3 of all the Work Group doesn't assign OCAS
4 work, and OCAS knows what it's sort of its
5 duties and responsibilities are.

6 So to me it makes sense for OCAS
7 to, you know, I mean, OCAS will be whether the
8 Work Group wants it to be or not will be
9 identifying those issues that it needs to
10 follow up on.

11 And what we're talking about here
12 is OCAS giving the Work Group an accounting of
13 that so that the Work Group would be cognizant
14 of what issues OCAS had addressed and maybe
15 some minimal information about how they had
16 addressed it.

17 So that the Work Group would be
18 fully informed about what had been taken care
19 of and would know what might be left on the
20 plate.

21 You know, and what I was saying is
22 what would be left on the plate may be issues

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1 that really are appropriate for the Board to
2 respond to, they're sort of policy and what
3 have you issues that relate very much to the
4 Board's involvement.

5 And there will also be comments
6 there that really don't require a response
7 because they're comments. People make
8 comments at Board meetings as well about their
9 individual cases that really don't have
10 anywhere to go, they don't really require a
11 response and, you know, there will be
12 judgments made about those.

13 But those, you know, the Board can
14 address those all. The Board, certainly the
15 Work Group or the Board can consider the
16 comments that OCAS has already responded to,
17 but it seems like a good starting point to
18 consider what's already been handled by OCAS.

19 MEMBER MUNN: The point's already
20 been made that this would in fact actually
21 constitute a new assignment of work for the
22 Board if it chose to take this on.

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1 Historically what has occurred is
2 these comments have been handled by the agency
3 because the comments had to do with the work
4 of NIOSH. And if we are expecting that the
5 Board is going to agree to track these, then
6 it is repetitive for me to go on saying.

7 This is a new, an entirely
8 different approach to what we have done in the
9 past and needs to be, in my view, pretty well
10 fleshed out if we're going to take it to the
11 full Board.

12 ACTING CHAIR BEACH: So any other
13 --

14 MR. ZEITOUN: I would like to add
15 one comment. The issue to me probably may not
16 be tracked in the term of tracking, it's the
17 accountability concept that someone is coming
18 from the public talking in front of the Board
19 and saying this is the case and the Board
20 decided that they're going to really look into
21 it.

22 So it's mostly accountability of

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1 trying to get an answer and respond to the
2 public concerns or the public issues. It's
3 mostly, yes, I would go back and say
4 accountability concept.

5 MEMBER MUNN: I think primarily it
6 is a responsibility that the fact that many
7 people seem to feel that they speak and no one
8 has heard.

9 MR. ZEITOUN: Correct.

10 MEMBER MUNN: And responding to
11 the fact that it has been heard regardless of
12 --

13 MR. ZEITOUN: And we took an
14 action on it too.

15 MEMBER MUNN: Yes, we have --

16 MR. ZEITOUN: Yes.

17 MEMBER MUNN: -- taken an action -
18 -

19 MR. ZEITOUN: Exactly. Exactly.

20 MEMBER MUNN: -- and heard what
21 you said and action has been taken.

22 MR. ZEITOUN: Right.

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1 MEMBER MUNN: We could certainly
2 get into all kinds of difficulty trying to
3 resolve the issues that are brought up in
4 public meetings are reporting and in detail on
5 them.

6 But yes, I think you're absolutely
7 correct. It's important that -- I think the
8 primary concern of most of the members of the
9 Board have been people don't feel like we're
10 hearing what they say, that's the concern.

11 MS. ROBERTSON-DEMERS: Would it be
12 helpful to throw out some of the examples as
13 far as the who?

14 ACTING CHAIR BEACH: Are you
15 talking in terms of a plan or implementation
16 of a plan that we --

17 MS. ROBERTSON-DEMERS: So we can
18 get a feel for who would be best equipped to
19 answer question.

20 ACTING CHAIR BEACH: Throw out
21 what you have and we'll let you know if it's
22 helpful or not. How's that?

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1 MR. KATZ: Sounds good.

2 MS. ROBERTSON-DEMERS: Well if
3 we're talking about a question like individual
4 saying there was no badging at site X and we
5 worked with radioactive materials.

6 That might be more of a question
7 that is either already answered by the site
8 profile or should be answered by the site
9 profile and that would be more appropriate to
10 go in the direction of OCAS and their
11 contracts.

12 If we're dealing with a larger
13 issue such as the ones that [identifying
14 information redacted] brought up in the
15 October meeting of turning over records prior
16 to the completion of review. That's more of
17 an issue that has to be addressed by the
18 Board.

19 MR. KATZ: That may be an issue
20 that has to be addressed by the agency and the
21 Board. But if you want to use that as an
22 example, but --

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1 ACTING CHAIR BEACH: And some of
2 those may overlap.

3 MS. ROBERTSON-DEMERS: But there's
4 kind of a line in there where OCAS is not
5 going to be able to give the answer without
6 the input from the Board.

7 MR. KATZ: I would envision that
8 if you were to go down this road that you
9 would have a process with, if OCAS for
10 example, is going to do something like this to
11 account for this sheet, to account for what
12 issues it took on and how it responded to
13 them, it would be opportunity for dialogue at
14 the Work Group meeting.

15 And if there's an issue that OCAS
16 addressed that the Board feels like it has a
17 piece of too, then that would be a way of
18 identifying that and then figuring out what
19 the Board might want to say in addition to
20 what OCAS may have already taken care of as
21 part of its program responsibility.

22 So, that -- I mean I think that's

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1 the way you would work. I mean that's why you
2 would have a Work Group in advance that would
3 -- I mean that would be part of, you know,
4 this Work Group it will be part of it -- maybe
5 a standing part of its agenda to discuss
6 without OCAS this matter in preparation for
7 Board meetings.

8 ACTING CHAIR BEACH: Well I --

9 MR. KATZ: That's one possibility.

10 ACTING CHAIR BEACH: I certainly
11 don't think it needs to be complicated or
12 cumbersome. I know Stu, you asked OCAS to go
13 through the transcripts, they came up with a
14 list they felt they needed to answer.

15 I don't see that it should be
16 anymore complicated for us to do the same or
17 even have somebody at the meeting taking notes
18 and maybe identifying where they want to go
19 back into the transcript to look.

20 As a Work Group whether we assign
21 SC&A to do that during the Board meeting or a
22 member of the Board meeting, that's something

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1 we'll have to decide. And I guess I'm
2 wondering step forward, we need to develop
3 some type of a plan.

4 MS. ROBERTSON-DEMERS: Have we
5 solved the question of who?

6 ACTING CHAIR BEACH: Who?

7 MS. ROBERTSON-DEMERS: Who's going
8 to do what.

9 MR. KATZ: Well I think before the
10 who you need to do the whether. Because
11 Wanda's raising the question of the whether
12 first.

13 DR. MAURO: Ted?

14 MR. KATZ: And I think that's
15 principle.

16 DR. MAURO: Yes, this is John.
17 Ted, I was just going to say that. I think
18 inherent in the discussion that just began is
19 a very important decision that was just made
20 without saying it out loud.

21 Yes, it sounds like the Work Group
22 would like to recommend to the Board that it

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1 takes ownership that does in fact implement
2 this new program where in fact it would have -
3 - they will be, I guess, part of the program
4 for future Board meetings.

5 And in fact, what I'm hearing is a
6 recommendation that yes, this process begin
7 and the Board would take on this new mission
8 or aspect of its mission added to its agenda.

9 It sounds like there is general
10 agreement that this is something that it's a
11 good thing that the Board will need to do. Am
12 I correct in interpreting that?

13 ACTING CHAIR BEACH: Yes.

14 MR. ZEITOUN: It's the
15 responsibility and accountability, yes.

16 DR. MAURO: Yes. I think you
17 folks have just made a very, very important
18 decision.

19 MEMBER MUNN: Well the Board has
20 asked us to look at it.

21 DR. MAURO: Yes.

22 MEMBER MUNN: And that obviously I

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1 would anticipate that we would report back to
2 the Board.

3 DR. MAURO: Yes.

4 MEMBER MUNN: We look at it and
5 say we think tracking these is a good idea and
6 do you want to take on that responsibility?
7 Do you want that to be a part of the agenda?
8 It seems to me that should be our report.

9 DR. MAURO: Yes.

10 MEMBER MUNN: How we go about it
11 would stem from the result of that discussion
12 in the full Board.

13 ACTING CHAIR BEACH: Well, and I
14 think we need to take it a step further too
15 and actually develop a plan and how we're
16 going to implement it, what questions we're
17 going to ask. I know Kathy developed several
18 bullet points.

19 So as a Work Group we need to have
20 something to bring to the Board for their
21 consideration, not -- because I feel like they
22 charged us with coming up with that plan and

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1 we can't just say yes, we decided we're going
2 to do the plan. I believe we need to develop
3 a plan.

4 MR. KATZ: Yes, you can develop
5 one or several alternatives that you may want
6 to present to the full Board.

7 ACTING CHAIR BEACH: And questions
8 that need to be asked. I just don't think it
9 needs to be very complicated. That's my
10 opinion, I just -- it needs to be straight
11 forward, it needs to happen and we don't want
12 to probably belabor it for --

13 MR. ZEITOUN: When do you want to
14 present it? Do you want to present it in the
15 February meeting too?

16 ACTING CHAIR BEACH: That would be
17 great if we could do that, yes.

18 MR. ZEITOUN: But the issue, you
19 know, if I'm going to be blunt, if we develop
20 an implementation plan for this, it took like
21 six months to do it and --

22 ACTING CHAIR BEACH: No, no, no.

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1 MR. ZEITOUN: My concern is that
2 it has to be very simple --

3 ACTING CHAIR BEACH: Simple.

4 MR. ZEITOUN: -- and through email
5 system can be resolved.

6 MR. KATZ: No, I think you can
7 talk about it here in the Work Group meeting.

8 I mean I don't think this is
9 highly complex and I think you have the
10 advantage of having OCAS and ATL and company
11 here so that you can get sort of the
12 feasibility aspect out of the way too.
13 Because you don't want to propose a plan to
14 the Board that is not practical for OCAS, ATL,
15 et cetera to do their part of whatever that
16 plan might be.

17 So, I mean I think it's not
18 complex and I think you can probably discuss
19 it here now and come up with whatever
20 variations are possibilities.

21 ACTING CHAIR BEACH: So we have 30
22 minutes before we're scheduled to take lunch.

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1 MS. ROBERTSON-DEMERS: I think we
2 have to answer some very key questions.

3 ACTING CHAIR BEACH: Are these the
4 one's you're talking about on your list?

5 MS. ROBERTSON-DEMERS: Yes.

6 ACTING CHAIR BEACH: So should we
7 throw them out? The first one that Kathy has
8 come up with, what is the scope of the public
9 comments to be crafted?

10 MS. ROBERTSON-DEMERS: In other
11 words letters that are submitted to the Board,
12 not just comments. There's comments in the
13 Working Group.

14 MR. KATZ: The Board -- the
15 correspondence -- the Board responds to
16 correspondence and has a procedure for
17 correspondence that's already actually well at
18 hand. So I really think this is focusing on
19 the oral comments.

20 ACTING CHAIR BEACH: I believe so.
21 We need to limit it to the oral comments,
22 that's my opinion, during the meeting.

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1 MEMBER MUNN: That's what we were
2 asked to do.

3 ACTING CHAIR BEACH: Yes.

4 MS. ROBERTSON-DEMERS: What about
5 the -- you don't want to include oral comments
6 from the Working Group.

7 MEMBER MUNN: No. We were asked
8 to look at public comments --

9 ACTING CHAIR BEACH: During the
10 Board meetings.

11 MEMBER MUNN: -- during the Board
12 meetings --

13 MR. KATZ: In the Board meetings.

14 MEMBER MUNN: -- and respond --
15 and formulate a method to respond to the
16 public showing them that we had heard and are
17 taking action on the comments that they made
18 publically.

19 ACTING CHAIR BEACH: I agree. Any
20 comments made at this meeting can also be made
21 at the full Board meetings.

22 MR. KATZ: Every Work Group has

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1 its own public interaction of a different form
2 and that's really the business of the Work
3 Group.

4 ACTING CHAIR BEACH: Of course,
5 just thinking out loud, this is a worker
6 outreach Work Group, so do we take that into
7 anymore consideration than we would take any
8 other Work Group?

9 MEMBER MUNN: I would not think
10 so. Not for this particular action. The
11 question of scope though is a good one. And
12 from my perspective it needs to be as narrow
13 as we can make it at this particular time. If
14 the Board as a whole wishes to broaden it
15 then, that's a next step.

16 MS. ROBERTSON-DEMERS: Another
17 question with respect to scope is at what
18 point do we begin? Do we begin from here on
19 out or do we go back a couple of meetings?

20 MEMBER SCHOFIELD: I think we just
21 go forward at this point.

22 MR. ZEITOUN: Okay. That's

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1 better.

2 ACTING CHAIR BEACH: Yes. Does
3 everybody agree with that?

4 MEMBER MUNN: Yes, beginning with
5 whatever meeting is involved in the proposal.

6 ACTING CHAIR BEACH: I'd like to
7 hope that we can start it at the February
8 Board meeting, being hopeful. And I guess if
9 we all have time on our hands we can go back,
10 but I don't see that happening.

11 Okay, so we agree from forward
12 meetings.

13 MR. KATZ: Presently.

14 ACTING CHAIR BEACH: Okay. All
15 right. So Kathy any other scope questions?
16 Are you pretty clear on that?

17 MS. ROBERTSON-DEMERS: Nothing.

18 ACTING CHAIR BEACH: Okay. And
19 then the second bullet point was raised, what
20 is the purpose for collecting and tracking
21 comments?

22 MEMBER MUNN: We know that it's to

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1 reassure the public that they're being heard
2 and acted upon.

3 ACTING CHAIR BEACH: I agree with
4 that. Anything else we need to add for that?

5 MR. KATZ: Well it's to ensure the
6 public, it's to ensure yourself.

7 ACTING CHAIR BEACH: Yourself,
8 yes.

9 Okay. The next bullet was how are
10 the comments going to be used to improve the
11 dose reconstruction and the SEC process?
12 That's a good question.

13 MS. ROBERTSON-DEMERS: I mean we
14 asked that question to OCAS now when they get
15 working on this. We should be asking the same
16 question to ourselves.

17 MEMBER MUNN: How are they going
18 to be used to improve it. Not all of the
19 questions -- not all of the comments that are
20 made are comments that would in any way
21 improve the program.

22 Many of the comments are personal

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1 observations applicable to single sites or are
2 applicable to one specific type of operation
3 within the claimant's process.

4 MS. ROBERTSON-DEMERS: Can I throw
5 out an example?

6 MEMBER MUNN: Yes.

7 MS. ROBERTSON-DEMERS: It would be
8 kind of a generic thing.

9 MEMBER MUNN: Sure.

10 MS. ROBERTSON-DEMERS: I don't
11 know how many times I've heard the SEC process
12 takes too long. And that may be a comment --

13 ACTING CHAIR BEACH: That's kind
14 of beyond our scope I think at this point.

15 MR. KATZ: But just -- I mean, I
16 think the answers, the responses to comments
17 will be what they are and that's what the
18 Board will formulate. So I don't think it's
19 not that it's -- I just don't think it's
20 necessary to address that question for what
21 the Board has asked you to do.

22 Because as the Board responds to

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1 comments, it will be answering questions like
2 that or other. So if the Board has a comment
3 about how long the SEC process is taking, then
4 the Board will have a response for that and
5 that sort of takes care of itself.

6 MS. ROBERTSON-DEMERS: Yes. I
7 threw that out as an example --

8 MR. KATZ: No, but I mean --

9 MS. ROBERTSON-DEMERS: -- of a
10 comment that may affect a process.

11 MR. ZEITOUN: Actually, the
12 process itself and being responsive, trying to
13 track the comments would improve the process
14 automatically.

15 MS. ROBERTSON-DEMERS: Yes.

16 MR. ZEITOUN: So everybody would
17 be working together from our end and their
18 ends to make things happen. So to answer this
19 for the Board that we are complicating, we are
20 deviating a little bit for making a simple
21 approach to the Board. I think the first two
22 in responsibility, accountability, being sure

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1 that we heard you, this is the concept.

2 But getting into the rest, the
3 responses that you're getting to the public
4 actually is taking care of this, improving
5 everything, I think.

6 MEMBER MUNN: Now that's an
7 internal question of the contractor --

8 MR. ZEITOUN: Yes.

9 MEMBER MUNN: -- to the agency.
10 Not the --

11 ACTING CHAIR BEACH: Okay. Next
12 bullet is how will the Advisory Board and/or
13 its contractor catalog and consider worker
14 input provided by the public?

15 MR. ZEITOUN: This is a procedures
16 thing, anyway. This is procedures.

17 DR. MAKHIJANI: I think this kind
18 of format to start, you know, as a base --

19 MR. ZEITOUN: Procedure.

20 DR. MAKHIJANI: -- starting point.

21 MEMBER MUNN: Simple,
22 straightforward and verifiable.

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1 MR. KATZ: For the record for the
2 people on the phone, what Arjun's indicating
3 is that focus for what it discussed it has a
4 log of the issues and that's what Arjun's
5 indicating is that you would have some sort of
6 log that would track the issues --

7 MR. ZEITOUN: Could be expanded.

8 MR. KATZ: -- and it could be
9 expanded to have a note about what the
10 response was or not since these are going to
11 be discussed at the Board meeting, or they
12 could as one venue, one approach.

13 ACTING CHAIR BEACH: Okay. So I
14 guess, I think part of this question is, this
15 is a log, it's on a piece of paper, will this
16 be read into anywhere, will this be documented
17 anywhere so that the public can go look at it?
18 Will we track it? Will -- maybe we assign
19 Nancy to keep -- how -- or will we just get a
20 sheet of paper that we file away --

21 MEMBER MUNN: No, I think we'll
22 get a sheet of paper and it will be reported

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1 to the Board. That's what we were just
2 discussing that it would be an agenda item.

3 ACTING CHAIR BEACH: Okay, so --

4 MEMBER MUNN: And at each agenda
5 at each meeting for example, had this been
6 started in July when this particular meeting
7 occurred that was the basis for the brief list
8 that we have now, then the following Board
9 meeting, which would have been what, September
10 or something like that.

11 MR. KATZ: October.

12 MEMBER MUNN: October. The
13 October Board meeting, this list would have
14 been read and the assignment of action would
15 have been incorporated.

16 And that should be the end of this
17 list because at that time, whoever has the
18 action knows that they have the action and it
19 should be going to a Work Group, to the
20 agency, the subcontractor, whoever is going to
21 have any -- if there is an action, then it
22 should be obvious by that time.

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1 MR. KATZ: I mean the action may
2 have already been taken care of. It's not
3 necessarily an assignment of action.

4 But I mean, the question I think
5 part of what Josie's raising is the question
6 of whether you will keep online on the Board's
7 website or whatever, a log just so that
8 historically you have a log of these were the
9 issues and these were --

10 ACTING CHAIR BEACH: I would
11 prefer that and now I'm not speaking for OCAS
12 because your issues you will handle, we won't
13 have any direction.

14 We would not give you direction on
15 how you handle them, but for the Board, I
16 think part of our plan needs to be what our
17 log is going to look like and what -- if we're
18 going to keep it and where it will be kept or
19 documented. That's something we need to
20 discuss.

21 MR. ZEITOUN: I thought everything
22 is presented to the Board as part of the

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1 record?

2 ACTING CHAIR BEACH: It is part of
3 the record. But it's nice to have a tracking
4 sheet maybe and I don't know, that's something
5 we can ask Nancy to track or -- so that we can
6 pull it up and go, okay, this is, you know,
7 and that's -- I'm just speaking out loud.
8 Arjun?

9 DR. MAKHIJANI: Well I suggested
10 earlier that, you know, NIOSH is going over
11 the record to make its own list and maybe as
12 the comments are being made, someone, NIOSH,
13 SC&A, someone from the Board can make a
14 preliminary draft list of the issues that were
15 raised as they were raised.

16 And that can be a common thing
17 that the Board has and OCAS has and SC&A has.

18 There probably need to be two more columns in
19 this, you know, of assignment, who's going to
20 deal with it and then NIOSH could take those
21 and mark out which it feels would be -- and
22 there would be some Department of Labor

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1 issues.

2 Actually a lot of comments are
3 Department of Labor issues and I don't know
4 how you want to bring them into the process.

5 MEMBER MUNN: There isn't much you
6 can do other than just say this is a
7 Department of Labor issue.

8 DR. MAKHIJANI: No. Yes. And I
9 think that is an indicator.

10 ACTING CHAIR BEACH: Which is
11 perfect though because then --

12 DR. MAKHIJANI: Then the rest
13 would be your issues and then there would be
14 another column like it's kind of a
15 disposition, NIOSH, you know, said the 1972
16 thing was DOL extension problem and that would
17 be the final product.

18 Some things will be sequential
19 because if NIOSH -- most thing that it will be
20 sequential because NIOSH will probably
21 consider most of the comments and they'll come
22 to the Working Group and if you feel the

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1 response isn't right then you may want to take
2 some action.

3 So it's not -- it's going to be in
4 one bin or another it may be -- or even the
5 DOL bin like the neutron issue at Rocky Flats,
6 DOL is considering whether it's going to
7 expand this thing and then depending on what
8 they do it will come back to the Board and to
9 the Working Group and you'll have to decide
10 what to do with it.

11 ACTING CHAIR BEACH: Correct.
12 Kathy had a comment?

13 MS. ROBERTSON-DEMERS: I just
14 wanted to say that this format is already
15 available in the WISPR database.

16 ACTING CHAIR BEACH: But WISPR is
17 not available anymore.

18 MS. ROBERTSON-DEMERS: I mean this
19 has been done for some of the public comments
20 in that database and it's a fairly good
21 format. I mean as far as providing comments,
22 the response.

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1 DR. MAKHIJANI: So are we adopting
2 a similar thing and making --

3 ACTING CHAIR BEACH: We haven't
4 decided.

5 DR. MAKHIJANI: Okay.

6 MS. ROBERTSON-DEMERS: I'm just
7 saying that we may be reinventing the wheel.

8 MR. HINNEFELD: Here, let me just
9 comment on that. The WISPR database was
10 written in what programmer people compilable
11 code, okay.

12 And so it was written by our other
13 contractor in compilable code and they
14 essentially retained the source code. And in
15 fact, and we don't mess around with source
16 code we write applications in web-based
17 applications.

18 And I don't know the difference, I
19 can get somebody down here to explain it, but
20 this has been explained to me several times,
21 we don't write compilable code applications we
22 write web-based applications.

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1 This is a straightforward, easy
2 application, you know, so I don't propose that
3 we would try to incorporate the WISPR database
4 we would then do something that looked like
5 WISPR but it would be over here, you know, it
6 would be in a web-based application.

7 MS. ROBERTSON-DEMERS: I think
8 we're saying the same thing.

9 MR. HINNEFELD: We're saying the
10 same thing, yes. We're saying the same thing.

11 MR. ZEITOUN: We're seeking
12 information not what the programmers -- the
13 information, yes.

14 MR. HINNEFELD: And what I
15 envision and what I asked ATL to do for this
16 and what I've essentially told them, planned
17 to do it for the October meeting before
18 February is that we would have another thing
19 like this at this point.

20 If the Board decides this is an
21 action that the Board is going to follow up on
22 in some fashion and however else -- and I

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1 agree there needs to be more columns, however
2 -- whatever other columns you're going to put
3 on there.

4 If you decide you're going to do
5 that, we'll build the app and it will be
6 available for the Board members and everybody
7 working on this project that they can look at
8 that and you can have responsibility once it's
9 in an app, you can have the app pull up only
10 Board responsible ones or all of them or
11 things like that.

12 You could do, you know, there's a
13 lot of stuff you could do. You could generate
14 keyword, a keyword essentially inventory for
15 each of them and then later on you can search
16 on those keywords to get all the comments that
17 anybody made on those.

18 ACTING CHAIR BEACH: That's
19 perfect. Perfect.

20 MR. HINNEFELD: There's all sorts
21 of stuff you can do on that. This is -- and
22 this is actually -- this will be pretty simple

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1 compared to what our TST guys normally do.

2 ACTING CHAIR BEACH: So at this
3 point, excuse me for just a sec Wanda. At
4 this point we will develop a log sheet to move
5 forward and that will come online?

6 MR. HINNEFELD: It depends on the
7 Board. You see what I'm saying is this came
8 up in full Board discussion. Okay, we're
9 going to go back, you know, and we
10 essentially, I believe from this Work Group
11 were asked about this, and so we've done this
12 for this Work Group.

13 And I think it would be
14 appropriate to do it for a second, that way we
15 would have two meeting examples and then we
16 can go to the full Board, you know, it can be
17 an item that the Work Group recommends the
18 full Board, a full Board discussion.

19 Is something like this what you
20 want? You know you could flesh out the
21 remaining columns here, do some things like
22 that. Make that part of the recommendation to

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1 the Board and say, okay here's something that
2 we think will work.

3 This is an app, an OCAS
4 publication, OCAS could build and it's a
5 fairly straightforward method to put in there
6 and proceed from that point on. And to
7 Kathy's point about this being done at some
8 old meetings, we could find those and capture
9 those and do the same thing with those
10 comments. I mean that could be done.

11 Well, we'll have to see what
12 actually the data is in WISPR. We could find
13 those and we could pull those into this
14 application too. But this is not, you know,
15 this doesn't, from our standpoint, this is an
16 eminently manageable thing to do once the
17 Board decides what it wants to do.

18 And if this group can bring, like
19 I said, maybe specify the initial columns,
20 there's a lot that can be done and I don't
21 necessarily think we need to design the app
22 today --

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1 ACTING CHAIR BEACH: Thank you.
2 Wanda had a comment.

3 MEMBER MUNN: Yes. I'm really
4 concerned here that we are building an
5 enormous mountain out of what I had
6 anticipated would be a simple and
7 straightforward response to a Board request.

8 What I hear, and perhaps I'm
9 wrong, but what I'm hearing here is I'm
10 hearing from Josie and I'm hearing from at
11 least two other people the possibility of
12 building an entire database here.

13 And I -- what I had recommended,
14 and I think it ought to be one of the
15 recommendations to the Board, is because these
16 things do appear in the public record, that we
17 respond to what has been raised at each
18 meeting at the following meeting, but that we
19 not continue -- you're indicating that you
20 want to continue to track it forever.

21 And I'm suggesting that the
22 tracking system is outside of the scope as I

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1 saw it originally and I don't know how other
2 Board members feel about it.

3 But it seems to me that we need to
4 present at least that option to the Board that
5 they hear the following meeting what has been
6 done to disposition these things, but that we
7 not continue to track them.

8 If you want to set up an entirely
9 new database, then that's a different question
10 entirely that is being proposed to the Board I
11 do believe.

12 MR. KATZ: I would just have you
13 consider that there's some issues that may not
14 between one Board meeting and the next
15 meeting, may not have -- you may not have the
16 time to handle yet.

17 And for those you'd be silent
18 until you were ready and having a tracking
19 system would just allow you to realize that
20 that's still a comment sitting there that the
21 Board hasn't spoken back to the public yet
22 about.

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1 And it sounds like from what Stu's
2 saying, it's not -- we're not talking about a
3 lot of resources just to set up this template
4 on there for people to type these things in.

5 MR. ZEITOUN: You see I am not a
6 computer expert, but sometimes I sit down on
7 Excel, I make a database just by typing it.
8 You know what I mean? So it's I don't think
9 what I understand from Stu, it's not
10 sophisticated, it's just a tracking database,
11 simple program anyway.

12 ACTING CHAIR BEACH: And I agree
13 in part, Wanda, that we should report to the
14 Board at the next meeting on those cases that
15 we can or those questions we can readily
16 report on, but I am in wholehearted agreement
17 with the tracking system, especially with
18 Stu's description of it being so easy to
19 implement and I see no reason why we shouldn't
20 go forward with that.

21 MEMBER MUNN: I'm very concerned
22 with sunset clauses. We never establish any

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1 sunset clauses in this process that we set up.

2 We are building an enormous bureaucracy and
3 we are adding to our own workload every single
4 meeting that we have.

5 I know that this program is going
6 to go on for a very long time and I know that
7 many of the people sitting around this table
8 are going to be here 10 years from now still
9 doing this same thing.

10 But it is of real effect for how
11 that proceeds for us to provide more than one
12 option when we present this to the Board in my
13 view. It will undoubtedly go your direction
14 that you're proposing, we're undoubtedly
15 setting up another tracking system here that
16 will go on to eternity.

17 But it does need to have an option
18 to that presented.

19 MR. KATZ: I think the Work Group,
20 as I said earlier, it should present as many
21 flavors or alternatives as it can imagine.
22 There's no reason to limit yourselves at all

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1 and you can raise the issues that relate to
2 each option as to workload, et cetera to be
3 sure.

4 I think that will all be helpful
5 to the full Board in giving good consideration
6 to how -- the path forward.

7 MEMBER SCHOFIELD: It would. I
8 mean, we don't really know when a lot of these
9 questions are raised at Board meetings from
10 the public and stuff. Think back five or six
11 Board meetings, how many of the questions do
12 you even remember or the comments that are
13 made.

14 MEMBER MUNN: Most of them.

15 MEMBER SCHOFIELD: Well then, you
16 know, how were they addressed? Were they
17 addressed or not? You know, I mean in some
18 cases we don't need to all detail how they're
19 addressed, just whether they're addressed, you
20 know.

21 Like you said, in some cases this
22 will be returned to the Department of Labor,

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1 that's all that needs to be in there because
2 it's not a question for the Board to answer,
3 but it was forwarded to the Department of
4 Labor, DOE, wherever it is.

5 So we don't need huge volumes of
6 data in there as far as a lot of the
7 responses. It can, you know, it can just be
8 acknowledged that it was dealt with.

9 MEMBER MUNN: So you can look back
10 on it 10 years from now and look at your
11 tracking system and say yes, that's a DOL
12 issue.

13 MEMBER SCHOFIELD: Well, mostly
14 it's that way, if it comes up again we can sit
15 there and say, hey, you know, this issue has
16 been dealt with, there's already an answer out
17 there and we can, you know, guide them to that
18 particular answer.

19 ACTING CHAIR BEACH: So we have
20 about 10 minutes before lunch so I'm going to
21 cover these last two bullets and if we need
22 to, we'll readdress this at the end of the

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1 meeting.

2 What criteria will be used to
3 identify comments that deserve consideration,
4 formal response or action by the Advisory
5 Board and its contractor?

6 MEMBER MUNN: Or OCAS.

7 ACTING CHAIR BEACH: Or, yes, or
8 OCAS. Are we going to identify a criteria?

9 MEMBER MUNN: Is that another
10 internal QA question between the agency and --

11 MR. ZEITOUN: Does the Board even
12 respond formally to issues in letters?

13 ACTING CHAIR BEACH: No. They do
14 to letters. If they get a letter from a
15 petitioner, they respond with the letter, yes.

16 MR. ZEITOUN: So this is already
17 occurring?

18 ACTING CHAIR BEACH: Yes.

19 MR. ZEITOUN: It doesn't need to
20 be tracked or anything? It's going to happen
21 automatically?

22 MEMBER MUNN: Not for comments in

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1 public sessions.

2 MR. ZEITOUN: Okay.

3 ACTING CHAIR BEACH: Okay. So is
4 that something we need to discuss? Do we need
5 to come up with a criteria or, I mean we've
6 already discussed some aspects of that.

7 MS. ROBERTSON-DEMERS: We can
8 propose criteria, but it probably needs to be
9 discussed by the Board.

10 DR. MAKHIJANI: You know I don't -
11 - you need to know the public comment. I mean
12 the -- if we're making a list of public
13 comments, it should become -- we should make a
14 -- if we're going to list public comments my
15 suggestion is that we list them.

16 ACTING CHAIR BEACH: I agree.

17 DR. MAKHIJANI: Everything that is
18 involved either an individual dose
19 reconstruction -- every substantive comment
20 should be listed. And then I think once you
21 list them it will become obvious, you know, I
22 would say half of the comments are about

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1 people's own dose reconstruction or how it
2 went wrong according to them or something
3 wasn't taken into account that they said.

4 And those are all clearly in
5 NIOSH's bailiwick and they need to go back
6 and, you know, look at their tracking number
7 of the person and see what happened.

8 ACTING CHAIR BEACH: So would you
9 agree that we're going to comment on all --

10 DR. MAKHIJANI: Yes, I think we
11 should compile all of them and my feeling is
12 that their disposition will become transparent
13 in almost all cases. I can't think of
14 anywhere the disposition wouldn't be
15 transparent.

16 MR. KATZ: I would just -- Josie
17 what you just said is that we would comment on
18 all of them. And I wouldn't suggest, although
19 you can do whatever you want, but I wouldn't
20 suggest that the Board be commenting back on
21 every comment.

22 Because again, as Arjun just said

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1 about 50 percent of them deal with individual
2 claims and their issues and really it's not
3 even the appropriate forum for them to have a
4 response from the Board.

5 But it really, I think the Board
6 would want to respond on those issues that are
7 Board issues or to provide assurance for
8 issues of generic issues that OCAS addressed
9 that those were addressed somehow. Whether it
10 was the issue was referred to DOL or what have
11 you. So it would be selective.

12 ACTING CHAIR BEACH: Point well
13 taken.

14 MEMBER SCHOFIELD: I think that's
15 a good way to go.

16 ACTING CHAIR BEACH: And I think
17 the last bullet we've already addressed.

18 DR. MAKHIJANI: Yes, if you're
19 going to make the tracking public.

20 MR. KATZ: Yes, just for the
21 record the question on the paper is how will
22 feedback be provided to the workers in

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1 response to their comments.

2 ACTING CHAIR BEACH: Thank you.
3 Are there any other topics that have not been
4 listed in these bullets that need to be
5 addressed or talked about?

6 MR. KATZ: I think just -- I think
7 you might just want to sort out -- I mean, I
8 just suggested a process but it didn't -- it
9 wasn't discussed which is that this Work Group
10 -- one way to go about this is for this Work
11 Group to be in a sense responsible for the
12 preparatory work and to have a meeting prior
13 to an upcoming Board meeting where it would go
14 over these materials with OCAS and make
15 certain that it had in hand responses or
16 suggest for issues that Work Group believes
17 ought to be responded by the Board and so on.

18 You still have to think about
19 there's still a step between that, this Work
20 Group doing that work and the Board actually
21 deciding it wants to respond on all those
22 issues, because I think it's probably a little

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1 bit weight in certain circumstances for this
2 Work Group to make that decision where it
3 might be a big issue.

4 So you'll have to think about how
5 you get feedback from the full Board on -- so
6 that when you go into a Board meeting you're
7 reporting out on issues that the Board wants
8 to report out on.

9 ACTING CHAIR BEACH: Did you have
10 something Abe?

11 MR. ZEITOUN: No. No, I'm --

12 MR. KATZ: So one possibility is
13 if this Work Group does the homework, in a
14 sense, for the Board and lays material out,
15 you could have email communications among the
16 Board to sort of organize that as to what the
17 Board would like to present.

18 I'm just -- I guess it's going to
19 have to be something fairly efficient if this
20 is going to work given that, you know, even
21 though there's three months between Board
22 meetings, those three months go so quickly

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1 and, you know, the first 30 days you don't
2 have the transcript until, the draft
3 transcript until, you know, 35 days out from
4 the first -- from the Board meeting, last
5 Board meeting.

6 MEMBER MUNN: It would need to be
7 very brief and not time consuming for the
8 Board members.

9 ACTING CHAIR BEACH: Well I think
10 that's something we need to keep in mind and
11 we will come back to that under the actions
12 and assignments at the last part of the day of
13 how we're going to assign the work and move
14 forward.

15 DR. MAKHIJANI: I have some notes
16 that I made about the salient points that I
17 thought.

18 ACTING CHAIR BEACH: Okay.

19 DR. MAKHIJANI: If you want me to
20 share those with you now.

21 ACTING CHAIR BEACH: Sure.

22 DR. MAKHIJANI: One was the

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1 Working Group recommends to the Board that the
2 Working Group take on tracking of comments and
3 their disposition.

4 And the Working Group should
5 report to the Board that we looked at tracking
6 as a good idea and different levels of
7 tracking and how big it should be should be
8 discussed by the Board for their further
9 direction.

10 And that NIOSH can easily
11 establish a tracking system similar to this
12 that would contain a couple of other columns
13 and that suggested process by Ted, that could
14 be adopted by the Working Group would be for
15 the preparatory work of the disposition of the
16 comments to be done by a Working Group meeting
17 prior to the Board and presented to the Board
18 for action.

19 I think action would then be quite
20 important because many of the things that
21 might come up may not be the province of this
22 Working Group at all, they'll be the province

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1 of some other Working Group, mostly actually
2 that will be the case.

3 So if the Board want to take
4 further action it won't come back here, it
5 will go back to, you know, Hanford or Savannah
6 River or --

7 That's what was in my notes.

8 ACTING CHAIR BEACH: Would you
9 mind emailing those to me?

10 DR. MAKHIJANI: Yes, I'll
11 formalize them a little bit and send them to
12 you.

13 ACTING CHAIR BEACH: Thank you.

14 MEMBER SCHOFIELD: Can you send
15 them out to the whole Work Group?

16 DR. MAKHIJANI: Sure.

17 ACTING CHAIR BEACH: Any other
18 comments at this point?

19 DR. MAKHIJANI: And that the scope
20 was limited to the oral comments.

21 MEMBER SCHOFIELD: Yes.

22 DR. MAKHIJANI: Sorry, I didn't

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1 read that, my notes are a little bit
2 scattered.

3 ACTING CHAIR BEACH: John, anybody
4 on the phone have any comments before we break
5 for lunch?

6 DR. MAURO: No, I'm listening very
7 carefully and I think you're making incredible
8 progress in terms of really getting your arms
9 around this. This is great.

10 ACTING CHAIR BEACH: Great. So I
11 propose we break for lunch until 1:00. Thank
12 you.

13 MR. KATZ: Thank you everybody for
14 hanging in there with us on the phone.

15 (Whereupon, the above-entitled matter went off
16 the record at 12:02 p.m. and
17 resumed at 1:03 p.m.)

18

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1 from -- Bonnie Klea from California, Santa
2 Susana Field Lab. And I was wondering with
3 the next class proposed on my original
4 petition, 93, why the next class has been
5 renamed petition number 153?

6 MR. HINNEFELD: Bonnie, this is
7 Stu Hinnefeld.

8 MS. KLEA: Yes, Stu.

9 MR. HINNEFELD: I'm trying to
10 remember the specifics of this. Were you --
11 did we send you a Form A to sign for extending
12 those years?

13 MS. KLEA: Yes, you did and I
14 signed it and I got back a letter from NIOSH
15 stating that they cannot do dose
16 reconstruction and then they renamed the new
17 class from 59 through 64 or 65, I'm waiting to
18 find out, 0153. And I was wondering if that
19 will be linked to the original petition with
20 all the data on the OCAS website.

21 MR. HINNEFELD: Yes, there are --
22 I think there will be some sort of linkage

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1 there. The reason for that, we were advised
2 in that case that it would be beneficial for
3 us, rather than to continue on with the
4 original petition, it would be beneficial to
5 initiate an 83.14 process for this addition,
6 which installs another petition and therefore
7 -- and that's why we sent you the Form A and
8 that's why it has the new petition numbers.

9 The petitions are just numbered
10 sequentially as we receive them and so that's
11 why it got a new petition number. But all the
12 information from the first, I think is
13 probably relevant for the second as well. So
14 there should be some linkage there in some
15 fashion.

16 MS. KLEA: Okay. And will there
17 be another outreach out here for that new
18 group?

19 MR. HINNEFELD: I don't know for
20 sure. See, we do different kinds of these
21 things. The outreach meeting that we
22 initiate, the SEC outreach meeting we initiate

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1 is sort of information-gathering, help us
2 understand the situation and the information
3 in this petition and get us a more full view.

4 I don't know that we're planning
5 to do that, although I don't know that we're
6 not planning to. So the short answer there is
7 I don't know. Then there is another meeting
8 that usually SEC classes are added that the
9 Department of Labor organizes.

10 And we typically attend those
11 because they ask us to in case questions come
12 up, you know, that they want us to answer.

13 MS. KLEA: Okay. So nobody knows
14 yet.

15 MR. HINNEFELD: Right. But I
16 don't know if there's going to be one. So I
17 don't know, yes.

18 MS. KLEA: Okay. Stu, on the
19 Canoga Petition, you know, you did tell me you
20 would bring in Canoga, De Soto and Downey, but
21 someone independently sent in a petition, but
22 he didn't include the full time period for

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1 Canoga, which is 55 through the end of 60.

2 Now will you override that and
3 give that Canoga petition the full time period
4 as approved, you know, for coverage?

5 MR. HINNEFELD: I don't know
6 exactly what we're doing in Canoga, I haven't
7 talked to the people working on that.

8 But I can tell you in general what
9 we do is when we get a petition, that petition
10 for a certain period of time and we find that
11 it's not feasible for us to do dose
12 reconstruction during that period of the
13 petition, as a general rule we'll look beyond
14 the period of the petition and say, how long
15 does this condition extend that prevents us
16 from doing feasible dose reconstruction.

17 MS. KLEA: Okay. Now I'm --

18 MR. HINNEFELD: And so we may
19 actually --

20 MS. KLEA: I'm hoping and assuming
21 that you will cover all of 1960, because the
22 petitioner instead of including 55 through 60

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1 he included a half year in 55 and only a half
2 year in 1960 and that will exclude a lot of
3 workers that I have that worked, you know,
4 from January 1 of 60 through the end of
5 December.

6 And if you only give a half year,
7 a lot of the workers will be excluded for
8 their time period.

9 MR. HINNEFELD: Well I'll have to
10 find out. I don't know for sure. What you
11 could do is if you wouldn't mind asking Laurie
12 -- I know you've been in contact with Laurie
13 or somebody --

14 MS. KLEA: Yes.

15 MR. HINNEFELD: -- our website,
16 you can send that there and they'll probably
17 get you an answer, but I can't answer it
18 sitting here today.

19 MS. KLEA: Okay. Yes, Laurie has
20 been actually really very helpful and she
21 responds fast, so I will keep, you know, be in
22 contact with Laurie. Is she still there?

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1 MR. HINNEFELD: Well she still
2 works for us. She's not at this meeting
3 today.

4 MS. KLEA: I thought I heard her
5 on the phone this morning?

6 MR. KATZ: No. You might be
7 thinking of Denise Brock who was on the phone
8 this morning.

9 MS. KLEA: Oh, okay. All right.

10 And then one more question that's unrelated
11 to worker outreach, are you looking for any
12 new data on your covered cancers, because as
13 you know, I had bladder cancer and 97 percent
14 of the bladder cancers in the United States
15 are being denied because Larry Elliot told me
16 that it's not considered radiosensitive.

17 And each -- a lot of the sites
18 have had health studies done by the
19 universities and they have shown that bladder
20 cancer is very high as is shown in our site
21 that it is second only to lung cancer onsite
22 with the workers and offsite with the

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1 residents who live the closest.

2 And so I'm wondering if there's
3 going to be any update on your research.

4 MR. HINNEFELD: Well, as a matter
5 of course, we are charged with evaluating
6 research as it develops and determining if
7 there's an impact -- that research has an
8 impact on essentially the dose models, that
9 would be the case we'd be asking here, on the
10 dose models that are utilized.

11 So that's usually a fairly lengthy
12 and complicated process because one study is
13 not usually considered definitive in the world
14 of epidemiology, and beyond just having an
15 observed excess of the -- of a particular
16 disease, usually there has to be some
17 epidemiology done that sort of shows the dose-
18 response relationship, that the increased
19 disease then correlates or corresponds with
20 increasing doses of some exposure agent,
21 whether it be radiation or something else.

22 And so, normally that, you know,

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1 the complete set of that work would have to
2 be, you know, would be considered evidence,
3 but it would be one piece of evidence that's
4 considered in the totality of other similar
5 pieces of evidence.

6 So to the extent that you want to
7 inform us about studies that you're aware of
8 that show an excess of bladder cancer or some
9 other cancer, certainly we would be willing
10 and interested in hearing about that, you
11 know, through our --

12 MS. KLEA: Well we have our own
13 UCLA study --

14 MR. HINNEFELD: Yes.

15 MS. KLEA: -- and you haven't used
16 that in the research for Santa Susana; you're
17 using Boice study, which was commissioned by
18 Boeing. But the UCLA study shows very high
19 levels of cancers that weren't previously
20 thought to be radio sensitive including
21 bladder.

22 MR. HINNEFELD: Well we're --

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1 let's to be clear on what an epidemiology
2 study would inform us about is we would
3 generally not make a site-specific adjustment
4 for the risk models.

5 What we would say is that if there
6 is epidemiology that shows that the risk of
7 leukemia, for instance, is greater than
8 thought up until this point or the latency
9 period is different then at that -- and there
10 was some consistency of that message, you
11 know, it all -- it does not -- like I said,
12 one study does not necessarily tip the balance
13 of evidence.

14 So if there was, you know, some
15 consistency of that then it would be an
16 adjustment to the overall risk models that are
17 used in the program because we don't, as a
18 matter of course, make site-specific
19 adjustments to risk models.

20 MS. KLEA: Right. Well in my
21 research, I've read about a lot of the other
22 sites that had large tritium exposures and

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1 even in the Great Lakes area which I mentioned
2 once before that the Canadian reactors release
3 much more tritium than is allowed here in the
4 United States and the Great Lakes area has a
5 lot of bladder cancer.

6 And some of the other DOE sites
7 around the country are also showing large
8 numbers of bladder cancer.

9 MR. HINNEFELD: Well I guess all I
10 can say is that if you can cite the specific
11 studies to us that might help us in that. I
12 mean we are supposed to be keeping up with
13 that. But if you have site specific studies
14 that would make sure that we at least are
15 aware of those.

16 But I do want to say again that
17 usually that kind of process is fairly
18 lengthy. It takes -- it's a deliberative
19 process, a consensus process of a number of
20 scientists and we don't do that on our own.
21 We will usually get outside experts to weigh
22 in on things like that.

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1 And we in fact hire a company that
2 is a risk evaluation and risk modeling company
3 that is one of our contractors and they help
4 us on things like that a lot, too.

5 MS. KLEA: Okay. One more
6 question and then I'm done. Do you have a
7 date and a place for your February Board
8 meeting out here in California?

9 MR. HINNEFELD: The dates are
10 February 9th, 10th and 11th, I believe.

11 MR. KATZ: I believe. I don't
12 have it in my head.

13 MR. HINNEFELD: It's the Tuesday,
14 Wednesday and Thursday of the week that
15 contains February 9th.

16 MS. KLEA: Okay. Tuesday,
17 Wednesday and Thursday.

18 MR. HINNEFELD: And I don't know
19 its location.

20 MR. KATZ: Well I don't know the
21 name of the hotel, but it's at Manhattan
22 Beach.

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1 MR. HINNEFELD: I've heard the
2 name. It's in Manhattan Beach and I don't
3 know the name of the hotel.

4 MS. KLEA: I wonder if that will
5 be close for me than Redondo Beach.

6 MR. HINNEFELD: I don't know. I
7 was hoping you knew the geography better than
8 I do.

9 MR. KATZ: I think Manhattan --

10 ACTING CHAIR BEACH: Manhattan
11 Beach and 9th, 10th, 11th.

12 MR. HINNEFELD: So it's the 9th,
13 10th and 11th of February at Manhattan Beach
14 and I don't know where that is myself.

15 MR. KATZ: I mean it's not that
16 far from Redondo, it's not that far from LAX.

17 MS. KLEA: Okay.

18 MR. HINNEFELD: But it's not that
19 close to Santa Susana.

20 MR. BARAK: Bonnie?

21 MS. KLEA: Yes.

22 MR. BARAK: This is Bob Barak.

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1 MS. KLEA: Hey Bob.

2 MR. BARAK: Yes, I don't want to
3 interrupt the meeting, but I just want to let
4 you know I'm here and I happen to be sitting
5 in my office in Manhattan Beach so I can tell
6 you that Redondo Beach is rather close.

7 MS. KLEA: Thank you, Bob.

8 MR. KATZ: Thank you.

9 MS. KLEA: Bob, did you want to
10 ask them a question about the Canoga facility?
11 I already brought it up.

12 MR. BARAK: Oh, no. Just -- I
13 just wanted to let everybody know that I am an
14 employee that worked right next to the
15 Department of Energy employees and they're
16 getting reimbursed and I ain't.

17 MS. KLEA: And Bob will be
18 excluded from the compensation program if you
19 cut off 1960 in the middle.

20 MR. BARAK: Right. Oh it has,
21 okay.

22 ACTING CHAIR BEACH: Bonnie.

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1 MS. KLEA: Stu didn't you tell me
2 that all the buildings -- I guess it was --

3 ACTING CHAIR BEACH: Bonnie, can I
4 stop you for just a second?

5 MS. KLEA: Sure.

6 ACTING CHAIR BEACH: Can you guys
7 take that conversation off to the side --

8 MS. KLEA: Oh, okay.

9 ACTING CHAIR BEACH: -- so that we
10 can continue with our Board meeting?

11 MS. KLEA: Okay.

12 ACTING CHAIR BEACH: Sorry to
13 interrupt, but thank you very much. And are
14 there any other workers on the line that would
15 like to make a comment to the Board, to the
16 Work Group?

17 MS. BONSIGNORE: Yes, this is
18 Antoinette Bonsignore for the Linde Ceramics
19 Facility.

20 ACTING CHAIR BEACH: Hello,
21 Antoinette, please make -- welcome.

22 MS. BONSIGNORE: Thank you. I

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1 have two issues that I'd like to raise today.

2 The first being related to the issue that you
3 were just discussing about tracking public
4 comments in a database.

5 I've been raising an issue with
6 the Board and with OCAS for quite some time
7 now in public comments and in written letters
8 and documents regarding the provision of
9 technical assistance for petitioners and for
10 dose reconstruction claimants in helping them
11 to understand petition evaluation reports and
12 dose reconstruction reports, respectively.

13 And I've raised this issues a
14 number of times, specifically regarding the
15 SEC petitioning process and providing
16 petitioners with technical assistance in
17 understanding petition evaluation reports in
18 advance of OCAS' presentation of those
19 petitions to the full Board for review.

20 And I'd like to know what the
21 Board will be doing specifically to address
22 this issue in the coming months and I'd also

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1 like to ask Mr. Hinnefeld what OCAS plans to
2 do with respect to providing technical
3 assistance to claimants in helping them
4 understand dose reconstruction reports.

5 MR. HINNEFELD: Well, I can I
6 guess speak to the OCAS role. To be honest,
7 I've been on the job about a month and I
8 haven't addressed the question yet. I think
9 that the -- it will be something I will take
10 into consideration.

11 Now help me remember, did you make
12 that comment at the October Board meeting?

13 MS. BONSIGNORE: I made it at the
14 February meeting, I made it at the last Worker
15 Outreach meeting where Mr. Elliot was still
16 the director and then I made it at the October
17 meeting, as well.

18 MR. HINNEFELD: You did make it at
19 the October Board meeting, right?

20 MS. BONSIGNORE: Yes.

21 MR. HINNEFELD: Okay. The reason
22 I ask specifically about the October Board

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1 meeting is because our earlier discussion we
2 did say that we would excerpt comments from
3 public comment, the public comment session at
4 the October Board meeting and we would have
5 those presented to the Board at their next
6 meeting as part of this process that we were
7 asked to do, essentially worry about these
8 comments that are made.

9 And in that process, I think we'll
10 -- there will be some sort of discussion and
11 some sort of resolution. And I hate to offer
12 what that will be today, because again while
13 my title is Interim Director, it's not like
14 it's fuhrer or anything. And so I have to --

15 MS. BONSIGNORE: I certainly hope
16 not.

17 MR. HINNEFELD: -- I have to work
18 in conjunction with my colleagues and others
19 to make sure that we have a path that we think
20 is -- continues to be doable. So, I think
21 it's a little premature for me to offer an
22 opinion or offer any kind of thing

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1 definitively about what we might do at this
2 point.

3 MS. BONSIGNORE: Well just to
4 follow up on that point, I understand that
5 NIOSH has been providing the GAO with some
6 templates on revised dose reconstruction
7 reports to address this issue. Will that
8 issue be raised at the next Board meeting?

9 MR. HINNEFELD: I don't know if
10 that's going to be on the next Board meeting
11 or not. We have in fact -- we are in fact --
12 I have been on a long-standing process to try
13 to write a dose reconstruction, you know,
14 develop a template for dose reconstructions
15 that is more readily understood by the
16 audience than the dose reconstruction report
17 we currently write.

18 And to be honest I don't know if
19 that's on the Board's agenda and I don't know
20 of a planned roll-out date for that template
21 either right now.

22 MS. BONSIGNORE: Has there been

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1 any consideration, not by you specifically,
2 but perhaps by Mr. Elliot regarding providing
3 technical assistance to claimants that are
4 independent of OCAS?

5 MR. HINNEFELD: I'm not -- I don't
6 know. I don't know, but I can find out after
7 this conversation and may be able to offer
8 something at some point in the future.

9 MS. BONSIGNORE: Okay. And
10 regarding the SEC petitioning process, if
11 perhaps somebody on the Board could address --
12 if that issue was going to be discussed at the
13 February Board meeting?

14 ACTING CHAIR BEACH: Antoinette,
15 did you make that in -- was that put in
16 writing, that question, or was that just a
17 general comment?

18 MS. BONSIGNORE: It was put in
19 writing in February of this year and in
20 October of this year.

21 ACTING CHAIR BEACH: And you gave
22 it to the Board?

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1 MS. BONSIGNORE: Yes. And I also
2 made a public -- a rather lengthy public
3 comment during the October Board meeting.

4 ACTING CHAIR BEACH: Right, I do
5 remember that.

6 MR. KATZ: Do you think -- I think
7 the transcripts are up now for the October
8 Board meeting, I think they should be, the
9 uncertified version of them should be up on
10 the web.

11 Antoinette you may want to look on
12 the third day, because if I'm not remembering
13 incorrectly, which I could be, Dr. Ziemer as
14 you had requested, held a discussion on that
15 third day on that issue.

16 MS. BONSIGNORE: Oh, okay. I
17 didn't realize the transcripts were up yet,
18 okay.

19 MR. KATZ: I think they should be
20 up because I know they've been delivered and
21 they've been PA-cleared. If they're not up
22 now, they should be up shortly.

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1 MS. BONSIGNORE: Okay.

2 MR. KATZ: So look on the third
3 day for that issue, because I'm almost
4 certain, unless my memory is messing with me,
5 that we discussed that on the third day.

6 MS. BONSIGNORE: Okay. Thank you.

7 And then the second issue I wanted to raise
8 is an issue regarding the SEC qualification
9 process and the administrative review board
10 reports that are issued when a petitioner
11 appeals a denial for qualification.

12 I had filed two petitions for the
13 Linde Ceramics facility back in March of 2008,
14 one of those petitions failed to qualify. I
15 had appealed that decision from OCAS and there
16 was an administrative review board that was
17 assembled and they issued a report in August
18 of 2008.

19 When I put in a FOIA request for
20 that report, that request was denied under
21 Exemption 5 of the FOIA regarding the release
22 of pre-decisional documents.

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1 I appealed that decision and just
2 a couple of weeks ago, I believe on November
3 16th I finally received the administrative
4 review board's report, which after reviewing -
5 - I can't really call it a report, it's more -
6 - it's a one-page memo, it was a rather
7 perfunctory memo on affirming OCAS' decision
8 to deny qualification for that petition.

9 And what I'd like to know is that
10 in the future will OCAS be reviewing this
11 policy of withholding these memos from
12 petitioners and whether these memos will be
13 released to petitioners in the future without
14 any undue delay?

15 Because it took me over a year to
16 get a copy of a one-page memo that, quite
17 frankly, I don't understand after reviewing it
18 why it was withheld from me in the first
19 place.

20 MR. HINNEFELD: Well again, I
21 can't speak authoritatively here about what
22 would happen because a number of entities get

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1 involved in those decisions and the evaluation
2 of documents like that.

3 And so I guess I'm a little at a
4 loss to say much more than that at this time.

5 MS. BONSIGNORE: Well, I mean
6 there -- the denial that I had for the FOIA
7 was just a boilerplate letter saying that
8 since this was a pre-decisional document they
9 weren't going, you know, CDC would not release
10 it to me.

11 So, these are documents that are
12 produced by NIOSH and by OCAS, you know, I
13 think petitioners would like to know what
14 their rights are with respect to receiving
15 these documents. I mean, these are memos that
16 explain why petitions are failing to qualify
17 for review.

18 Quite frankly, I'd like an
19 explanation as to why OCAS or NIOSH believes
20 that these documents should be withheld from
21 petitioners.

22 MS. HOWELL: Antoinette, this is

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1 Emily Howell with the general counsel's
2 office. Those administrative review panel
3 findings are not through OCAS; they're through
4 the NIOSH Office of the Director and they're
5 not within the purview of this Board or,
6 really, OCAS.

7 And so this question, while I
8 appreciate your question and concerns about
9 this, this is probably not the proper venue
10 for getting you any kind of answers to those
11 questions.

12 And I think there have been
13 multiple communications with you about this
14 issue and we're happy to communicate with you
15 further about it, but again, it doesn't have
16 anything to do with the Board or OCAS; it's a
17 NIOSH document.

18 MS. BONSIGNORE: So who would I
19 address this to?

20 MS. HOWELL: You know, you can
21 certainly send a letter to Dr. Howard. I
22 think you've been in communication with him

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1 previously on this issue or with Dr. Branch.

2 MS. BONSIGNORE: Okay. Thank you.

3 ACTING CHAIR BEACH: Thank you,
4 Antoinette. Are there any other people who
5 wish to make a comment?

6 MS. VLIEGER: This is Fay Vlieger
7 from the Hanford site.

8 MR. KATZ: Could you restate your
9 name please?

10 MS. VLIEGER: Fay and I'll spell
11 the last name it's V like victory, L-I-E-G-E-
12 R.

13 ACTING CHAIR BEACH: Okay.
14 Welcome, Fay.

15 MR. KATZ: Thank you.

16 MS. VLIEGER: Hi. I just have a
17 couple of questions. I would like to know the
18 status of the Hanford SEC, it's been broken
19 out differently from the initial petitions
20 that were filed and I just would like to know
21 -- we just had, I don't want to seem greedy,
22 we just had, you know, one portion of it

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1 approved and I just wanted to know what the
2 status is of the remaining petitions.

3 MR. HINNEFELD: This is Stu
4 Hinnefeld, and I'll have to speak from memory
5 here or from what I know on the OCAS side.
6 The recommendation for approval for Hanford,
7 there was -- the Board voted to recommend
8 additional years at the October meeting. Is
9 that the recent approval you're talking about?

10 MS. VLIEGER: That's the recent
11 approval. The initial petitions requested SEC
12 status through 1990.

13 MR. HINNEFELD: Right.

14 MS. VLIEGER: The recent petition
15 approval was through 1968 and at this rate
16 it's going to take us 16 years to get there.

17 MR. HINNEFELD: I think the one
18 voted in October might go through '72. But
19 then I guess the remainder of the SEC then
20 will be open for discussion and I suspect that
21 discussion would resume at some point after
22 the new year.

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1 MS. VLIEGER: So will that be on
2 the February agenda?

3 MR. HINNEFELD: I don't know. I
4 don't think --

5 MR. KATZ: This is Ted Katz. I
6 don't think it will be on the -- I'm trying to
7 remember what Working Groups we have
8 scheduled, Hanford --

9 ACTING CHAIR BEACH: I haven't
10 seen it listed.

11 MR. KATZ: -- is not one of the
12 Working Groups scheduled. So the Work Group
13 has more work to do on this topic. Arjun, are
14 you --

15 DR. MAKHIJANI: Yes. I can give
16 you a little more information. This is Arjun
17 Makhijani. I'm the SC&A staff manager for
18 this. Sam Glover said that NIOSH is updating
19 the site profile. So presumably it will be
20 from July 72 onward. I was directed to
21 prepare an update of the matrix of SEC issues,
22 given that many of them have been resolved and

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1 some of them are still outstanding.

2 Dr. Melius, who is the Chair of
3 the Working Group said that he would want to
4 have a technical call just to sort out a
5 schedule in the middle of December. And he
6 may or may not call a Working Group meeting in
7 January or before the next Board meeting.
8 That's as much as I know.

9 ACTING CHAIR BEACH: Thank you.

10 MS. VLIEGER: Okay. And you're
11 right, the last one that was recommended was
12 from 68 to 72 and like I said at the rate that
13 we're going it's going to take 16 years to get
14 to 1990. It's taking, you know, two and three
15 years to get to approval.

16 So is there any chance that this
17 is going to be expedited because you now have
18 a database of material?

19 MR. HINNEFELD: Well I hate to
20 venture a guess about progress in this because
21 every guess I've made so far has been wrong.

22 MS. VLIEGER: Okay. Well I can

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1 understand not wanting to continue a bad track
2 record on guessing. So I understand that.

3 My only other question that I had,
4 and I don't know if this has been addressed
5 previously, the conflict of interest
6 statements that members of the Board have to
7 fill out, and I poised this question before to
8 DOL and didn't get an answer, because they
9 said, well, gee, we don't know the answer.

10 The Board members have to fill out
11 conflict of interests. What is happening with
12 contractors for dose reconstruction and
13 radiation exposure records is that you're
14 having the same people who pull the records
15 and make judgments for state labor and
16 industry injury cases are the same people
17 doing dose reconstruction on the EEOICPA side.

18 And I was wondering if there's
19 ever any look at -- I understand that there's
20 -- that the rationale is that there are too
21 few of these people with the technical
22 knowledge to not use people that have worked

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1 at the sites. I understand that rationale.

2 I would hope there is some work on
3 segregating what files they handle. Because
4 from the Hanford site, the same personnel at
5 PNNL who pull the records and make dose
6 determinations for labor industry cases are
7 the same people that turn around and work on
8 dose reconstructions for NIOSH and I would
9 think that that is a conflict of interest.

10 MR. HINNEFELD: Yes, ma'am. And
11 in fact that should not be happening. There
12 should not be anyone who worked at the Hanford
13 site whether PNNL or Hanford who is doing dose
14 reconstructions for Hanford.

15 MS. VLIEGER: Well it happens when
16 they subcontract their weekends and evening to
17 Dade Moeller. And so it doesn't look like
18 they're working at the Hanford site, it looks
19 like they're working for your other
20 subcontractors.

21 MR. HINNEFELD: You mean if they -
22 - no. No. If they work at the Hanford site

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1 or they used to work at the Hanford site, they
2 should not be doing dose reconstructions for
3 Hanford. They might be just --

4 MS. VLIEGER: I agree with you.

5 MR. HINNEFELD: Well that's a
6 fact. There is a policy against that. If you
7 would like to, rather than speak names over
8 the phone, if you would like to send the names
9 of someone you think is doing that to the OCAS
10 inbox.

11 MS. VLIEGER: I will most
12 certainly do that because I've had experience
13 with this person and his office, and it's not
14 just him; it's the other personnel in his
15 office.

16 MR. HINNEFELD: If you would do
17 that, then I will check into it. Because the
18 policy forbids someone who works or used to
19 work at Hanford from doing dose
20 reconstructions for Hanford. They might do
21 dose reconstructions for some other sites, but
22 not for Hanford.

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1 MS. VLIEGER: Okay. And does that
2 include -- many of the workers at the Hanford
3 site have roamed around the country, they've
4 been at Oak Ridge, they were at Rocky Flats,
5 they are here, they were in Ohio, and so does
6 that include if their file has anything from a
7 different site? So like if it's the Hanford
8 site and multiple other sites?

9 MR. HINNEFELD: Now are you
10 talking about someone who's doing dose
11 reconstructions?

12 MS. VLIEGER: Correct.

13 MR. HINNEFELD: If someone who is
14 doing dose reconstructions is not to be doing
15 dose reconstructions for any of the sites that
16 they worked at.

17 MS. VLIEGER: Okay.

18 MR. HINNEFELD: If someone worked
19 for them in radiation safety capacity, you
20 know, I guess --

21 MS. VLIEGER: Well I don't know
22 what you're calling radiation safety.

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1 MR. HINNEFELD: Well I think we
2 try to cast a pretty broad net for that.

3 MS. VLIEGER: Okay. I will send
4 you an email and try and get this cleared up.

5 MR. HINNEFELD: Okay.

6 MS. ROBERTSON-DEMERS: Can I ask a
7 question? Say, is it that you're concerned
8 about the people doing the dose reconstruction
9 or the people who are pulling the records?

10 MS. VLIEGER: I'm concerned about
11 the person who looks at the records, makes a
12 determination, writes letters and is a witness
13 for the contractor in state labor and industry
14 and injury claims.

15 MR. HINNEFELD: Okay. More to
16 that point. If that -- if a person who's
17 doing that is also responding to our records
18 requests, that I don't know about. That would
19 be -- that is the Department of Energy's
20 responsibility --

21 MS. VLIEGER: Right. But this is
22 --

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1 MR. HINNEFELD: -- to provide us
2 with their exposure.

3 MS. VLIEGER: But that's his day
4 job at PNNL and weekends and evenings he does
5 dose reconstruction for Dade Moeller.

6 MR. HINNEFELD: Should not be
7 happening, not if he's doing -- he should not
8 be doing Hanford dose reconstructions.

9 MS. VLIEGER: Okay.

10 MS. KLEA: Hi, this is Bonnie, I'd
11 like to add another comment on Dade Moeller.
12 Many of the claimants from Santa Susana Field
13 Lab have had dose reconstruction done by Dade
14 Moeller.

15 And Dade Moeller was contracted by
16 a home builder to test land adjacent to the
17 nuclear reactors to report to the city council
18 and they found it was clean and safe, whereas
19 previous studies on that same property show
20 very high readings of samples that were taken.

21 Now wouldn't this be a conflict of interest?

22 MR. HINNEFELD: That has been

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1 raised and investigated and I don't believe it
2 is. I believe the judgment was it's not.
3 Dade Moeller's work was at a -- for a -- well,
4 I better not say too much because I don't know
5 the specifics.

6 But I remember that that case was
7 raised, investigated and decided it's not and
8 it was not a matter that they were not -- they
9 were not pronouncing any opinion on the
10 immediate vicinity of Santa Susana.

11 And in fact for this program, a
12 determination that would be made anywhere in
13 the neighborhood would not really be relevant
14 because this program pertains to Santa Susana
15 only.

16 And while you can say, well, a
17 contamination offsite would indicate something
18 about the conditions at Santa Susana, I think
19 we have other information that it informs us
20 just fine about the conditions at Santa Susana
21 and we don't discount information of
22 contamination offsite just because somebody

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1 said, well for this particular housing
2 development, it's okay.

3 But that's been investigated and
4 I'm pretty sure it's been done.

5 MS. KLEA: Okay.

6 ACTING CHAIR BEACH: Okay. Thank
7 you. Are there any other comments from anyone
8 who hasn't had a chance to make a comment just
9 yet?

10 (No response.)

11 ACTING CHAIR BEACH: So I'm taking
12 that silence to mean that we are completed
13 with this portion of the public comment
14 section. Thank you.

15 DR. MAURO: Josie, this is John.

16 ACTING CHAIR BEACH: Hi, John.

17 MR. HINNEFELD: No fair, he's not
18 a member of the public.

19 DR. MAURO: I'm not offering a
20 comment. An interesting observation. One of
21 the things that just happened is we just heard
22 comments from a number of informed petitioners

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1 and interested parties. Is this -- is part of
2 the scope of this Work Group to take ownership
3 of those and track them?

4 It's almost like a subset of the
5 full Board only this is now -- these are
6 comments that are coming to the Work Group.

7 So it's a scope question. Is this
8 within the scope -- do you feel, I guess this
9 is a discussion for the Work Group, that the
10 comments that we just heard, some of which
11 were answered, some of which are being passed
12 on, et cetera, et cetera; is this something
13 that's going to be tracked by this Work Group?

14 ACTING CHAIR BEACH: At this time
15 we -- I know that Kathy has been taking notes
16 and it hasn't -- well, early on we decided
17 that we weren't going to track this. So John
18 I do think that you've raised a good question
19 and I think that it bears more discussion from
20 the Work Group.

21 MR. KATZ: What we discussed
22 earlier was not that this Work Group wouldn't

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1 track its own issues, what we discussed is
2 that issues brought to this Work Group would
3 not all the sudden become the responsibility
4 of the Board, the full Board, so.

5 ACTING CHAIR BEACH: Correct.

6 MR. KATZ: That's --

7 ACTING CHAIR BEACH: Correct.

8 DR. MAURO: And that was my
9 question, whether or not this Work Group may
10 want to have its own tracking system and take,
11 you know, take ownership of these issues. I
12 guess I just put that before the Work Group as
13 something that we probably should discuss.

14 ACTING CHAIR BEACH: Well I think
15 we have time to discuss that right now. Does
16 anyone wish to make a comment?

17 MEMBER MUNN: I wish to make a
18 comment.

19 ACTING CHAIR BEACH: Okay.

20 MEMBER MUNN: What a surprise. I
21 think we should not address this until our
22 Chair is available. I would hate to have a

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1 discuss what is and is not going to be the
2 purview of this Work Group without the Work
3 Group's Chair in attendance.

4 ACTING CHAIR BEACH: Okay. Any
5 other comments?

6 (No response.)

7 ACTING CHAIR BEACH: And I'm okay
8 with waiting until our Chair is available, I
9 have no problem with that. I think that if
10 we're going to open our time to public
11 comments then we should track those comments,
12 that's my opinion.

13 DR. MAKHIJANI: Josie? Just FYI,
14 I just sent the notes regarding Board tracking
15 as a Word file to the Work Group members and
16 the lawyers and our SC&A people who are here.

17 MR. KATZ: Thank you.

18 ACTING CHAIR BEACH: Thank you.

19 MR. ZEITOUN: I have one comment.

20 I believe you are correct that, since the
21 public were given the opportunity, this can be
22 discussed later with their Work Groups, given

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1 the opportunity to present their inputs, these
2 have to be looked at in a matter responsible
3 for whoever receives it.

4 ACTING CHAIR BEACH: Okay. So if
5 there's no more comments, the next item on our
6 agenda is protocol for authorization and
7 attendance of Worker Outreach meetings.

8 MEMBER SCHOFIELD: Josie, before
9 we go there, could we get back to Objective 3
10 for just a minute?

11 ACTING CHAIR BEACH: In the
12 implementation plan?

13 MEMBER SCHOFIELD: Yes, in the
14 implementation plan.

15 ACTING CHAIR BEACH: Sure.

16 MEMBER SCHOFIELD: An issue has
17 been brought up that I should have said
18 something then, and that is a number of the
19 claimants, the activists, they want to know
20 what the criteria is for site experts to DOL,
21 NIOSH, whoever, how they choose their site
22 experts.

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1 Because the general consensus
2 among a lot of these people is that when they
3 get up as a worker or as a claimant and
4 testify or give -- that their testimonies do
5 not carry as much weight.

6 And so in number three, we really
7 got to make sure that their comments are
8 incorporated and that they -- we need some way
9 to assure them that whatever they tell us is
10 being looked at under Objective 3.

11 MR. KATZ: Phil, that's very
12 substantially addressed under Objective 3.
13 That's the whole point is to look at work
14 input and how it's being handled.

15 MEMBER SCHOFIELD: Right. But
16 we're going to also have to have something
17 under Objective 3 some way it just might only
18 take a paragraph, to let these people know
19 that your comments have been received, they
20 have been incorporated.

21 Because a lot of times you will
22 see a clash between the site experts and the

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1 workers as to materials that were used,
2 quantities of materials that were used and
3 where they were used. A lot of times they
4 don't mesh at all.

5 And this is where this really big
6 conflict comes in, what happened down in the
7 lab or on the floor is different than what
8 happened up in, you know, the third-floor
9 office.

10 ACTING CHAIR BEACH: So Phil, you
11 don't think that that is covered adequately in
12 3 and if not, have you worked up paragraph,
13 maybe, to add?

14 DR. MAKHIJANI: Yes, Josie, can I
15 say something?

16 ACTING CHAIR BEACH: Sure.

17 DR. MAKHIJANI: Actually, you
18 know, was a big part or a significant part of
19 the review that Kathy and I did of Procedure
20 97. We said that there's a kind of a dual
21 track for site experts.

22 And I think our observation was

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1 that there shouldn't be, at least it was
2 implicit. And this is actually will come up
3 even outside of this in the review of
4 Procedure 12, well, Kathy and I already talked
5 about this.

6 MS. ROBERTSON-DEMERS: The dual-
7 track system is still an issue with Procedure
8 12. By the dual-track system, we mean the
9 worker outreach meetings that are held and
10 tracked in the OTS system and then there's
11 site expert interviews which are tracked --
12 which are documented in the documented
13 communications which are available through the
14 O: drive and that would be your, for lack of a
15 better term, site expert interviews.

16 And I believe our general feeling
17 from the last review was that they should not
18 be tracked separately, they should be tracked
19 together.

20 DR. MAKHIJANI: When NIOSH is
21 getting technical information from workers
22 whether they're on the floor or whether they

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1 are health physicists with a PhD, their
2 information as site experts and what they know
3 should be treated uniformly.

4 You may or may not use it. I mean
5 we document lots of stuff in the SC&A
6 interview session. It's just there, it's
7 documented. Then we decide what's germane to
8 the particular review at hand. But you can
9 see both, the Board can see what we used and
10 what we didn't.

11 MR. KATZ: And my point is just
12 under Objective 3, I think these questions
13 thoroughly evaluate how NIOSH handles
14 information received from any of these worker
15 sources and the worker as it's defined is very
16 broadly defined.

17 So you will be getting into those
18 issues as you actually evaluate those, but
19 it's thoroughly covered in a sense by this
20 framework under Evaluation Objective number 3.

21 I don't think there's anything to add to it,
22 but -

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1 MS. ROBERTSON-DEMERS: Can I ask
2 NIOSH one question? We've got a site profile
3 development procedure --

4 MR. HINNEFELD: Okay.

5 MS. ROBERTSON-DEMERS: 31, I don't
6 know that it's ringing a bell.

7 MR. HINNEFELD: Probably our --
8 yes, it would be our contractor's procedure
9 and an ORAU procedure.

10 MS. ROBERTSON-DEMERS: Okay. At
11 the moment, of course that references WISPR
12 and it references Procedure 97.

13 MR. HINNEFELD: Okay.

14 MS. ROBERTSON-DEMERS: Are there
15 plans to update that?

16 MR. HINNEFELD: There will be
17 shortly.

18 ACTING CHAIR BEACH: Phil, are you
19 comfortable with that discussion on 3?

20 MEMBER SCHOFIELD: At this time.

21 ACTING CHAIR BEACH: At this time.

22 MEMBER SCHOFIELD: I may bring it

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1 up again in the future.

2 ACTING CHAIR BEACH: Okay.

3 MEMBER SCHOFIELD: At this point
4 I'll --

5 ACTING CHAIR BEACH: I think
6 during our assignments that may become one of
7 our first assignments. So, we'll maybe see
8 how that goes further on down. Because
9 there's nothing to say that we can't add to
10 this or change it later on if we feel like
11 it's not meeting our needs.

12 Okay. So the next item on the
13 agenda is protocol for authorization and
14 attendance of worker outreach meetings.
15 Unfortunately, this is Mike's agenda and I'm
16 not sure who is going to cover that.

17 MR. ZEITOUN: Actually this is --
18 John? John Mauro?

19 DR. MAURO: Yes.

20 MR. ZEITOUN: This is the item
21 that you and I discussed and Mike adopted that
22 as a point of discussion for this work. Could

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1 you go through the process of our attendance
2 to the meetings, worker outreach meetings?

3 DR. MAURO: Oh, well right now
4 I've been operating on the assumption that Stu
5 is going to be keeping the Work Group informed
6 --

7 MR. HINNEFELD: Right.

8 DR. MAURO: -- of when the
9 outreach and various other types of meetings
10 are scheduled once they make it to a calendar.

11 I'm not sure if there's actually a formal
12 calendar in place, I believe that there is.

13 And at that time, I guess it was
14 our expectation that we would get direction
15 from the Work Group. There's a little bit of
16 a logistics problem here, you know, let's go -
17 - let's say tomorrow there's an announcement
18 on the calendar that Stu puts up on the site
19 where this information is maintained, there
20 will be a meeting at a certain date at some
21 location.

22 The questions -- I guess I'm

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1 operating under the assumption that, you know,
2 we don't automatically go to these meetings.
3 We need to get direction from the Work Group
4 and from Ted which meetings to attend.

5 And the problem we're having is
6 normally we receive our direction either
7 directly from the Board or doing a Work Group
8 meeting.

9 And since we're not -- since that
10 announcement may come out in between Work
11 Group meetings, the question is how is it, you
12 know, how do we get authorization to go if in
13 fact one of the Board members or Work Group
14 members would like us to attend. And right
15 now I don't know if the machinery is in place
16 to do that.

17 ACTING CHAIR BEACH: I believe we
18 discussed it two meetings ago and if SC&A felt
19 they would like to attend the meeting, the
20 authorization was already drafted. That's my
21 understanding, but --

22 MR. KATZ: We discussed this

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1 morning that for the evaluation going forward
2 that we would be systematic and not have
3 people just ad hoc attending meetings outside
4 of the framework of specifically engaging in
5 one or more elements of this evaluation
6 framework.

7 ACTING CHAIR BEACH: That is true.

8 MR. KATZ: So, as far as the sort
9 of logistical question or whatever, I mean
10 between Work Groups, if there is a site visit
11 that's needed, the only way for that to be
12 authorized is by me to authorize it between
13 Work Group meetings --

14 ACTING CHAIR BEACH: Oh, okay.

15 MR. KATZ: -- which I've explained
16 before, but --

17 ACTING CHAIR BEACH: Yes. Did you
18 have something Kathy?

19 MS. ROBERTSON-DEMERS: Yes. A
20 good example of how this comes into play is I
21 was informed that there was a combined
22 meeting, limited worker surveillance, DOL, DOE

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1 and NIOSH, I was informed approximately two
2 hours before the meeting occurred and it was
3 in my own territory, okay.

4 And I went ahead and went because
5 of that. I didn't charge the government for
6 it, but it was after hours. And this is -- we
7 find out about some of these meetings with
8 that much notice.

9 MR. KATZ: Well, I mean I think
10 there is something in place now, but I don't
11 know what the timing of that was. But I know
12 I'm receiving and I'm seeing that you guys are
13 copied on this calendar that Stu may want to
14 talk more about that --

15 MR. HINNEFELD: Yes, I believe
16 that they are copied on the meetings that we
17 set up, okay, our worker outreach meetings.
18 These other meetings we may attend, if asked,
19 but we don't set up. The one you're talking
20 about is probably a public meeting, because
21 usually when workers monitoring program and
22 the Ombudsman goes to these meetings, they're

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1 normally public.

2 And on occasion they'll ask us to
3 attend either to say a little bit about
4 NIOSH's role or just to be available to answer
5 questions if there are questions that they're
6 not comfortable answering related to our
7 program.

8 So we have not actually gone out
9 of the way to communicate that, you know,
10 those meetings. Now, there's maybe an --
11 there may be a mechanism to do that fairly
12 easily.

13 This calendar is put out, you
14 know, slightly in advance of the month, you
15 know, it's kind of a monthly calendar comes
16 out slightly in advance of the effective
17 meeting.

18 And presumably we can distribute
19 it, we get it through email, we could, you
20 know, send it to you and to the Working Group
21 members and to the SC&A staff. I guess we
22 could probably do that. There's no guarantee

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1 we're going to be there.

2 MS. ROBERTSON-DEMERS: Is this the
3 DOE calendar that you're referring to?

4 MR. HINNEFELD: I don't know.
5 It's --

6 MS. ROBERTSON-DEMERS: By --

7 MR. HINNEFELD: Well, yes Moriah
8 puts out a calendar I think of that describes
9 --

10 MS. ROBERTSON-DEMERS: Is she on
11 the phone?

12 MR. HINNEFELD: She was this
13 morning, I don't know if she's still there or
14 not.

15 MR. KATZ: Moriah, are you still
16 on the line with us?

17 MS. FERULLO: Here. Yes. I was
18 just coming off of mute. What's the question
19 about the calendar? I've been listening, but
20 I don't know if there was really a question.

21 MS. ROBERTSON-DEMERS: Well it
22 sounds like you're providing the DOE meeting

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1 calendar to NIOSH for these --

2 MS. FERULLO: Actually it's on the
3 website on the HSS website there's an outreach
4 calendar and it lists all of the joint
5 outreach task group events, which is when we
6 go out with the Ombudsman's Office.

7 And we've also asked everybody on
8 the joint outreach task group be it NIOSH and
9 the Ombudsman for NIOSH and for DOL as well as
10 the former worker programs and the Department
11 of Labor and the resource centers if they're
12 having any events to post it on there and then
13 we can make that accessible for everybody so
14 we're not, you know, duplicating efforts.

15 If somebody happens to be going
16 out to do an event, then maybe, you know,
17 another party could team up with them.

18 MR. KATZ: Thank you Moriah.

19 MS. LOUIE: Although we were
20 interested Moriah, this is Terese, on just
21 putting public meetings on that calendar.

22 MS. FERULLO: Yes, exactly. And

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1 we, you know, made that clear to everybody on
2 the joint outreach task group that, you know,
3 if you submit something that it is going to be
4 up there and it will be public.

5 MEMBER MUNN: May we request that
6 that URL be sent to the Work Group?

7 MS. FERULLO: Oh, no problem.

8 MEMBER MUNN: Thank you.

9 MS. FERULLO: The other thing is
10 we are, you know, we ask for everybody to send
11 the events even as they find out about them
12 because we're trying to make it 60 day
13 calendar, you know, having events two months
14 in advance to give everybody enough time.

15 And who specifically should I send
16 that to?

17 MR. KATZ: You can send it to me
18 and I'll be glad to distribute it to
19 everybody. So that's -- this is Ted Katz
20 speaking and you can just send it to --

21 MS. FERULLO: Okay, yes I'll get
22 your info.

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1 MR. KATZ: Thank you.

2 DR. MAURO: Ted, this is John.

3 MR. KATZ: Yes.

4 DR. MAURO: The logistics on this
5 sound to be one where since reality is between
6 meetings, you're really the only individual
7 that can authorize SC&A to do work, to go to a
8 meeting or to do work that we were not
9 explicitly authorized to do either during the
10 Work Group meeting, such as today or a full
11 Board meeting.

12 So really I guess it sounds to me
13 that the sequence of events is once a given
14 meeting is noticed and the members of the
15 Board, and it may go beyond just this Work
16 Group, I don't know, this is I guess the
17 question, if in fact there is interest in
18 having SC&A members attend, I guess the next
19 step in the process is for that Board member
20 or Work Group member on the Board, to inform
21 you.

22 I'm not sure, you know, if that's

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1 --

2 MR. KATZ: So John --

3 DR. MAURO: I guess I'm really
4 asking, in the end I guess we don't take any
5 action unless we're requested to do so by Ted.

6 MR. KATZ: Right.

7 DR. MAURO: That's the way our
8 contract is written right now.

9 MR. KATZ: Well John let me
10 explain what I was saying earlier this morning
11 which was suggested as an approach.

12 I mean if this Work Group is going
13 to go the approach at which there seemed to be
14 some consensus about of taking on one or two
15 objectives at a time, parallel maybe as the
16 way Arjun was saying and being very systematic
17 about how they go about the evaluation, which
18 means the Work Group decides exactly what
19 pieces of information it wants to evaluate and
20 how to do that.

21 The Work Group would make those
22 decisions of the Work Group, this is what we

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1 want to do, and maybe one of those elements
2 would be, listen, we really want to go see how
3 this particular kind of outreach meeting is
4 held or what have you. That would all be
5 decided at the Work Group meeting.

6 DR. MAURO: Yes, I'm less
7 concerned about --

8 MR. KATZ: Let me just finish
9 John.

10 DR. MAURO: Okay, I'm sorry.

11 MR. KATZ: And so there would be a
12 plan, an implementation plan under one or two
13 of these objectives for going forward over the
14 next two or three months say, in front of the
15 Work Group.

16 And then we would know, okay well
17 so we want to attend -- as part of this
18 evaluation, we want to be able to review
19 what's going on at this kind of Work Group
20 meeting, I mean this kind of outreach meeting
21 and that kind of outreach meeting and we also
22 want to look at these documents, et cetera, et

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1 cetera.

2 Then we would have a charge, an
3 authorization. And then when it comes up,
4 okay, so now there is going to be this kind of
5 meeting coming up next month, you would have
6 your charge already because there would
7 already be a plan.

8 But it would be different than you
9 sitting there and just these meetings popping
10 up and you thinking, well should I attend
11 that. It's willy-nilly, that's just -- that's
12 what I was saying, it would be better for it
13 to be systematic, there to be a plan, the Work
14 Group has to establish that plan with very
15 clear to do list.

16 And then it's easy to know, okay
17 of course you're authorized to do that because
18 we wanted you to cover that kind of meeting.

19 DR. MAURO: Okay.

20 MS. FERULLO: This is Moriah and I
21 just want to comment. This morning you guys
22 were going over several topics that even the

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1 joint outreach task group we've been looking
2 at as far as how to evaluate the effectiveness
3 of our program and whether to do some sort of
4 satisfaction evaluation.

5 And next week we're having an in-
6 person meeting with representatives from --
7 some from NIOSH, DOL, the resource center, the
8 former worker programs, the Ombudsman's
9 Offices and we're going to be addressing
10 similar issues.

11 And one of them, actually the
12 former worker program brought and that you all
13 were talking about is this tracking of the
14 complaints that are brought up and the various
15 issues and concerns brought up during our
16 meeting.

17 So, it looks as though we're, you
18 know, both groups are tackling the same
19 problem. So I don't know if you all want to
20 listen in on next week's meeting or if you're
21 around and any of you want to attend, but I
22 can also provide you with the call-in number

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1 for that meeting and you're more than welcome
2 to join in.

3 Because it does seem like we all
4 are, you know, looking at the same issues and
5 trying to find a way to, you know, one, track
6 the problems coming in and two, to evaluate,
7 you know, our efforts, so.

8 MR. KATZ: Moriah, do you already
9 have the call-in number?

10 MS. FERULLO: Yes, I do and I have
11 the agenda for the meeting.

12 MR. KATZ: Okay.

13 MS. FERULLO: So you want me to
14 give it to you now?

15 MR. KATZ: Yes, you'd be welcome
16 to email that to me and also I don't know if
17 people want to hear the call-in number now
18 they can. But you can email those to me as
19 well and I will distribute them to everybody.

20 MS. FERULLO: Great. I'll email
21 you the information as well as the link.

22 MR. KATZ: Thank you, that's

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1 really helpful.

2 ACTING CHAIR BEACH: Thank you.

3 MS. FERULLO: No problem. If you
4 guys ever come up with a way to evaluate
5 things, please let me know because I'm
6 struggling with it.

7 MR. KATZ: It sounds like we'll
8 all be learning together Moriah.

9 MEMBER MUNN: It only takes time
10 and money, Moriah.

11 ACTING CHAIR BEACH: Thanks
12 Moriah. Have we covered this topic? Not
13 having spoken to Mike I just want to make sure
14 that everything that he wanted brought out,
15 attendance at the worker outreach, that was in
16 combination with the protocol or was there
17 something more Kathy that you know of to that?

18 MS. ROBERTSON-DEMERS: No, it was
19 mainly situations where if we don't have
20 advanced notice, and we're interested in
21 attending, what do we do.

22 ACTING CHAIR BEACH: Okay. So is

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1 everybody clear then --

2 MEMBER MUNN: Who goes in-house?

3 MR. KATZ: Well I was just making
4 -- I'm just a suggestive person here --

5 ACTING CHAIR BEACH: That's fine.

6 MR. KATZ: -- but if that's with
7 the Work Group, then I think it's a very
8 workable way to handle this.

9 ACTING CHAIR BEACH: I think it's
10 good, it's a good way to handle it.

11 MEMBER MUNN: If it turns out not
12 to be effective we can change it.

13 MR. KATZ: Yes.

14 MR. JOHNSON: Let me just say that
15 information that's put out on our outreach
16 tracking system calendar is put out there as
17 soon as possible. So once we get a confirmed
18 date, we put that information in our website
19 within one or two days of notification.

20 Sometimes there are meetings that
21 happen very quickly and even though the
22 information is put out there in a timely

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1 manner, it's still in some cases is not timely
2 enough for other folks to either be happy or
3 get there.

4 But the system is set up right now
5 that all the Board members are on the outreach
6 tracking system calendar and quite a few of
7 SC&A personnel. So we try to have that system
8 set up so it's as timely and informative as
9 possible.

10 ACTING CHAIR BEACH: I actually
11 think it's been working well for us. I've
12 been getting the notifications and I'm glad
13 that we are getting those ahead of time, so.

14 MR. JOHNSON: And even with that,
15 if you feel that you've not been included for
16 whatever reason you can go to the OTS system
17 and it's right there in the front, the
18 calendar of events are on the first page.

19 ACTING CHAIR BEACH: Okay. Are
20 there any other items that need to be
21 discussed? I'm considering taking a break and
22 then coming back for the action items and

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1 assignments. I know there's several people
2 that are taking flights early afternoon. So
3 any other items that need to be brought up or
4 discussed at this time?

5 (No response.)

6 ACTING CHAIR BEACH: Okay. So --

7 MR. KATZ: Ten minutes?

8 ACTING CHAIR BEACH: Let's take
9 15, we are pretty far ahead of schedule here.

10 MR. KATZ: Okay, 2:15, I'm going
11 to put the phone on mute, that's all, but
12 we'll be back on at 2:15.

13 (Whereupon, the above-entitled matter went off
14 the record at 2:00 p.m. and
15 resumed at 2:15 p.m.)

16 MR. KATZ: Okay, we're back. This
17 is the Outreach Work Group meeting. We just
18 took a brief break. And we finished the
19 public comment session and also another
20 session following it on authorizing attendance
21 at worker outreach meetings.

22 But we apparently, the marvelous

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1 internet and the airlines we somehow, we got a
2 public comment from Terrie Berrie, I believe
3 right, is that correct, perhaps while she was
4 in the air.

5 But she wanted to -- or she's in
6 the air so she couldn't speak, but she a
7 comment that she wanted read into the record
8 for this meeting, so let me do that.

9 Here's Terrie Berrie and ANWAG's
10 public comments for this outreach meeting.

11 Section 7384N of the EEOICPA
12 program as amended states that the President
13 of the United States shall establish quote,
14 "Establish an independent review process using
15 the Advisory Board on Radiation and Worker
16 Health to," unquote, assess the methods
17 established used by NIOSH to reconstruct dose
18 and verify a reasonable sample of completed
19 dose reconstructions.

20 An independent review process is
21 the law, not a wish, not a suggestion, but the
22 law. During the past year or so, OCAS has

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1 decided to grasp onto the fact that because
2 the funding for the Board's technical advisory
3 contractor, SC&A, is disbursed by CDC that
4 SC&A must abide by OCAS policies and
5 procedures.

6 The most recent example is the
7 policy of providing public access to Board or
8 SC&A records or documents. This document's
9 title begins with "NIOSH's procedures," in
10 quotes.

11 Trust me I'm all for open
12 government, I would honestly like to see more
13 documents such as the White Papers developed
14 by NIOSH and SC&A be posted to the OCAS
15 website without the need of a FOIA request.

16 However, to have NIOSH propagate
17 policy that govern the Board and its support
18 contractor flies in the face of the logical
19 interpretation of the law. The Board is
20 independent of NIOSH and therefore so is the
21 Board's support contractor.

22 While the policy may, and I stress

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1 the word may, be appropriate and in accordance
2 with President Obama's directive, the fact
3 that the agency whose work is being audited
4 writes the policies clearly means that the
5 Board is not independent as the law requires.

6 Another example of this lack of
7 independence is the FOIA policy states that
8 NIOSH will determine which communiques or
9 documents SC&A received or produced will be
10 subject to a FOIA request. Yes, they will
11 confer with SC&A and the designated federal
12 official, but the ultimate decision on what to
13 release rests with NIOSH.

14 This policy does not make the
15 Board or its contractor independent. There is
16 no procedure in place that I could find that
17 will allow the Board, itself, to object to
18 releasing communiques or documents based on
19 the FOIA exemptions.

20 This is not independence. Some
21 documents or communications submitted by
22 claimants or workers were considered by those

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1 who offered the information to be
2 confidential.

3 Some who offered this information
4 may not have wanted to have their present job
5 jeopardized while some offered personal
6 information and had no inkling that this
7 information would be subject to public
8 scrutiny, let alone give NIOSH a heads up on
9 information that may refute original NIOSH's
10 findings.

11 This would defeat the purpose of
12 an independent audit of the program. I
13 respectfully request that the Board advise
14 President Obama immediately of this conflict
15 and ask for his assistance in resolving this
16 issue.

17 Obviously legislative action will
18 also be necessary so that funding for the
19 Board and its contractor is disbursed from an
20 outside, non-partisan agency. Thank you for
21 considering this public comment.

22 ACTING CHAIR BEACH: Thank you. So

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1 the next item is to task action items and
2 assignments. Before we start with that, does
3 anybody have anything else, any other issues,
4 comments?

5 And feel free -- the ones I've got
6 down are for recommended actions. We've
7 already had Ted schedule time during the
8 February Board meeting to present the -- our
9 implementation plan to the Board.

10 I would like to SC&A to work with
11 Mike and/or myself depending on Mike's
12 availability for the February meeting to
13 prepare a presentation for the Board meeting.

14 MR. FUNK: This is John Funk in
15 Las Vegas. Could I speak to the forum for one
16 second please?

17 ACTING CHAIR BEACH: John, can you
18 hold off until after we're done with this task
19 and then we'll have time to come back to your
20 comment?

21 MR. FUNK: Sure.

22 ACTING CHAIR BEACH: Okay. I

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1 appreciate that. We're just going to finish
2 our tasking at this time.

3 MR. FUNK: Okay, go ahead.

4 ACTING CHAIR BEACH: Okay. So
5 that is one action item.

6 MS. ROBERTSON-DEMERS: Can you
7 repeat that?

8 ACTING CHAIR BEACH: To help
9 either Mike or myself prepare the presentation
10 of the implementation plan that we agreed on
11 today for the Board for our February meeting.

12 I'm just putting myself in there
13 because with Mike's situation I don't know
14 where he'll be in February and I'd be happy to
15 do that for him if he's not available.

16 The other item is to develop a
17 couple of options and I believe Arjun already
18 sent some tracking items around, but to work -
19 - SC&A work together and through email develop
20 those items to also deliver to the Board the
21 tracking items on -- excuse me I lost my train
22 of thought here.

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1 So for the documentation tracking
2 for public comments, what our plan is going to
3 look like and possibly have a couple of items
4 for us to look at as a Work Group, but we're
5 going to have to do it via email if that's
6 acceptable to everyone.

7 DR. MAKHIJANI: Could I ask for a
8 clarification on that, Josie?

9 ACTING CHAIR BEACH: Yes.

10 DR. MAKHIJANI: I sent the thing
11 around to everyone concerned I think.

12 ACTING CHAIR BEACH: Right.

13 DR. MAKHIJANI: Will you all be
14 sending back sort of edit mode changes to the
15 Chair, to you, to me, to everyone? How will
16 that work --

17 ACTING CHAIR BEACH: Well it
18 depends on who is going to take the lead in
19 that, either you or Kathy. I think Kathy
20 would want to look at that and then all of us
21 look at it and then whoever we decide we'll
22 send comments to. So is that going to be you

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1 Arjun or --

2 DR. MAKHIJANI: No, no. Kathy is
3 our lead on this, I was just asking in terms
4 of Working Group process whether you all are
5 going to sort of mark up that document and
6 send it back --

7 ACTING CHAIR BEACH: Yes.

8 DR. MAKHIJANI: -- to SC&A. Yes,
9 Kathy is our lead for this, obviously for the
10 work around.

11 MEMBER MUNN: Well, let me be
12 clear. Are we suggesting that we are going to
13 make only one suggestion to the Board?

14 MR. KATZ: A couple options.

15 MEMBER MUNN: No. We are
16 suggesting that we are going to develop
17 several --

18 ACTING CHAIR BEACH: A couple.

19 MEMBER MUNN: -- several
20 alternatives, correct?

21 ACTING CHAIR BEACH: I don't know
22 if several, but a couple.

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1 MR. KATZ: I mean you discussed in
2 effect more than one option here and so the
3 idea I think would be for SC&A to capture just
4 sort of a summary, a concise summary of what's
5 being proposed including as alternatives.

6 And it probably would be useful to
7 have a little bit of narrative to explain
8 rationale for the alternatives and then the
9 Work Group members review that and make sure
10 that it actually accurately accounts for the
11 different ideas that were presented here then
12 that's what could be presented to the Board so
13 that they could have a discussion about the
14 matter.

15 ACTING CHAIR BEACH: And possibly
16 I will suggest it to Mike that maybe we come
17 together as a Work Group prior to the meeting,
18 if time allows before our February meeting,
19 just to, you know, finalize or hash out any
20 points.

21 MS. ROBERTSON-DEMERS: Can I make
22 one request?

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1 ACTING CHAIR BEACH: Sure.

2 MS. ROBERTSON-DEMERS: Can you
3 guys also send the comments to Abe since he's
4 my co-lead?

5 ACTING CHAIR BEACH: Sure.

6 MR. KATZ: Sure.

7 ACTING CHAIR BEACH: I believe
8 they should go to Abe, Arjun, yourself and all
9 the Work Group members.

10 MR. KATZ: And you might as well,
11 you should copy the OCAS people too so they
12 can -- since they sat at the meeting and me.

13 MS. ROBERTSON-DEMERS: So now
14 we're adding Stu and J. T.

15 DR. MAKHIJANI: Yes, I mean the
16 list that I sent this thing to would be just a
17 convenient reply all because I think I
18 included everybody.

19 MR. KATZ: But I think at the head
20 of that document, of course, I mean the Work
21 Group did agree that they thought it was a
22 good idea that there be such tracking and

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1 response, so that would be sort of the front
2 end of the document.

3 ACTING CHAIR BEACH: Well, and the
4 other item was to develop the log and I
5 believe you had some ideas, Arjun on that, and
6 I'm sure Kathy does of what we would use
7 initially until that plan develops further.

8 DR. MAKHIJANI: Yes.

9 ACTING CHAIR BEACH: So possibly
10 come up with something like that that we could
11 use to start with.

12 DR. MAKHIJANI: Well just to
13 respond to Wanda. Wanda what I have in
14 response to the discussion about the extent of
15 tracking, which is I think a concern that you
16 raised, if I could just read what I had in the
17 notes was nature of the -- the nature of the
18 responses would be tracked as well.

19 There were concepts about the
20 scope and length of the responses to be
21 tracked. For instance the comments could be
22 tracked until the Board feels that response is

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1 adequate at one end or just the first step in
2 the response could be noted in a tracking
3 sheet and the process stop there at the other
4 end.

5 So I mean you've got a full
6 spectrum of potential responses for the Board
7 to consider as to how much detail you want to
8 do here. And I thought that, certainly
9 obviously I wrote notes as I heard it.

10 MEMBER MUNN: And that's to
11 trigger the memory so when we --

12 ACTING CHAIR BEACH: Yes, yes. It
13 is. And I would like to ask that people make
14 comments quickly if at all possible because we
15 do want to try to bring this to the Board in
16 February. I know this is an unusual way of
17 doing business, but if we can get comments
18 back and -- that would be great.

19 Okay. And the other item I had
20 was to ask SC&A to prepare a status report of
21 the Procedure 12 and have that ready for us at
22 our next Work Group meeting.

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1 MEMBER MUNN: SC&A status report -
2 -

3 ACTING CHAIR BEACH: Yes, we
4 tasked them to review so to maybe give us a
5 status of where they're at or I don't think
6 you're quite ready for a whole review, but --

7 And I did have next steps was to
8 look at actually assigning work on the
9 implementation plan. But I just -- I don't
10 think we're ready for that yet, so I took that
11 off my list.

12 Does anybody have any other
13 recommendations or actions that I may have not
14 written down that we need to go forward?

15 MR. KATZ: I don't know if we can
16 plan at this point the next meeting, we don't
17 have Mike. So I think --

18 ACTING CHAIR BEACH: No I didn't -
19 -

20 MR. KATZ: -- we could do that by
21 email --

22 ACTING CHAIR BEACH: Yes, I didn't

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1 even suggest that.

2 MR. KATZ: -- plan the next
3 meeting.

4 MR. ZEITOUN: This is before the
5 February Board meeting, right?

6 MR. KATZ: Possibly before --

7 ACTING CHAIR BEACH: Well that was
8 my thought.

9 MR. KATZ: -- or possibly after.
10 It's hard to say. I'm not sure that you need
11 a meeting if you can do these things by email,
12 the preparation for the presentations. But
13 there's -- it's unclear to me.

14 MR. ZEITOUN: Or we can have a
15 teleconference if you want to get the group to
16 do it, that's fine.

17 MR. KATZ: We can always arrange
18 for a teleconference.

19 ACTING CHAIR BEACH: Yes. And
20 that's something I was thinking too that we
21 may meet just briefly before the next Board
22 meeting. Sometimes there's time in the

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1 morning, but I want to kind of defer that to
2 Mike and see what Mike's thoughts are on that.

3 MR. KATZ: Yes, and we'll need to
4 -- someone will need to bring Mike up to speed
5 on it since he's missed today.

6 ACTING CHAIR BEACH: Okay. Any
7 other action items, recommendations? And I
8 believe John Funk, are you still on the phone?

9 DR. MAURO: Yes, I am. I was
10 going to ask the question, I presume then
11 there are no meetings that are --

12 MR. KATZ: John Mauro -- it's John
13 --

14 ACTING CHAIR BEACH: No, it's
15 Funk.

16 MR. KATZ: Yes. No, no. John
17 Mauro was just speaking --

18 ACTING CHAIR BEACH: Oh, I thought
19 that was John Funk.

20 MR. KATZ: -- but John Mauro I'm
21 just saying John Funk had a comment he wanted
22 to make.

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1 DR. MAURO: Oh, I'm sorry, I
2 thought you were questioning me.

3 MR. KATZ: No, it's quite okay.
4 John Funk?

5 MR. FUNK: Yes, I heard some
6 comment, I wasn't quite got the whole drift of
7 it, but something to the effect that possibly
8 Sanford and Cohen might be taking sides or
9 Board members might be taking sides in
10 reference to the White Papers.

11 And I had an incident myself
12 involved in a White Paper and I'd like to make
13 something really very clear on this and there
14 was a discussion made that somebody's taking
15 sides.

16 I believe the whole purpose of the
17 EEOICPA and the Board, everybody was to find
18 the truth. I think when an advocate comes to
19 the Board or comes to the working Board with
20 an issue, sometimes it's necessary for that
21 advocate to discuss that issue directly with
22 Sanford and Cohen because by the time it gets

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1 through four or five people, you don't get
2 what you're really after.

3 So, if in a course of bringing up
4 an issue and Sanford and Cohen get involved,
5 if that issue comes out to be positive for the
6 claimant and -- it doesn't mean anybody is
7 taking any sides, it just means that the truth
8 has been arrived at.

9 So I think you ought to be very
10 careful when you go accusing people of taking
11 sides and that should be left -- be very
12 closely looked at when a claimant has an issue
13 and it turns out that that issue is
14 legitimate, and Sanford and Cohen proves that
15 issue is legitimate, I don't think they should
16 be accused of anybody taking sides.

17 MR. KATZ: John, actually there
18 was really no discussion that I can recall and
19 everyone else is shaking their heads around
20 the table about taking sides.

21 MR. FUNK: Well it wasn't quite
22 said in that effect, but they were talking

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1 about Freedom of Information, the White Papers
2 and stuff like that.

3 ACTING CHAIR BEACH: Was that from
4 today's meeting John?

5 MR. KATZ: So John's responding to
6 the letter I read from Terrie is in effect
7 saying that SC&A is -- I don't know what. I
8 don't want to reinterpret Terrie's letter, but
9 John is interpreting Terrie's letter.

10 That was, John, I was reading into
11 the record a letter by Terrie Berrie of ANWAG
12 which was addressing some of her concerns
13 about how things operate in terms of SC&A and
14 the Board and OCAS.

15 MR. FUNK: Okay. Well I have
16 found one thing, and I'd like to make a
17 comment here for any of the advocates who are
18 listening in. I think you'll find that Ted
19 Katz and Denise Brock are very effective and I
20 have all the faith in the world in both of
21 them.

22 MR. KATZ: Thank you John for that

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1 vote of confidence.

2 ACTING CHAIR BEACH: Thank you
3 John.

4 MS. ROBERTSON-DEMERS: Thank you
5 John.

6 MR. KATZ: I appreciate that and I
7 know Denise does as well.

8 ACTING CHAIR BEACH: Okay. John
9 do you have anything else?

10 MR. FUNK: No, that's all. I just
11 misunderstood that. I was a little ways away
12 from the phone and I heard something about
13 Freedom of Information and the White Papers
14 and I got kind of concerned about that because
15 as you know, the claimants bring up the issues
16 and sometimes the Board charges Sanford and
17 Cohen to investigate them.

18 And I don't think it should be
19 looked at as anybody taking sides and that's
20 kind of the way I heard it. But I must have
21 heard it wrong, I'm sorry.

22 MR. KATZ: I think Terrie Berrie

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1 is all in favor or the Board charging SC&A
2 with these evaluations where there's issues.

3 ACTING CHAIR BEACH: Okay. Thank
4 you John. And then John Mauro, did you have a
5 comment?

6 DR. MAURO: It wasn't a comment it
7 was a question.

8 ACTING CHAIR BEACH: Okay.

9 DR. MAURO: It sounds like the
10 action items are being identified and I'm
11 assuming that there's no meetings coming up
12 that the Work Group would like SC&A to attend?

13 ACTING CHAIR BEACH: Not at this
14 time.

15 DR. MAURO: Okay. And am I
16 correct in assuming that if one does come up,
17 let's say next week and there is some interest
18 on the part of one of the Board members to
19 attend or to have SC&A to attend, what would
20 be the action that would be taken?

21 MR. KATZ: Well John, I mean what
22 we discussed is that we want to have actually

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1 an evaluation plan specific what -- before we
2 send SC&A off to attend a meeting.

3 DR. MAURO: Okay. That's
4 important to know. So really -- so what we're
5 saying is that until we have that plan in
6 place, we will, you know, we will not be
7 attending any meetings?

8 MR. KATZ: Yes, I think that's
9 correct.

10 ACTING CHAIR BEACH: So if there's
11 no further comments or concerns we'll adjourn.
12 Thank you.

13 MR. KATZ: Thank you everybody on
14 the phone as well. Have a good day.

15 (Whereupon, the above-entitled matter went off
16 the record at 2:34 p.m.)

17
18
19
20

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